

Various amendments to Sutherland Shire Local Environmental Plan (LEP) 2006 (Amendment 15)

Proposal Title :	Various amendments to Sutherland Shire Local Environmental Plan (LEP) 2006 (Amendment 15)		
Proposal Summary :	The planning proposal seeks to make the following amendments to Sutherland LEP 2006: - rezone 50 Pacific Crescent, Maianbar from Zone 1 – Environmental Housing (Environmentally Sensitive Land) to Zone 10 – Neighbourhood Centre; - rezone 32R Timbrey Circuit, Barden Ridge from Zone 3 - Environmental Housing (Bushland) to Zone 13 - Public Open Space and reclassify the site from 'community land' to 'operational land'; - rezone 999N Lenna Place, Jannali from Zone 23 – Road to part Zone 3 - Environmental Housing (Bushland) and part Zone 4 - Local Housing and reclassify the site from 'community land' to 'operational land'; - reclassify 25 Baringa Road, Engadine from 'community land' to 'operational land'; - amend Clause 14 'Exceptions to Zoning Table' by removing reference to 50 Pacific Crescent, Maianbar; and - amend Schedule 2 'Exempt Development' to remove various uses covered by State Environmental Planning Policy (Exempt and Complying Development Codes), reformat the Schedule and include new uses: animal grazing, events (community and fundraising) and luminous pole advertising.		
PP Number :	PP_2012_SUTHE_002_00	Dop File No :	12/06286-1

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions :
- 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : It is recommended the planning proposal proceed subject to the following conditions:

- a) The planning proposal be exhibited for at least 28 days.
- b) The planning proposal be completed within nine months of the Gateway Determination.
- c) The planning proposal be amended to delete 'change of use of premises resulting from a change from one kind of restaurant to another kind of restaurant'.
- d) The planning proposal be amended to replace references to Metropolitan Strategy with Metropolitan Plan.
- e) Council is to consider whether 'horse stabling' is appropriate in Schedule 2 as this use

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is covered under the SEPP (Exempt and Complying Development Codes) in certain rural zones.

f) Inconsistencies with the Section 117 Directions 2.1, 3.1 and 4.1 are considered to be of minor significance and the Director General's approval to proceed under Direction 6.2 is granted.

g) Consult with Government agencies: NSW Rural Fire Service and NSW Aboriginal Land Council in relation to 32R Timbrey Circuit, Barden Ridge and 999N Lenna Place, Jannali in order to be consistent with Direction 4.4.

h) No further studies are required to be carried out for the planning proposal.

Supporting Reasons :

The planning proposal is rationalising the use of Council land. The proposal provides for a broader range of economic activity and employment within the Maianbar community; provides for open space in Barden Ridge; provides for additional housing in Engadine; and facilitates a positive economic outcome from the sale of disused land at Jannali.

The planning proposal should be amended to delete 'change of use of premises resulting from a change from one kind of restaurant to another kind of restaurant' as this use is shown as complying development in Subdivision 2 in the General Commercial and Industrial Code of SEPP (Exempt and Complying Development Codes). Council has shown this use as exempt development. If the SEPP identifies development as complying and a local plan identifies the same development type as exempt development, the SEPP prevails.

Council considers it unnecessary to refer the planning proposal to NSW Rural Fire Service due to its minor nature. As the land is bushfire prone and to be consistent with the requirements under Section 117 Direction 4.4 Planning for Bushfire Protection, it is considered that NSW Rural Fire Service be consulted in relation to 32R Timbrey Circuit, Barden Ridge and 999N Lenna Place, Jannali.

Panel Recommendation

Recommendation Date : 12-Apr-2012

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

1. Council is to amend the planning proposal to delete references to 'Sydney Metropolitan Strategy' and refer instead to the "Metropolitan Plan for Sydney", which supersedes the Strategy.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - NSW Aboriginal Land Council
 - NSW Rural Fire Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

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4. Further to Condition 3 above, Council is to consult with the Commissioner of the NSW Rural Fire Service prior to undertaking community consultation and take into account any comments made as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection.

5. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

6. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____

Date: _____