



# PLANNING PROPOSAL

**Sutherland Shire Local Environmental Plan 2015  
Minimum Lot Size for Dual Occupancy and Multi  
Dwelling Development**

**File Reference: (2016/242251)**

**Draft Amendment- Minimum Lot Sizes**

**September 2017**

**[www.sutherland.nsw.gov.au](http://www.sutherland.nsw.gov.au)**

## Plain English Explanation of Intent

The Planning Proposal seeks to amend Sutherland Shire Local Environmental Plan 2015 by introducing minimum lot size requirements for the construction of dual occupancies on land in the E4 Environmental Living zone and the R2 Low Density Residential zone and for the construction of multi dwelling housing on land in R2 Low Density Residential zone. The specific standards proposed to be included are:

- a minimum lot size of 600m<sup>2</sup> for the construction of a dual occupancy in zone R2 Low Density,
- a minimum lot size of 700m<sup>2</sup> for the construction of a dual occupancy in Zone E4 Environmental Living, and
- a minimum lot size of 1200m<sup>2</sup> for the construction of multi-dwelling housing in Zone R2 Low Density Residential.

# Sutherland Shire Council

## Planning Proposal – Section 55 of the Environmental and Assessment Act 1979

### **Local Government Area**

Sutherland Shire Council

### **Name of Planning Proposal**

Sutherland Shire Local Environmental Plan 2015 Amendment – Minimum Lot Size for Dual Occupancy and Multi Dwelling Development.

### **Land Affected and Proposed Changes**

- Land zoned E4 Environmental Living under SSLEP2015.
  - o Apply a minimum lot size of 700m<sup>2</sup> for dual occupancy construction.
- Land zoned R2 Low Density Residential under SSLEP2015.
  - o Apply a minimum lot size of 600m<sup>2</sup> for dual occupancy construction.
  - o Apply a minimum lot size of 1200m<sup>2</sup> for multi dwelling housing.

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## BACKGROUND

Sutherland Shire Local Environmental Plan 2015 (SSLEP2015) was made on 23 June 2015. Council Housing Strategy has been successful in delivering housing approvals. Since the making of SSLEP2015 to date, over 4800 new residential flats, over 650 dual occupancy developments (not including secondary dwellings), and over 900 multi dwelling housing homes (gross) have been approved or are under consideration by Council. This is a significant increase on past development rates and, unfortunately, not all development outcomes have been ideal. The resulting cumulative impacts of development in these low density areas has led to increasing community dissatisfaction. Core complaints from the community can include visual impacts of the bulk and scale on neighbours (expressed as ‘over development’), loss of privacy, overshadowing, tree loss, traffic generation and the out-of-character nature of the development.

Dual occupancy development is permitted in the majority of the low density zones (R2 and E4), excluding areas affected by risk. Unusually, Sutherland Shire Council SSLEP2015 also allows multi dwelling development in the entire R2 Low Density zone – a large proportion of the Shire. It is noted that Sydney councils with similar landscaped qualities, generally do not permit multi dwelling development in the low density zones and where they do, a minimum lot size is not uncommon.

New developments now seek to maximise the allowable FSR, which has been increased by SSLEP2015 from 0.45:1 to 0.55:1 in the R2 zone. Most R2 zones in other council areas with similar characteristics to Sutherland Shire have less FSR than that applied in Sutherland. Similarly, in Sutherland landscape requirements have decreased from 45% to 35% in the R2 zone. Hence, new developments extend considerably deeper into a site than the modest single dwellings they replace. They also provide fewer opportunities for landscaping, in particular canopy trees.

Regardless of lot size, minimum boundary setbacks remain constant. Ancillary structures (eg balconies, paving and pergolas), parking/garaging and driveways must fit into the remaining spaces around the buildings, adding to the overall site coverage and apparent building bulk. The increased numbers of dwellings reduces the sense of openness, the degree of privacy and the landscaped character in an area predominantly occupied by single dwellings.

On smaller lots, the impacts of dual occupancy and multi dwelling development in the low-density neighbourhoods are intensified. As smaller lots develop, the loss of the low density suburban landscaped context, a significant feature of the Shire, is magnified. Achieving a balanced outcome for landscaping and quality design on small narrow lots is difficult, as there is less area to resolve site-specific design issues. Such developments do little to maintain the low density neighbourhood character which is an underlying objective of the zone.

The proposed amendments seek to both achieve improved development outcomes for dual occupancy and multi dwelling housing, and better achieve the objectives of the R2 Low Density Residential and E4 Environmental Living zones.

The R2 Low Density Residential zone aims “to ensure the single dwelling character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi-dwelling housing or seniors housing”. Similarly, the E4 zone aims to

ensure that “low impact” residential development does not have an adverse effect on those values, and preserves the natural landscape setting, trees, bushland and scenic values of the locality. The potential impacts on the special environment and scenic qualities of the zone are even greater than for Zone R2.

Maintaining the single dwelling character and streetscape of a neighbourhood can be better achieved on larger lots where landscaping opportunities, parking, ancillary development and the increased bulk and scale of increased dwelling development can more easily be accommodated. Accordingly, Council seeks to require a minimum lot size for dual occupancy development in the R2 Low Density Residential zone and E4 Environmental Living zone, and for and multi-dwelling development in the R2 Low Density Residential zone.

#### A review of other LEP provisions

Clause 4.1B is a settled model provision which aims “to achieve planned residential density in certain zones”. This clause, requiring minimum lot sizes for certain types of development, is used by a number of local environmental plans across Sydney.

Thirteen local environmental plans of other Sydney councils were reviewed. Nine of these LEPs require a minimum lot size for dual occupancy developments with the model LEP clause. All except Blacktown, Burwood and Randwick have a minimum lot size in excess of 500m<sup>2</sup>. Pittwater LEP, which has a similar landscaped suburban context to Sutherland, has a minimum lot size of 800m<sup>2</sup> for dual occupancy development. In addition, in the R2 zone Torrens / Community or Strata titled subdivision of a Dual Occupancy requires each lot to meet minimum mapped lot sizes – hence further limiting the propensity for this type of development.

Dual occupancy development in the R2 zone under Kuring-Gai, Hornsby and Warringah LEPs, again areas very similar in character to Sutherland, is generally not permissible and where such is permissible in other zones or specified locations, development is extremely constrained by site area requirements.

Council	Zone	Minimum site area for Dual Occupancy
Pittwater LEP2014	Where permissible (R2 and R3)	800m <sup>2</sup>
Hurstville LEP2012	Zone R2 or R3: R2 Mapped Area G R2 Mapped Area K	630m <sup>2</sup> 1000m <sup>2</sup>
	Zone R2 Mapped Area K (Oatley etc.)	1000m <sup>2</sup>
Kogarah LEP2012	As mapped Detached: requires 2 road frontages	650m <sup>2</sup> or 1000m <sup>2</sup>
Fairfield LEP2013	As mapped (RU2, R2 and R3)	600m <sup>2</sup> or 900m <sup>2</sup> or 2 ha
Canterbury LEP2012	R2 and R3	600m <sup>2</sup>
Bankstown LEP2015	Zone R2 Attached dual occ	500m <sup>2</sup> , 15m lot width
	Zone R2 Detached dual occ	700m <sup>2</sup> , 20m lot width
Blacktown LEP2015	Zone R2 Attached dual occ	500m <sup>2</sup>
	Zone R2 Detached dual occ	600m <sup>2</sup>
Burwood LEP2012	Zone R2 and R3 Attached dual	500m <sup>2</sup>

	occ	
	Zone R2 and R3 Detached dual occ	600m <sup>2</sup>
Ryde LEP2014	Zone R2 Attached dual occ	580m <sup>2</sup>
Randwick LEP2012	Zone R2	450m <sup>2</sup>
Kuring-Gai LEP2015	No clause (Dual occupancy (detached) is permitted on specified land only - APU)	
Hornsby LEP2013	No clause (Dual occupancy is permitted in RU1, RU2, RU4 only) Lots may not be less than the lot size map (10Ha, 2Ha).	
Warringah LEP2011	No clause (Dual Occupancy is permitted in R3 only)	

*Table 1: Review of other council's dual occupancy minimum lot sizes*

Amongst Greater Sydney LEPs, permissibility for multi dwelling housing in the R2 zone is rare. Those few that do prescribe a minimum lot size for multi dwelling housing generally apply it only in the R3 Medium Density Residential zone. It must be noted that each of the Council's reviewed applied their residential zonings differently, particularly the use of the R2 and the R3 zones.

While the Bankstown's LEP is one of the few that allows multi-dwelling housing in the R2 zone, it specifies a minimum lot size for multi-dwelling housing in the R2 zone at 1,200m<sup>2</sup> and a minimum lot width of 20m. It also specifies that multi dwelling developments have a minimum site area per dwelling of 300m<sup>2</sup> – this standard helps to limit the impacts of ancillary development. Bankstown Council as a whole is typically urban in its character, yet it has stricter development controls for the construction of multi dwelling housing in its R2 zone than that of Sutherland Shire Council.

Pittwater LEP/ Council area shares similar characteristics to that of the Sutherland Shire being bounded by national parks and waterways. Pittwater Council has applied its residential zoning in a similar manner to that of Sutherland Shire Council with large areas of R2 zoned land throughout the LGA. Unlike Sutherland Shire Council, Pittwater prohibits multi dwelling housing in the R2 zone and limits such to the urban R3 zoned land, where residential flats are also permitted. The R3 zoned land has been applied to those more urban areas of the Pittwater LGA, in direct proximity to centres.

Kogarah and Rockdale LEPs do not permit multi dwelling development in the R2 zone. Whilst Canterbury LEP applies the R3 zone to approximately two thirds of the LGA, the R2 zone is applied to remaining third - the suburban area of Earlwood. Canterbury LEP prohibits multi-dwelling housing in the R2 zone. Hurstville LEP permits multi dwelling development in the R2 zone, however where there is a more suburban context (away from centres), a minimum site area per dwelling of 500m<sup>2</sup> is required –again, this standard helps to limit the impacts of ancillary development.

### Development Trends

In the nearly two and a half years since the gazettal of the SSLEP2015 (June 23 2015), Council has received 685 development applications for dual occupancy and secondary dwelling developments across the Sutherland Shire. Of these 685 dual occupancy applications received, 627 were received for dual occupancies in the E4 and R2 zones (E4 = 72 applications, R2 = 555 applications). This figure

is in stark comparison to the 69 development applications received in 2013 and 126 applications received for dual occupancies across all zones in 2014, prior to the gazettal of the SSLEP2015. The increased FSR and removal of the minimum lot size for their construction has resulted in an unprecedented growth in dual occupancy development across the area. While many of these applications are yet to be constructed, those completed dual occupancies have been the subject to growing community concern due to the drastic changes to the streetscape and character of many neighbourhoods in the Sutherland Shire.

Since the gazettal of the SSLEP2015, Council has received applications for 605 multi-dwelling homes. This number is unprecedented in Sutherland Shire and can be partly attributed to the permissibility of multi dwelling housing in the R2 zone in conjunction with the increased FSR and removal of the minimum lot size for multi dwelling housing construction. This level of development in the Sutherland Shire, many of which are on small lots in council's typically low density neighbourhoods is changing the character of the area and has caused much angst in the community.

A review of all of the DA's received for the relevant types of development has shown that a majority of dual occupancy developments are on lots larger than the minimum lot size proposed as part of this planning proposal. However, only 43% of applications for multi dwelling housing in the R2 zone have occurred on lots greater than 1,200m<sup>2</sup>. Further analysis has been undertaken in response to a request from the Department of Planning in relation to the introduction of a 1,000m<sup>2</sup> minimum lot size for multi dwelling housing in R2 Low Density Residential. At a 1,000m<sup>2</sup> lot size, only 23% of the development applications received since the gazettal of SSLEP2015 for multi dwelling housing would not have met the minimum 1,000m<sup>2</sup> lot size. This figure is in comparison to the 57% of development applications received since the gazettal of the SSLEP2015 that would not have met a 1,200m<sup>2</sup> minimum lot size.

Development applications					
Development Type	Zone	No. of Applications (June 2015 to October 2017)	Lot size	No. of Applications	%
Dual Occupancy	R2	555	Less than 600m <sup>2</sup>	119	21%
			Less than 590m <sup>2</sup>	100	18%
	E4	72	Less than 700m <sup>2</sup>	12	17%
			Less than 690m <sup>2</sup>	10	14%
Multi Dwelling housing	R2	138	Less than 1200m <sup>2</sup>	79	57%
	R2		Greater than 1200m <sup>2</sup>	59	43%
	R2	138	Less than 1000m <sup>2</sup>	33	23%
	R2		Greater than 1000m <sup>2</sup>	105	76%

Table: Development Applications since June 2015



The table above shows that within the E4 zone, 12 dual occupancies have been approved under the SSLEP2015 on lots of less than 700m<sup>2</sup>. Of these 12 development applications, 10 were on lots less than 690m<sup>2</sup>, a size that could typically be sought for via a clause 4.6 variation should an application be received for a lot that does not meet the minimum lot size by a small margin. It can be concluded from the above figures that of the 72 development applications received for dual occupancies in the E4 zone, 60 were received on lots larger than the proposed 700m<sup>2</sup> size being sought by this planning proposal.

#### Impacts of proposed changes

The amendment proposes a minimum lot size for dual occupancy development of 600m<sup>2</sup> in the R2 Low Density Residential zone and a minimum lot size of 700m<sup>2</sup> in the E4 Environmental Living zone. Dual occupancy development on larger lots provides greater scope for building separation, open spaces with useable areas and landscaping, room for ancillary development, as well as adequate sunlight and privacy.

For multi dwelling development, a minimum lot size of 1200m<sup>2</sup> is proposed in the R2 Low Density Residential zone. Most lots in the R2 zone are 15m wide and less than 1200m<sup>2</sup>. This minimum lot size will require the amalgamation of two adjoining lots. As a result sites are more likely to sufficiently wide to efficiently plan the site. It is noted that the 'Missing Middle' Medium Density Guide – page 185, requires a 17-20m lot width for multi dwelling development. The Guide notes that for long narrow sites, 'Poor design outcomes can result from this typology when a majority of the site and subsequent landscaping is given over to driveway access'. Larger sites have clear advantages. It allows for a more efficient and rational design approach. It also typically produces a greater yield by eliminating the duplication of driveways and side boundary setbacks if both sites were to be developed independently. A minimum lot size of 1200m<sup>2</sup> is a standard applied elsewhere in the Sydney area. The standard will improve the overall quality of development and protect neighbourhood character.

Since the gazettal of the LEP, a large number of development applications have been received for dual occupancies and multi dwelling housing. The following figures show the implications the introduction of the proposed minimum lot size would have had on the development applications received since the gazettal of the SSLEP2015:

- Dual occupancies in E4 Environmental Living – 12 development applications of the 72 received would have not met the minimum lot size.
- Dual occupancies in R2 Low Density Residential – 119 development applications of the 555 received would not have met the minimum lot size.
- Multi dwelling housing in R2 Low Density Residential – 79 development applications of the 138 received would not have met the minimum lot size.

A review of the sizes of each of the lots in E4 and R2 to identify how many lots the proposed changes would affect across the local government area has been undertaken. These figures are as follows:

Dual Occupancies in E4 Environmental Living	
	Lots
Total Number of DP Lots in E4 in Area A (where Dual Occupancy is permitted):	4,761
Lot Size	
Less than 700m <sup>2</sup>	<b>2,531 or 53%</b> Total not able to construct dual occupancy under proposed changes
Equal to or greater than 700m <sup>2</sup>	<b>2,230 or 47%</b> Total able to construct dual occupancy under proposed changes

*Table: Lot size greater than 700m<sup>2</sup> in the E4 zone*

The table above states that 2,531 or 53% of the lots in E4 will be unable to construct a dual occupancy under the proposed controls. It must be noted that under the current SSLEP2015 Clause 4.1B requirements, many of these undersize lots do not meet the minimum mapped lot sizes for subdivision of a dual occupancy and hence have less propensity to develop for dual occupancy purposes. Within the E4 zone, lots are mapped with a minimum lot size of either 550m<sup>2</sup> or 700m<sup>2</sup>. In total 525 lots in E4 are mapped with a 550m<sup>2</sup> minimum lot size for subdivision. Of these, 34 or 6% are currently too small to meet the requirements for subdivision post construction of a dual occupancy (clause 4.1B). Similarly, 4,236 lots in E4 are mapped with a 700m<sup>2</sup> minimum lot size for subdivision. Of these, 2,175 or 51% are currently too small to meet the SSLEP2015 requirements for subdivision post construction.

A review of development applications received to Council shows that the construction of a dual occupancy without subdivision is rare. It can be concluded from these figures that at least 46% of the lots within E4 across the Sutherland Shire are already unlikely to be developed for dual occupancies as the current controls in the SSLEP2015 stand, given their failure to meet the minimum lot size for subdivision post construction. It must be noted that many of those E4 lots that do meet the proposed 700m<sup>2</sup> minimum lot size may be subject to further development constraints such as foreshore building lines, heritage provisions, or environmentally sensitive land Clauses in SSLEP2015. Such lots are already less likely to development for dual occupancy purposes.

At present, within the E4 Environmental Living zone, dual occupancies are only permissible within those areas identified as 'Area A' on the additional permitted uses map. The proposed amendments to the SSLEP2015 in this planning proposal do not seek to change the permissibility of dual occupancies in this zone or expand it to the E4 zone as a whole. The planning proposal seeks only to apply a 700m<sup>2</sup> lot size to the E4 zone for the construction of dual occupancies. Given that dual occupancies are only permissible in Area A, the minimum lot size being proposed would only impact the construction of dual occupancies in Area A of the APU map and would not have any implications on all other E4 zoned land in the Sutherland Shire.

Dual Occupancies in R2 Low Density Residential	
	Lots
Total Number of DP Lots in R2 Low Density Residential	24,417
Lot Size	

Less than 600m <sup>2</sup>	<b>7,433 or 30.4%</b> Total not able to construct dual occupancy under proposed changes:
Equal to or greater than 600m <sup>2</sup>	<b>16,984 or 70%</b> Total able to construct dual occupancy under proposed changes:

*Table: Lot size greater than 600m<sup>2</sup> in the R2 zone*

In the R2 zone, the impact of a 600m<sup>2</sup> lot size for dual occupancy development is limited to 7,433 of the 24,417 lots (30%). Some of those smaller lots may be able to apply for a Clause 4.6 variation should they demonstrate merit. Alternatively, development of a secondary dwelling on these smaller lots may be more appropriate.

The proposed amendments to the minimum lot size for construction for multi dwelling housing has the potential to have an impact on a larger number of R2 zoned lots.

<b>Multi-Dwelling Housing in R2 Low Density Residential – 1,000m<sup>2</sup></b>	
	<b>Lots</b>
Total Number of DP Lots in R2 Low Density Residential	24,417
Less than 1,000m <sup>2</sup>	<b>23,406 or 95%</b> Total not able to construct multi-dwelling housing with 1,000m <sup>2</sup> lot size.
Equal to or greater than 1,000m <sup>2</sup>	<b>1,011 or 5%</b> Total able to construct multi-dwelling housing with 1,000m <sup>2</sup> lot size.

*Table: Lot size greater than 1000m<sup>2</sup> in the R2 zone*

<b>Multi-Dwelling Housing in R2 Low Density Residential – 1,200m<sup>2</sup></b>	
	<b>Lots</b>
Total Number of DP Lots in R2 Low Density Residential	24,417
Less than 1,200m <sup>2</sup>	<b>24,034 or 98%</b> Total not able to construct multi-dwelling housing under proposed changes
Equal to or greater than 1200m <sup>2</sup>	<b>383 or 2%</b> Total able to construct multi-dwelling housing under proposed changes

*Table: Lot size greater than 1200m<sup>2</sup> in the R2 zone.*

The tables above show the number of lots within the R2 zone able to construct multi-dwelling housing with the introduction of both a 1,000m<sup>2</sup> minimum lot size and a 1,200m<sup>2</sup> minimum lot size. Of importance is that the introduction of a 1,000m<sup>2</sup> lot size would eliminate approximately 95% of the lots within R2 from constructing a multi-dwelling development without any form of amalgamation and with a 1,200m<sup>2</sup> minimum lot size, 98% of lots would not meet the minimum lot size for the construction of multi dwelling housing.

The introduction of the lot size requirement for construction of dual occupancies and multi dwelling development is intended to eliminate the overdevelopment of small sites and the associated adverse amenity impacts on the streetscape and adjoining properties. A 1,200m<sup>2</sup> lot size for multi

dwelling housing will necessitate amalgamation of those smaller lots in order to achieve sensible development outcomes. Across the Sutherland Shire, where small lots cannot adequately accommodate multi-dwelling development, developers are already choosing to amalgamate with adjoining properties in order to achieve compliance with Council's planning controls. It is on these amalgamated sites Council is seeing better outcomes for multi dwelling development. In the Shire, development sites are currently being advertised for sale with adjoining dwellings as amalgamated sites for multi dwelling developments in the R2 zone, despite the current SSLEP2015 requiring no minimum lot size for their construction. Alternatively, on these small sites dual occupancy development may be a more appropriate form of development.

<b>Total Number of Lots R3 Medium Density Residential</b>	<b>Total Number of Lots R4 High Density Residential</b>
1,966 lots	1,546 lots

The draft South District Plan contains the following Planning Priority:

**"Planning Priority S5**

*Proving housing supply, choice and affordability, with access to jobs and services"*

The district plan requires council to support increased housing diversity and the provision of affordable housing, including medium density housing where this does not change the existing character of the street. While the proposed minimum lot size controls in R2 will change the ability for multi dwelling housing to be constructed on smaller lots, it will not prevent it from occurring in the R2 zone. As mentioned elsewhere in this planning proposal, the introduction of a minimum lot size for mutli dwelling housing in R2 will require amalgamations for some sites.

The R2 zone is Sutherland Shire Council's most widely applied zone. The R2 zone encompasses an area of 18303.3 hectares of developable land within the R2 Low Density Zone equating to a total of 24,417 R2 zoned lots of land. This is in comparison to 1,966 R3 zoned lands and 1,546 R4 zoned potions of land. The proposed changes are intended to ensure that those areas of R2 appropriate for multi dwelling housing will continue to be able to be developed and those smaller lots will require amalgamations for multi dwelling construction. It must also be noted that there are still large areas of appropriately zoned land within the Sutherland Shire where multi-dwelling can be undertaken. The R3 Medium Density Residential zone has been applied to areas of the Sutherland Shire which can adequately accommodate multi-dwelling housing. The primary use of land in this zone is multi dwelling housing. This zone is typically located in those more suburban areas closer to centres and infrastructure where this form of development is appropriate. This planning proposal does not seek to change any of the controls in the R3 zone and will remain to be Sutherland Shire Council's most suitable zone for multi dwelling housing.

It must also be noted that multi dwelling housing can also be undertaken as a permissible use on land zoned R4 High Density Residential. While not the highest and best use of the land in R4, the potential is there for the construction of this form of housing. By introducing a minimum lot size in the R2 zone for multi dwelling housing, Council meets the planning priority in the Draft South District Plan as it will only allow multi dwelling housing on larger lots and in those areas where it does not change the existing character of the street. The fact that no changes are proposed to the R3 and R4

zones also provides large areas for multi dwelling housing to be constructed allowing for the diversity of housing required under the District Plan.

Under the current provisions of the SSLEP2015, within the R2 zone there is no minimum lot size for the construction of a dual occupancy or multi dwelling housing. In relation to the subdivision of these developments post construction, for dual occupancy development, clause 4.1 (3C) allows for the subdivision of a dual occupancy on any sized lot post construct. This clause will not change under the proposed changes in this planning proposal. Should a minimum lot size be introduced for the construction of a dual occupancy and multi dwelling housing, there would be no changes to the subdivision requirements post construction. Dual occupancies would continue to be able to be subdivided on any sized lot post construction.

### Housing targets

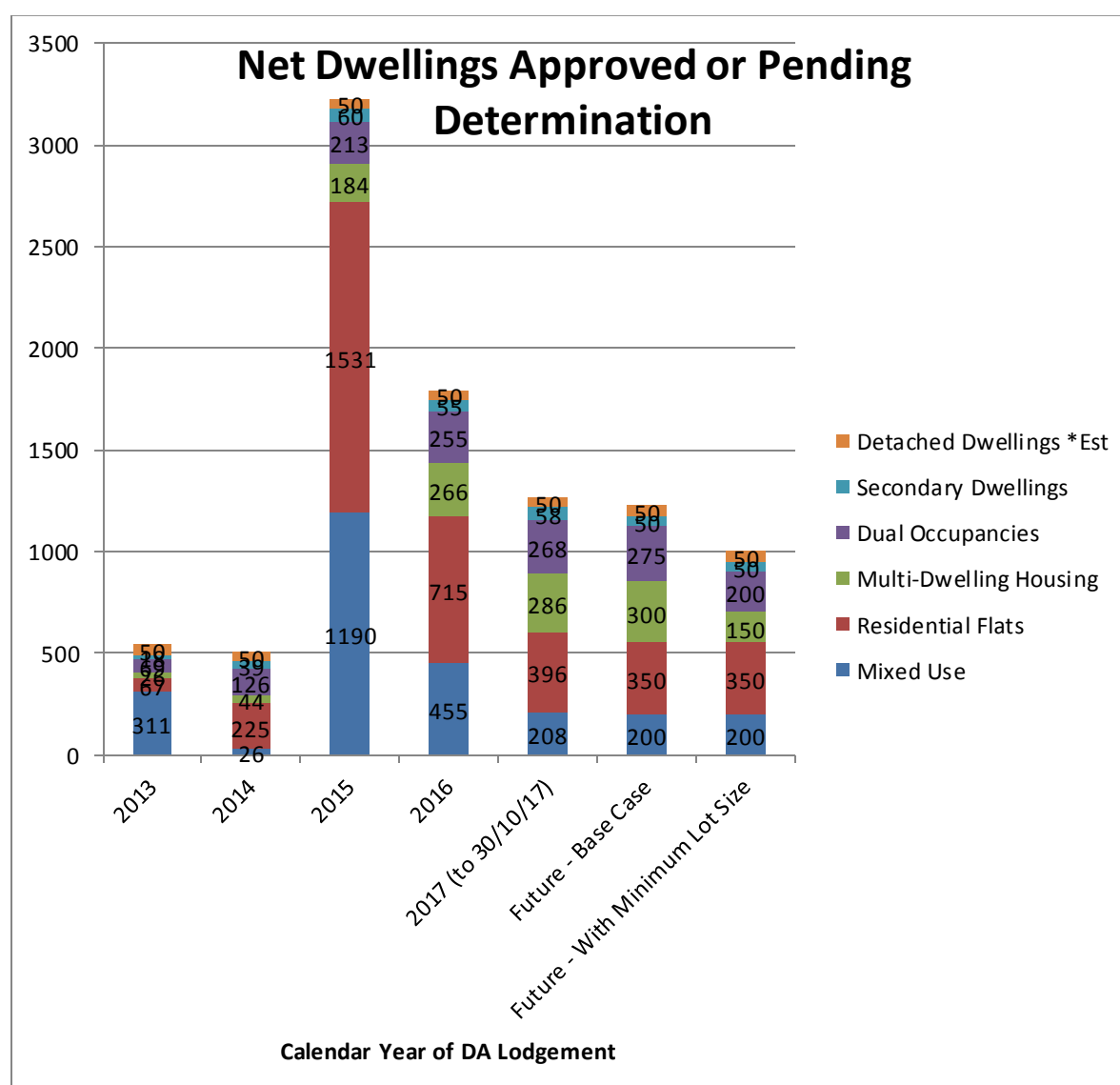
It must be noted that the above figures are related to the size of the lots within the affected zones and have not taken into consideration other factors which would reduce the ability of a lot to be redeveloped for dual occupancies and/or multi dwelling housing regardless of whether they would meet the proposed minimum lot size. Hence an assessment of the impacts based purely on the lot size does not provide an accurate depiction of the impact the minimum lot size controls will have. A more relevant statistic is the impact the minimum lot size controls will have on Council's ability to meet its housing targets and projected housing growth, post a minimum lot size control being imposed. It is considered that the most accurate way to show the impact of the proposed controls is to review the number of development applications council has received that would have been affected by the proposed controls and project these figures forward.

Dwelling Approvals by Year/Type							
Year	Mixed Use	Residential Flats	Multi-Dwelling Housing	Dual Occupancies	Secondary Dwellings	Detached Dwellings *Est	Total
<b>2013</b>	311	67	26	69	18	50	<b>541</b>
<b>2014</b>	26	225	44	126	39	50	<b>510</b>
<b>2015</b>	1190	1531	184	213	60	50	<b>3228</b>
<b>2016</b>	455	715	266	255	55	50	<b>1796</b>
<b>2017 (to 30/10/17)</b>	208	396	286	268	58	50	<b>1266</b>
<b>Future - Base Case</b>	200	350	300	275	50	50	<b>1225</b>
<b>Future - With Minimum Lot Size</b>	200	350	150	200	50	50	<b>1000</b>

The Draft South District Plan has set the Sutherland Shire a target of 5,200 additional dwellings by 2021 based on likely market demand. Since the gazettal of the SSLEP2015 Council has approved a

total 6,628 dwellings resulting in a net increase of 5,054 approved dwellings across the Sutherland Shire. These dwellings are the result of rezonings and changes to development standards across the LGA. The housing targets set by the Draft District Plan require 5,200 additional dwellings from a point in time. For the purpose of this proposal, this has been taken as the additional dwellings from the 1<sup>st</sup> January 2017 onwards.

Between the 1<sup>st</sup> January 2017 and 30<sup>th</sup> October, Council has approved 1,266 additional dwellings in the Sutherland Shire. This leaves council with the requirement to provide 3,934 dwellings to meet the 5,200 dwelling requirement by 2021. These figures have been calculated on additional mixed-use dwellings, residential flats, multi dwelling housing, dual occupancies, secondary dwellings and detached dwellings. The table of below shows the net dwelling increases in the Sutherland Shire over time and projections into the future. Using the rate of development applications received in 2016 for the purposes of projecting future net dwelling increases in the Sutherland Shire, it has been estimated that Council would increase its housing numbers by 1,225 dwellings per year over the next five years. This would equate to 6,125 new dwellings by 2021 – more than meeting the target.



The figures above have been modified to show the implications the proposed minimum lot size provisions of this planning proposal would have on Council's ability to meet its housing targets. Using the 1<sup>st</sup> January 2017 as the base point and assuming that the minimum lot size requirements proposed would, on average, reduce the number of multi-dwelling applications by 50% and dual occupancy applications by 20%. These figures have been assumed based on a review of the past development applications received and the number of these approvals that would have been affected by the proposed minimum lot size controls (see 'Development Trends' above). Based on these assumptions, it has been calculated that with the introduction of the minimum lot size requirements, Council would continue to produce an additional 1,000 net dwellings per year for the next five years. This would lead to a total number of approximately 5,266 additional net dwellings by 2021, allowing Sutherland Shire to be in the ballpark of meeting its housing targets set by the South District Plan with the proposed minimum lot size controls being implemented from 2017 onwards. Note that this is a worst-case scenario. It does not account for developers who would look to buy and develop sites that would meet the new minimum lot size and/or amalgamate sites. Nor does it make allowances for developer lead Planning Proposal that will create dwelling capacity.

#### SEPP Exempt & Complying Development

In addition, it should be noted that the proposed amendment also seeks to address changes proposed to the SEPP Exempt and Complying Development Codes. This Code seeks to introduce a new code for complying development for dual occupancy and forms of multi-dwelling housing – called the 'Missing Middle'. The draft SEPP amendments assume that LEPs specify a minimum lot size for dual occupancy and multi dwelling development, stating that applicants must 'check land zoning and minimum lot size' for a council area, set by the Standard LEP model clause "4.1B Minimum lot sizes for dual occupancy, multi dwelling and residential flat buildings". SSLEP2015 does not currently contain these provisions. Accordingly, Council seeks to address the impact of the proposed changes, as intended by the State Government.

## PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The purpose of this Planning Proposal is to amend Sutherland Shire Local Environmental Plan 2015 to introduce:

- a minimum lot size of 600m<sup>2</sup> in zone R2 Low Density Residential for dual occupancy developments, and
- a minimum lot size of 1200m<sup>2</sup> in zone R2 Low Density Residential for multi dwelling housing developments, and
- a minimum lot size of 700m<sup>2</sup> in zone E4 Environmental Living for dual occupancy development

in order to achieve the objectives of the zone and achieve better development outcomes.

Introducing a minimum lot size for dual occupancy and multi dwelling housing will improve built form outcomes by providing greater flexibility in design options and lessening the impacts on neighbours.

Council is willing to exercise an Authorisation to delegate the plan making function for this planning proposal should such a delegation be issued as part of the Gateway determination. The evaluation criteria for the issuing of an Authorisation is attached as Appendix 4.



## PART 2 - EXPLANATION OF THE PROVISIONS

### A. Amendments to the Written Instrument

Amendments to the following provisions of the written instrument to require a minimum lot size for dual occupancy and multi dwelling housing development are as follows:

- Insert clause *4.1BB Minimum lot sizes and special provisions for certain dwellings* to minimum lot sizes to be met for the construction of dual occupancies and multi dwelling housing in zone R2 Low Density Residential and dual occupancy development in zone E4 Environmental Living.
- Insert a savings provision into clause *4.1BB Minimum lot sizes and special provisions for certain dwellings* to exempt development applications lodged prior to the gazettal of this planning proposal from meeting the minimum lot size requirements proposed.

It requested that the following clause be inserted into SSLEP2015:

#### **4.1BB Minimum lot sizes and special provisions for certain dwellings**

(1) *The objectives of this clause are as follows:*

- (a) *to ensure that lots for residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, driveways and vehicle manoeuvring areas,*
- (b) *to ensure that dual occupancy and multi dwelling housing in Zone R2 Low Density Residential and dual occupancy housing in zone E4 Environmental Living retain the general low-density scale and character of existing single dwelling development,*
- (c) *to ensure that lots for non-residential accommodation are of sufficient size to accommodate proposed dwellings, setbacks to adjoining residential land, private open space and landscaped areas, play areas, pedestrian access, set down and pick up areas, car parks, driveways and vehicle manoeuvring areas,*
- (d) *to minimise any likely adverse impact of the development on the amenity of the area,*
- (e) *where an existing lot is inadequate in terms of its area – to require the consolidation of 2 or more lots.*

(2) *Despite any other provisions of this Plan, development consent must not be granted to development on a lot in a zone shown in Column 2 of the table to this clause for a purpose shown in Column 1 of the table opposite that zone unless:*

- (a) *the area of the lot is equal to or greater than the area specified for that purpose and shown in Column 3 of the table, and*

Column 1	Column 2	Column 3
Dual Occupancies	R2 Low Density Residential	600m <sup>2</sup>
Dual Occupancies	E4 Environmental Living	700m <sup>2</sup>
Multi Dwelling Housing	R2 Low Density Residential	1200m <sup>2</sup>

## PART 3 - JUSTIFICATION

### Section A –The need for the Planning Proposal

#### 1. *Is the planning proposal a result of any strategic study or report?*

Council adopted a Housing Strategy as part of the preparation and implementation of Council's new local environmental plan Sutherland Shire Local Environmental Plan 2015 (SSLEP2015). The Strategy seeks to meet the community need for increased housing choice. The Strategy aims to facilitate residential flats in mixed use commercial zones as well as residential flats and townhouses surrounding centres. The strategy also seeks to retain the established development pattern of mostly low density housing in a landscaped setting.

Council Housing Strategy has been successful in delivering housing approvals. Since the making of SSLEP2015, to date, over 4800 new residential flats, over 650 dual occupancy developments (not including secondary dwellings), and over 900 multi dwelling housing homes (gross) have been approved or are under consideration by Council. The number of dwellings is significantly greater than that forecast by Council's Section 94 plan, which predicts that over the next 10 years, to 2026, there will be 9535 residential flats, 2,000 dual occupancy developments, and 2,000 medium density dwellings (multi dwelling housing). If constructed, the housing numbers will also be likely to exceed the Department of Planning forecast of 5,150 dwellings over the next 5 years. If the current level of applications continue, housing numbers will be even greater.

However, it is evident that there is now increasing community dissatisfaction with the impacts of dual occupancy and multi dwelling development on low density neighbourhoods and that this density needs to be better managed.

The Housing Strategy states:

*One intention of the Strategy is to encourage the development of multi-unit housing forms with some of the features traditionally associated with single-family homes, including private outdoor space for a garden or for the grandkids to play, adequate storage space and level access. However, an underlying intention of the Housing Strategy is that Sutherland Shire should retain its established character of generally low density housing with substantial landscaping, with some higher density precincts in and adjacent to town centres. Therefore change will be carefully and cautiously managed.*

Introducing minimum lot sizes is one way to better improve planning outcomes for dual occupancy and multi dwelling housing. This is because larger lot sizes generally allow for greater flexibility in design options, resulting in less visually intrusive development. In addition, larger lots can better accommodate ancillary elements that add to building bulk that are not controlled by LEP Floor Space Ratio provisions.

***2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

An amendment to the SSLEP2015 to introduce a minimum lot size requirement in zone R2 for dual occupancies and multi dwelling housing and E4 for dual occupancies is considered the best means of achieving the planning objectives and intended outcomes detailed in Part 1.

There are no other relevant means of accommodating a minimum lot size requirement for the previously mentioned forms of development than to amend SSLEP2015 as promoted by this Planning Proposal.

***3. If the provisions of the planning proposal include the extinguishment of any interest in the land, an explanation of the reasons why the interests are proposed to be extinguished.***

In relation to the proposed introduction of a minimum lot size, all interests are to remain.

**Section B – Relationship to strategic planning framework**

***4. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?***

The proposal is consistent with the broad policy directions contained in ‘A Plan for Growing Sydney’ and the ‘Draft South District Plan’ as outlined below

**Draft Greater Sydney Region Plan**

A large number of the strategic priorities and actions contained in the draft Greater Sydney Region Plan have flowed down into the draft South District Plan. These actions have been addressed below under the analysis and relevance of the Draft South District Plan in relation to the subject planning proposal.

The following objectives in the Draft Greater Sydney Region Plan are considered relevant to this planning proposal:

**4. Liveability**

- Housing the city
  - Objective 10 Greater Housing Supply
  - Objective 11 Housing is more diverse and affordable

**Comment:** The subject planning proposal aims to ensure the ongoing housing supply is provided in a range of housing types in the right locations. The implementation of a minimum lot size seeks to ensure that the neighbourhoods where the housing is being provided is liveable while supporting Greater Sydney’s growing population. While the introduction of a minimum lot size will force some sites to amalgamate for construction, it does not remove the ability or permissibility of any form of

development. Essentially, the proposed controls will allow Council to meet its housing targets whilst also resulting in a range of housing types being provided for the needs of the community at different stages of their life in appealing neighbourhoods where the streetscape and character of the area is maintained.

#### 4. Liveability

- A city of great places
  - Objective 12 Great places that bring people together
  - Objective 13 Environmental heritage is considered and enhanced

**Comment:** The draft Greater Sydney Region Plan notes that Greater Sydney's neighbourhoods each have a unique combination of people, built form and natural features creating places with distinctive identities and functions. The residents of the Sutherland Shire value the low density neighbourhoods of the area and the low density streetscapes. This planning proposal seeks to build on this while meeting the objectives of the Greater Sydney Region Plan. The planning proposal aligns with the above listed objectives as it will result in dual occupancies and multi dwelling housing that can be well designed to create attractive neighbourhoods where dwellings are of a mixed size and function. The planning proposal will also maintain consistency with the plan as it will result in a fine grain urban form which maintains the existing streetscape character the residents currently enjoy and seek to maintain into the future.

#### 6. Sustainability

- A city in its landscape
  - Objective 27 Biodiversity is protected, urban bushland and remnant vegetation is enhanced
  - Objective 28 Scenic and cultural landscapes are protected
  - Objective 30 Urban tree canopy cover is increased

**Comment:** The Draft Greater Sydney Region Plan notes that Greater Sydney is one of the world's most attractive and liveable regions with diverse, beautiful and iconic natural landscapes. The planning proposal recognises this and seeks to build on this by requiring larger lot sizes for the construction of dual occupancies and multi dwelling housing in its Environmental and low density residential zones. The larger lot sizes will allow for greater flexibility in the design and siting of dwellings on a site. Essentially this will allow for greater areas of deep soil landscaping on a site where canopy trees and vegetation can be accommodated. This allows Council to align with the above listed objectives and build on the existing natural landscapes of the Sutherland Shire that make it a desirable location to live and visit within the Greater Sydney Region.

### **A Plan for Growing Sydney**

In 'A Plan for Growing Sydney' the principles and actions which guide how Sydney will grow are identified. The Planning Proposal contributes to the South District Subregion by helping to manage growth in housing in a sustainable manner whilst enhancing the unique lifestyle and environment of Sydney. Implementing a minimum lot size as proposed will assist in allowing managed development that maintains the characteristics that make the South District subregion a desirable place to live.

The planning proposal aligns closely with the following goals 'A Plan for Growing Sydney':

- A city of housing choice with homes that meet our needs and lifestyles;
- A great place to live with communities that are strong, healthy and well connected; and
- A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

The Planning Proposal specifically aligns with the following:

○ Goal 2: Sydney's Housing Choices

- Action 2.3.1: Require Local Housing Strategies to plan for a range of housing types. The amendments seek to continue to achieve Council's Housing Strategy (as above) and to continue to provide for a range of housing types. The proposal seeks to improve development outcomes.

○ Goal 3: Sydney's great places to live

- Direction 3.3: Create healthy built environments  
The amendments seek to deliver better development outcomes by providing attractive development, encouraging residential development that is integrated, yet private, and enabling community involvement in planning decision making.

○ Goal 4: Sydney's sustainable and resilient environment

- Direction 4.1: Protect our natural environment and biodiversity  
The proposal to introduce a minimum lot size for the construction of dual occupancies and multi-dwelling housing across the low density residential areas of the Sutherland Shire intends to stop the development of such intense forms of development on small lots which result in poor planning outcomes.

By requiring a larger lot size for construction, there is greater potential for the natural features of a parcel of land to be maintained. It is proposed to require a minimum lot size in zone E4 for the construction of dual occupancies. This zone is one of Council's most environmentally significant zones and generally applies to the ridge top of peninsulas across the Shire. Requiring a larger lot size will assist in maintaining those canopy trees and natural features of the land whilst allowing those lots large enough to be redeveloped to do so in a sensible manner.

### **Draft South District Plan**

The **Draft South District Plan** provides a framework for translating the Metropolitan Plan at a local level for the long- term development of the South District - guiding government investment and linking local and state planning issues. The Planning Proposal aligns with the Draft South District Plan as the increased lot size is proposed to recognize, respect and build on the valued characteristics of individual neighbourhoods while maximising the improvements to amenity, services and infrastructure that come with growth and change.

The Draft South District Plan notes that residents in the South District particularly enjoy the district's greenery, bushland and amenity of its neighbourhoods. The Planning Proposal seeks to assist in managed growth in housing in the area.

The draft South District Plan is an intermediate step in translating the Metropolitan Plan at a local level and acts as a broad framework for the long-term development of the South District, guiding government investment and linking local and state planning issues.

The following South District Plan Priorities are relevant to the subject planning proposal:

- 2. Infrastructure and Collaboration
  - Planning Priority S1. – Planning for a city supported by infrastructure
- 3. Liveability
  - Planning Priority S3. – Providing services and social infrastructure to meet people's changing needs.
  - Planning Priority S5. – Providing housing supply, choice and affordability, with access to jobs and services.
  - Planning Priority S6. – Creating and renewing great places and local centres, and respecting the District's Heritage.

**Comment:** It is considered that increasing the minimum lot size will greatly assist Council in achieving the above listed priorities. The increased lot size will allow greater flexibility in the design of dual occupancies on those parcels of land across the low density zones of the Sutherland Shire. It will also provide further opportunities to retain existing vegetation and areas for further planting to maintain the treed canopy of the Sutherland Shire. It must also be noted that prior to the gazettal of SSLEP2015, the neighbourhoods of the Sutherland Shire were largely characterised by single dwelling houses on large parcels of land. The lack of a minimum lot size requirement under SSLEP2015 has drastically altered certain areas of the Sutherland Shire and changed the character and visual appeal of the area.

Increasing the minimum lot size for the construction of dual occupancies in zones E4 and R2 and multi dwelling housing in zone R2 will greatly assist Sutherland Shire Council meet the action above. A review of all past development applications for dual occupancies and multi dwelling housing was undertaken which highlighted those small lots proposing dual occupancies and multi dwelling housing often resulted in poor planning outcomes in terms of the bulk and scale of the development and the impact of the development on adjoining properties. The review found that those applications received on larger parcels of land often ended up with higher quality forms of development as the site had the capacity to accommodate the development proposed. It is for this reason that increasing the minimum lot size for the construction of dual occupancies and multi dwelling housing is considered appropriate and a way to achieve the above listed action.

- 5. Sustainability
  - Planning Priority S15. – Increasing urban tree canopy cover and delivering Green Grid connections.

**Comment:** As previously mentioned the introduction of a minimum lot size will allow for greater flexibility in the design and construction of dual occupancies and multi dwelling housing across the low density zones of the Sutherland Shire. Increasing the minimum lot size allows for the ability to maintain existing canopy trees on a site, it also allows or greater scope for the planting of large tree species. In this regard, the increased lot size will assist Sutherland Shire Council in meeting the priority of delivering Sydney's green grid.

**Comment:**

The following South District Plan Actions are relevant to the subject planning proposal:

- 61. Protect and Enhance biodiversity by:
  - Supporting landscape-scale biodiversity conservation and the restoration of bushland corridors
  - Managing urban bushland and remnant vegetation as green infrastructure
- 62. Identify and protect scenic and cultural landscapes.
- 63. Enhance and protect views of scenic and cultural landscapes from the public realm.
- 67. Progressively refine the detailed design and delivery of:
  - Greater Sydney Green Grid priority opportunities
  - Connections that from the long-term vision of the network.

**Comment:** The South District Plan place significance emphasis on retain the existing natural areas of the Sutherland Shire and improve the green canopy of the area. As mentioned previously, the increased lot size will allow for more scope to plant and retain large canopy trees. Much of the E4 and R2 zoned land of the Sutherland Shire is located on the peninsulas adjoining the waterways. These areas create the ridgeline when viewed from the water and other areas. It is for this reason that increasing the minimum lot size will achieve the priorities listed above, in particular Priority 5. Should dual occupancies be permitted on small lots leaving little room for significant landscaping and tree planting, the ridgeline which is currently made up of a distinct tree canopy will be eroded over time as large species of trees are replaced with smaller less significant landscaped areas.

**5. Is the planning proposal consistent with the local council's Community Strategic Plan or other local strategic plan?**

**Sutherland Shire Community Strategic Plan**

The Sutherland Shire Community Strategic Plan provides the long term vision and a set of desired futures for the Sutherland Shire which the local community aspires to. The Community Strategic Plan establishes a framework for growth and development for the Sutherland Shire LGA and addresses the draft South Subregional Strategy and employment targets. The Strategy also provides the foundation for the development of the SSLEP2015.

The planning proposal is consistent with Sutherland Shire's vision which is as follows:

*"A connected and safe community that respects people and nature, enjoying active lives in a strong local economy".*

Implementing the minimum lot size strongly correlates with council's vision of respecting nature given one of the primary results of the lot size requirement centres on the maintenance and management of the natural features of the low density areas across the Shire from over development.

The following goals are supported by the subject planning proposal:

- 2. Enhance and protect the beautiful and healthy natural environment of Sutherland Shire;*
- 6. Sustain Sutherland Shire as a liveable place where we can all continue to enjoy a high quality of life.*

In addition, by implementing a minimum lot size for the construction of dual occupancies and multi dwelling housing in the R2 and E4 zone, the planning proposal is consistent with the following principles of the Sutherland Shire Community Strategic Plan:

- Principle 3: We understand the need for ecologically sustainable development.
  - Environmental costs need to be considered.

The planning proposal will help Sutherland Shire Council achieve the following:

- Outcome 2: Sutherland Shire: A beautiful, protected and healthy natural environment.
  - Strategy 2.2 Enhance and protect diverse natural habitat
    - 2.2.1 Enhance and protect our diverse flora, fauna and ecological communities.
    - Manage, promote and enhance our tree canopy in urban and natural areas.
    - Encourage responsible urban planning which balances growth with environmental sustainability.

**Comment:** The community of the Sutherland Shire strongly values the natural environment. Implementing the minimum lot size will assist in protecting what it is the community value most.

The Planning Proposal is consistent with the Strategy as it will facilitate the orderly development of land for balanced community development.

## **6. Is the planning proposal consistent with applicable State Environmental Planning Policies?**

Yes. The Planning Proposal is consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs. The SEPPs that are directly relevant to the Planning Proposal are detailed and reviewed below. For a complete checklist of SEPPs refer to Appendix 2. In summary, it is considered that the Planning Proposal for amending the minimum lot size is not inconsistent with any of the SEPPs.

The following is a discussion in relation to specific SEPPs that apply to this Planning Proposal.

- SEPP No. 19 – Bushland in Urban Areas:  
The key objective of this SEPP is to protect and preserve bush land within urban areas due to its value to the community, its aesthetic value and its value as a recreational, educational and scientific resource. The Policy is designed to protect bushland in public open space zones and



reservations, and to ensure that bush preservation is given a high priority when local environmental plans for urban development are prepared.

The proposed amendment to the SSLEP2015 does not jeopardize trees or bushland on the land to be affected. The amendments to SSLEP2015 will assist in maintaining bushland in urban areas as larger lot sizes will be required for the construction of dual occupancies and multi dwelling housing resulting in greater opportunities to protect existing trees and bushland on a site .

- SEPP (Exempt and Complying Codes) 2008:

The proposed amendment to the SEPP Exempt and Complying Development Codes introduce a new code for complying development for dual occupancy and forms of multi dwelling housing. The draft legislation aims to facilitate dual occupancy, terrace houses and manor houses with greater bulk and density than currently permitted by SSLEP2015. Under the amended draft SEPP, dual occupancy with greater FSR than that permitted by SSLEP2015 could be realised on very small lots. This type of development would proceed as complying development and would not be subject to development assessment. Similarly, the amendment would allow multi dwelling housing with greater FSR than that permitted by SSLEP2015 on very small lots without the need for a Development Application.

The increased FSR combined with reduced setbacks and landscaping standards in the draft SEPP will result in an overall reduction in landscaping and an increase in building bulk and scale when compared to what is currently being achieved under SSLEP2015. These changes will jeopardise the neighbourhood character in low density zones, with amenity impacts on neighbours and reduced opportunities to retain or plant trees.

The draft SEPP amendments assume that LEPs specify a minimum lot size for dual occupancy and multi dwelling development, stating that applicants must 'check land zoning and minimum lot size' for a council area, set by the Standard Instrument LEP model clause "4.1B Minimum lot sizes for dual occupancy, multi dwelling housing and residential flat buildings". SSLEP2015 does not have these provisions. Without a minimum lot size clause, the impact of the SEPP in the Sutherland Shire will be inconsistent with the low density character of the R2 zone.

## ***7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?***

Yes. The Planning Proposal is generally consistent with the applicable s117 Ministerial Directions. See Appendix 3 for a listing of all applicable Directions. The following specific comments are provided:

- Direction 2.1 Environment Protection Zones:

The objective of this direction is to protect and conserve environmentally sensitive areas. The Planning Proposal consistent with this objective. Any land affected by the proposal which that has an environmentally sensitive land affectation would be subject to the provisions of SSLEP2015 clause 6.5 Environmentally Sensitive Land and would be assessed in detail. The introduction of a minimum lot size will also allow for the objectives of this decision to be easier met as more land area is required for the construction of dual occupancies and multi dwelling housing.

- Direction 4.1 Acid Sulfate Soils:

The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Any application received based on the proposed provisions affected by acid sulfate soils will be subject to a detailed assessment. Nothing in this planning proposal would contradict this direction.

- **Direction 6.3 Site Specific Provisions:**

The objective of this direction is to discourage unnecessarily restrictive site specific planning controls. The proposed lot size controls for the construction of dual occupancies in zones R2 Low Density Residential and E4 Environmental Living and Multi Dwelling Housing in zone R2 are a settled model provision. The changes have been prepared based on a detailed analysis of other council areas and past development applications received in the Sutherland Shire. Although the planning proposal introduces new development controls to the land, this is not inconsistent with the objectives of this direction as it will not introduce restrictive site specific planning controls. It is considered that all properties suitable for dual occupancy and multi dwelling construction across the Sutherland Shire will continue to be able to be developed at the lot sizes proposed under this planning proposal.

- **Direction 7.1 Implementation of A Plan for Growing Sydney:**

The intent of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney. The implementation of a minimum lot size for dual occupancies in zones R2 Low Density Residential and E4 Environmental Living and for Multi-dwelling housing in zone R2 Low Density Residential of land is an administrative function and does not impact on the ability to achieve the Strategic Directions and actions of 'A Plan for Growing Sydney'.

## **Section C – Environmental, social and economic impact**

### ***8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?***

No, the subject planning proposal seeks to implement a minimum lot size for the construction of dual occupancies in zones R2 Low Density Residential and E4 Environmental Living and for multi dwelling housing in zone R2 Low Density Residential. This amendment will have no impact on any critical habitats to threatened species. It will result in larger lot sizes for the construction of these forms of development allowing more landscaped areas to be maintained across the subject suburbs. The amendments are only to the instrument and will adversely affect and habitats or areas of environmental significance.

### ***9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

No, the proposed changes are administrative in nature and unlikely to result in any environmental effects. Should any development application be received based on the proposed changes to the SSLEP2015, it would be subject to a detailed assessment where the environmental effects would be given significant consideration.

#### **10. Has the planning proposal adequately addressed any social and economic effects?**

Yes, the proposal is unlikely to create any adverse social or economic impacts. There will be a small proportion of certain parcels of land that will not be able to be redeveloped for dual occupancies as a result of the proposal and multi dwelling housing will generally require amalgamation of two parcels. The benefits of implementing the minimum lot size are however considered to outweigh the negatives of allowing these forms of developments on small lots across the Sutherland Shire due to the social benefits of maintaining the low density green and landscaped character of the low density zones of the Shire.

### **Section D – State and Commonwealth Interests**

#### **i. Is there adequate public infrastructure for the planning proposal?**

This proposal is unlikely to have any impacts on infrastructure provision.

#### **ii. What are the views of State and Commonwealth public authorities consulted in accordance within the gateway determination?**

No consultation has been carried out with State and Commonwealth public authorities. Consultation will occur with relevant public authorities identified as part of the Gateway Determination.

#### **iii. Is the planning proposal consistent with applicable state environmental planning policies?**

Yes – All State Environmental Planning Policies which apply to the land are identified below, with those relevant to the proposal noted and their consistency detailed.

### **PART 4 – MAPS**

The Planning Proposal does not seek to amend any maps within the Sutherland Shire Local Environmental Plan 2015.

## PART 5 - COMMUNITY CONSULTATION

In accordance with “A Guide to Preparing Local Environmental Plans” prepared by the Department of Planning and Environment (2013), the Planning Proposal will be exhibited for a period of **28 days**.

It is proposed that the exhibition will include:

**Advertisement in local newspaper**

An advertisement will be placed in the Council page in the St George and Sutherland Shire Leader and The Liverpool City Leader identifying the purpose of the planning proposal and where the planning proposal can be viewed.

**Consultation with affected owners and adjoining landowners**

A letter will be sent to landowners whose land is affected by the planning proposal, and adjoining landowners. Opportunities for one-on-one consultations to discuss the proposals will be offered to interested parties.

**Displays at the Council Administration Building and local libraries**

The planning proposal will be displayed at the Council Administration Building, 4-20 Eton Street, Sutherland and in all branch libraries (located in Bundeena, Caringbah, Cronulla, Engadine, Menai, Miranda, Sutherland and Sylvania)

**Advertisement on the Council website**

The planning proposal will be exhibited on the Council website ([www.sutherlandshire.nsw.gov.au](http://www.sutherlandshire.nsw.gov.au)) with links from the home page.

**Direct contact**

Interested parties will be able to contact the Strategic Planning Unit of Council directly through a telephone hotline and through a dedicated email address.

## PART 6 – PROPOSED TIMELINE

The project timeline for the Planning Proposal is as follows:

Milestones	Timing
1. Gateway Determination	October 2017
2. Exhibition Start	November 2017
3. End Exhibition	December 2017
4. Review and Consideration of submissions	January 2017
5. Report to Committee on submissions	February 2017
6. Council Meeting	March 2017
7. Request for draft instrument to be prepared	April 2017

## PART 7 – CONCLUSION

The Planning Proposal seeks to apply a minimum lot size for land in zone E4 Environmental Living and Zone R2 Low Density Residential as it applies to the construction of dual occupancies and multi dwelling housing.

The Planning Proposal seeks to amend Sutherland Shire Local Environmental Plan 2015 to introduce:

- A minimum lot size of 600m<sup>2</sup> for dual occupancy in zone R2 Low Density,
- A minimum lot size of 700m<sup>2</sup> for dual occupancy in zone E4 Environmental Living,
- A minimum lot size of 1200m<sup>2</sup> for multi-dwelling housing in zone R2 Low Density Residential.

The Planning Proposal is generally consistent with relevant State and local legislation, directions, policies and strategic documents and will have a minimal environmental, social and economic impact.

## Appendix 1 - Information Checklist



### STEP 1: REQUIRED FOR ALL PROPOSALS

(under s55(a) – (e) of the EP&A Act)

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<ul style="list-style-type: none"><li>• Objectives and intended outcome</li><li>• Mapping (including current and proposed zones)</li><li>• Community consultation (agencies to be consulted)</li></ul>	<ul style="list-style-type: none"><li>• Explanation of provisions</li><li>• Justification and process for implementation (including compliance assessment against relevant section 117 direction/s)</li></ul>
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## ▶ STEP 2: MATTERS – CONSIDERED ON A CASE BY CASE BASIS

(Depending on complexity of planning proposal and nature of issues)

PLANNING MATTERS OR ISSUES	To be considered	N/A	PLANNING MATTERS OR ISSUES	To be considered	N/A
<b>Strategic Planning Context</b>			<ul style="list-style-type: none"> <li>Resources (including drinking water, minerals, oysters, agricultural lands, fisheries, mining)</li> <li>Sea level rise</li> </ul>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Demonstrated consistency with relevant Regional Strategy</li> <li>Demonstrated consistency with relevant Sub-Regional strategy</li> <li>Demonstrated consistency with or support for the outcomes and actions of relevant DG endorsed local strategy</li> <li>Demonstrated consistency with Threshold Sustainability Criteria</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>	<b>Urban Design Considerations</b>		
<b>Site Description/Context</b>			<ul style="list-style-type: none"> <li>Existing site plan (buildings vegetation, roads, etc)</li> <li>Building mass/block diagram study (changes in building height and FSR)</li> <li>Lighting impact</li> <li>Development yield analysis (potential yield of lots, houses, employment generation)</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Aerial photographs</li> <li>Site photos/photomontage</li> </ul>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<b>Economic Considerations</b>		
<b>Traffic and Transport Considerations</b>			<ul style="list-style-type: none"> <li>Economic impact assessment</li> <li>Retail centres hierarchy</li> <li>Employment land</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Local traffic and transport</li> <li>TMAP</li> <li>Public transport</li> <li>Cycle and pedestrian movement</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<b>Social and Cultural Considerations</b>		
<b>Environmental Considerations</b>			<ul style="list-style-type: none"> <li>Heritage impact</li> <li>Aboriginal archaeology</li> <li>Open space management</li> <li>European archaeology</li> <li>Social &amp; cultural impacts</li> <li>Stakeholder engagement</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>
<ul style="list-style-type: none"> <li>Bushfire hazard</li> <li>Acid Sulphate Soil</li> <li>Noise impact</li> <li>Flora and/or fauna</li> <li>Soil stability, erosion, sediment, landslip assessment, and subsidence</li> <li>Water quality</li> <li>Stormwater management</li> <li>Flooding</li> <li>Land/site contamination (SEPP55)</li> </ul>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/>	<b>Infrastructure Considerations</b>		
			<ul style="list-style-type: none"> <li>Infrastructure servicing and potential funding arrangements</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<b>Miscellaneous/Additional Considerations</b>		
			<i>List any additional studies</i>		



## Appendix 2 – List of State Environmental Planning Policies

The following tables list the State Environmental Planning Policies (SEPPs) and Deemed SEPP's which are applicable to the Sutherland Shire Local Government Area, the applicability to, and compliance of, the planning proposal with these policies.

### STATE ENVIRONMENTAL PLANNING POLICIES APPLICABLE TO SUTHERLAND SHIRE LOCAL GOVERNMENT AREA

State Environmental Planning Policies (SEPPs) deal with issues significant to the state and people of New South Wales. They are made by the Minister for Planning and may be exhibited in draft form for public comment before being gazetted as a legal document.

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT?
SEPP No. 19 - Bushland in Urban Areas	N/A	
SEPP No. 21 - Caravan Parks	N/A	
SEPP No. 30 - Intensive Agriculture	N/A	
SEPP No. 32 - Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal is consistent with this policy.
SEPP No. 33 - Hazardous and Offensive Development	N/A	
SEPP No. 39 - Spit Island Bird Habitat	N/A	
SEPP No. 50 – Canal Estates	N/A	
SEPP No. 55 – Remediation of Land	N/A	
SEPP No. 62 – Sustainable Aquaculture	N/A	
SEPP No. 64 - Advertising and Signage	N/A	
SEPP No. 65 - Design Quality of Residential Flat Development	N/A	
SEPP (Affordable Rental Housing) 2009	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal is consistent with this policy.

STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT?
SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal is consistent with this policy. The Draft 'missing middle' amendments to complying development codes (State Environmental Planning Policy – Exempt and Complying Development(2008)) requires compliance with Council's LEP and provisions for minimum lot sizes. As such, it would be prudent for Council to introduce a minimum lot size for dual occupancy and multi dwelling housing developments.
SEPP (Housing for Seniors or People with a Disability) 2004	N/A	
SEPP (Infrastructure) 2007	Yes	The planning proposal is consistent with this policy.
SEPP (Major Development) 2005	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
SEPP (Miscellaneous Consent Provisions) 2007	N/A	

## **DEEMED STATE ENVIRONMENTAL PLANNING POLICIES APPLICABLE TO SUTHERLAND SHIRE LOCAL GOVERNMENT AREA**

### **(REGIONAL ENVIRONMENTAL PLANNING POLICIES)**

All existing REPs are now deemed State environmental planning policies (SEPPs). These cover issues such as urban growth, commercial centres, extractive industries, recreational needs, rural lands, and heritage and conservation. The Department of Planning and Infrastructure is reviewing all these remaining REPs as part of the NSW planning system reforms.

DEEMED STATE ENVIRONMENTAL PLANNING POLICY	RELEVANCE TO PLANNING PROPOSAL	IS THE PLANNING PROPOSAL CONSISTENT?
Greater Metropolitan REP No. 2 - Georges River Catchment	N/A	
REP No. 9- Extractive Industry (No. 2)	N/A	

## Appendix 3 – Local Planning Directions

The following Directions have been issued by the Minister for Planning and Environment to relevant planning authorities under section 117(2) of the *Environmental Planning and Assessment Act 1979*. These directions apply to planning proposals lodged with the Department of Planning and environment.

Note: Directions [5.5 Development in the vicinity of Ellalong, Paxton and Millfield \(Cessnock LGA\)](#), 5.6 Sydney to Canberra Corridor and 5.7 Central Coast have been revoked.

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
<b>1. Employment and Resources</b>		
<b>1.1 Business and Industrial Zones</b> The objectives of this direction are to: <ul style="list-style-type: none"> <li>(a) encourage employment growth in suitable locations,</li> <li>(b) protect employment land in business and industrial zones, and</li> <li>(c) support the viability of identified strategic centres.</li> </ul>	N/A	
<b>1.2 Rural Zones</b> The objective of this direction is to protect the agricultural production value of rural land.	N/A	
<b>1.3 Mining, Petroleum Production and Extractive Industries</b> The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A	
<b>1.4 Oyster Aquaculture</b> The objectives of this direction are: <ul style="list-style-type: none"> <li>(a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal,</li> <li>(b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers.</li> </ul>	N/A	
<b>1.5 Rural Lands</b> The objectives of this direction are to: <ul style="list-style-type: none"> <li>(a) protect the agricultural production value of rural land,</li> <li>(b) facilitate the orderly and economic development of rural lands for rural and related purposes.</li> </ul>	N/A	

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
<b>Environment and Heritage</b>		
<b>2.1 Environment Protection Zones</b> The objective of this direction is to protect and conserve environmentally sensitive areas.	Yes	The Planning Proposal consistent with this direction. Any land affected by the proposal which that has an environmentally sensitive land affectation would be subject to the provisions of SSLEP2015 clause 6.5 Environmentally Sensitive Land and would be assessed in detail. The introduction of a minimum lot size will also allow for the objectives of this decision to be easier met as more land area is required for the construction of dual occupancies and multi dwelling housing.
<b>2.2 Coastal Protection</b> The objective of this direction is to implement the principles in the NSW Coastal Policy.	N/A	
<b>2.3 Heritage Conservation</b> The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	N/A	
<b>2.4 Recreation Vehicle Areas</b> The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A	
<b>2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs</b>	N/A	
<b>Housing, Infrastructure and Urban Development</b>		
<b>3.1 Residential Zones</b> The objectives of this direction are: <ul style="list-style-type: none"> <li>(a) to encourage a variety and choice of housing types to provide for existing and future housing needs,</li> <li>(b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and</li> <li>(c) to minimise the impact of residential development on the environment and resource lands.</li> </ul>	Yes	<p>This Planning Direction seeks to encourage a variety and choice of housing types to provide for existing and future housing needs. It also seeks to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services. The direction ensures that the impacts of residential development on the environment and resource lands are minimised.</p> <p>The proposed amendments to the SSLEP2015 are all contained within residential zones making this direction applicable. While the proposal seeks to introduce a minimum lot size for the development of dual occupancies and multi dwelling housing in the R2 and E4 zones, the proposal does not affect the permissible uses in the zone. The proposal will not reduce the number of dwellings in the Sutherland Shire. The proposal maintains housing options where lots do not meet the minimum lot size standard.</p>

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
		<p>Secondary dwellings are a permissible use with no minimum lot size for their construction. In this regard, those small lots where dual occupancy development is difficult may be more suitable to secondary dwelling construction and this is permitted on all lots regardless of their size.</p> <p>Alternatively, lots may be amalgamated. The proposal allows for development on those larger lots suitable for the increased forms of development. The introduction of a minimum lot size will not reduce the permissible residential density of the zones the proposal applies.</p> <p>Housing targets, set by the State, will still be met.</p>
<b>3.2 Caravan Parks and Manufactured Home Estates</b> The objectives of this direction are: (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates.	N/A	
<b>3.3 Home Occupations</b> The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	N/A	
<b>3.4 Integrating Land Use and Transport</b> The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight.	N/A	
<b>3.5 Development Near Licensed Aerodromes</b> The objectives of this direction are: (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and	N/A	

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
(c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.		
<b>3.6 Shooting Ranges</b> The objectives of the planning direction are: <ul style="list-style-type: none"> <li>(a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range,</li> <li>(b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land,</li> <li>(c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range</li> </ul>	N/A	
<b>Hazard and Risk</b>		
<b>4.1 Acid Sulfate Soils</b> The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	Yes	The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils. Any application received based on the proposed provisions affected by acid sulfate soils will be subject to a detailed assessment. Nothing in this planning proposal would contradict this direction.
<b>4.2 Mine Subsidence and Unstable Land</b>	N/A	
<b>4.3 Flood Prone Land</b> The objectives of this direction are: <ul style="list-style-type: none"> <li>a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</li> <li>b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.</li> </ul>	N/A	
<b>4.4 Planning for Bushfire Protection</b> The objectives of this direction are: <ul style="list-style-type: none"> <li>a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and</li> <li>b) to encourage sound management of bush fire prone areas.</li> </ul>	N/A	
<b>Regional Planning</b>		
<b>5.1 Implementation of Regional Strategies</b>	N/A	
<b>5.2 Sydney Drinking Water Catchments</b> The objective of this Direction is to protect water quality	N/A	

in the Sydney drinking water catchment.		
<b>5.3 Farmland of State and Regional Significance on the NSW Far North Coast</b>	N/A	
<b>5.4 Commercial and Retail Development along the Pacific Highway, North Coast</b>	N/A	
<b>5.5 Second Sydney Airport: Badgerys Creek</b>	N/A	
<b>5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)</b>	N/A	
<b>5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)</b>	N/A	
<b>5.8 Second Sydney Airport: Badgerys Creek</b>	N/A	
<b>5.9 North West Rail Link Corridor Strategy</b>	N/A	
<b>5.10 Implementation of Regional Plans</b>	N/A	
<b>Local Plan Making</b>		
<b>6.1 Approval and Referral Requirements</b> The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	N/A	
<b>6.2 Reserving Land for Public Purposes</b> The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	N/A	
<b>6.3 Site Specific Provisions</b> The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	The proposed lot size controls for the construction of dual occupancies in zones R2 Low Density Residential and E4 Environmental Living and Multi Dwelling Housing in zone R2 have been prepared based on a detailed analysis of other council areas and past development applications received in the Sutherland Shire. Although the planning proposal introduces new development controls to the land, this is not inconsistent with the objectives of this direction as it will not introduce restrictive site specific planning controls. It is considered that all properties suitable for dual occupancy and multi dwelling construction across the Sutherland Shire will continue to be able to be developed at the lot sizes proposed under this planning proposal.
<b>Metropolitan Planning</b>		
<b>7.1 Implementation of 'A plan for Growing Sydney'</b> The objective of this direction is to give legal effect to the planning principles, directions, and priorities for the subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	Yes	Consistent, as the Planning Proposal aligns with the vision, land use strategy, goals, directions and actions contained in 'A plan for Growing Sydney'.
<b>7.2 Implementation of Greater Macarthur Land Release Investigation</b>	N/A	

## APPENDIX 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

### Checklist for the review of a request for delegation of plan making functions to councils

**Local Government Area:** Sutherland Shire Council

**Name of draft LEP:** Sutherland Shire Local Environmental Plan Amendment x

**Address of Land (if applicable):**

Land zoned R2 Low Density Residential.

Land zoned E4 Environmental Living

**Intent of draft LEP:**

The Planning Proposal applies to the minimum lot size for land in zone E4 Environmental Living and Zone R2 Low Density Residential as it applies to the construction of dual occupancies and multi dwelling housing.

The Planning Proposal seeks to amend Sutherland Shire Local Environmental Plan 2015 to introduce:

- A minimum lot size of 600m<sup>2</sup> for dual occupancy in zone R2 Low Density,
- A minimum lot size of 700m<sup>2</sup> for dual occupancy in Zone E4 Environmental Living,
- A minimum lot size of 1200m<sup>2</sup> for multi-dwelling housing in Zone R2 Low Density Residential.

**Additional Supporting Points/Information:**



<b>Evaluation criteria for the issuing of an Authorisation</b>  <b>(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)</b>	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?		Not Relevant		
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
<b>Minor Mapping Error Amendments</b>	<b>Y/N</b>			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		Not Relevant		
<b>Heritage LEPs</b>	<b>Y/N</b>			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		Not relevant		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		Not relevant		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been		Not relevant		

obtained?				
<b>Reclassifications</b>	<b>Y/N</b>			
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Not Relevant		
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Not Relevant		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	N			
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		Not Relevant		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?		Not Relevant		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Not Relevant		
<b>Spot Rezonings</b>	<b>Y/N</b>			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	N			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	N			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Not relevant		

Does the planning proposal create an exception to a mapped development standard?	N			
<b>Section 73A matters</b>				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A(1)(c) of the Act in order for a matter in this category to proceed).</p>		Not Relevant		

#### NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.