

Planning Proposal
SSLEP2015 Minor Amendments:
Clauses, Zoning and Development
Standards 2018

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Part 1 – A statement of the objectives and intended outcomes of the proposed instrument

The purpose of this Planning Proposal is to amend the Sutherland Shire Local Environmental Plan 2015 to address a range of minor issues identified in the operation of the plan. The two broad categories of issues are:

A. Mapping Changes (Council Resolutions: PLN007-17, PLN028-18, PLN037-18 & PLN041-18)

1. Remove lots within the following properties from the Environmentally Sensitive Land – Terrestrial Biodiversity Layer because investigations have demonstrated that they do not have endangered ecological communities or vegetation which requires special protection:
 - a. 284-286 Taren Point Road, Caringbah
 - b. 89-91 Willarong Road, Caringbah
 - c. 93 Willarong Road, Caringbah
 - d. 551 President Avenue, Sutherland
 - e. 54 Belmont Street, Sutherland
 - f. 130 Flora Street, Sutherland
 - g. 507, 511 & 515-521 President Avenue, Sutherland
 - h. 84-88 Glencoe Street, Sutherland
 - i. 103-105, 110, 112, 114, 116, 118 & 120 Flora Street, Sutherland
2. Rezone land at 150 Old Illawarra Road, Barden Ridge for use as a public park and make consequential changes to remove redundant development standards.
3. Rezone lands recently gazetted as National Park to the E1 National Parks and Reserves zone and make consequential changes to remove any redundant development standards.
4. Correct a zoning anomaly on waterfront land at 4 Hazel Place, Burraneer to correct zoning to match the adjacent land.
5. Adjust the zoning and other relevant LEP maps to correct mapping anomalies which result from survey changes to the shape and extent of the following properties:
 - a. 25 Kangaroo Point Road, Kangaroo Point,
 - b. 10 Gunnamatta Road, Cronulla.
6. Adjust the zoning and other relevant LEP maps to correct mapping anomalies at 111 Princes Highway, Sylvania.
7. Correct a reference on all FSR and HOB maps from SSLEP2015 clause “6.22” to “6.21” to ensure it refers to the correct LEP clause.
8. Remove land from the Land Reservation and Acquisition maps which has already been acquired by the relevant public authority.
9. Adjust the mapped zoning boundary and other mapping for the public Park at the South Village Development in Kirrawee.
10. Remove the property at 145 Woronora Road, Engadine from the application of the Landscape Area map as it has been rezoned to the SP2 infrastructure zone and the relevant clause no longer applies.
11. Amend the Foreshore area map to remove the foreshore area at Shell Point and Kurnell where it is not associated with a foreshore building line in accordance with the intent of LEP Clause 6.9.

B. Policy Changes (Council Resolutions: PLN028-18 & PLN037-18)

1. Amend Clause 6.14 to reflect the repeal of LEP Clause 5.9 and 5.9AA following the introduction of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.
2. Amend Clause 4.1B to clarify that strata subdivision of dual occupancies in Zone E3 is not permissible, unless the dwellings comprising the dual occupancy were lawfully erected on or before 23 June 2015.
3. Facilitate exhibition homes and exhibition villages in the R2 Low density residential zone, R3 Medium density residential zone and as an additional permitted use at the Ridgeway Estate (310 New Illawarra Road, Barden Ridge).
4. Amend the drafting of Clause 4.1A to clarify its intention and address three issues which have arisen in the operation of the clause and through amendments to the Standard Instrument LEP following Land and Environment Court decisions:
 - i. Clarify that the minimum lot dimension requirements are not imposed on strata or community title subdivision.
 - ii. Clarify that despite i, above, that the minimum dimension requirements are imposed on strata subdivision of a dual occupancy in zone E3 unless the dwellings comprised in the dual occupancy were lawfully erected on or before June 23 2015.
 - iii. Clarify that the minimum dimension requirements do not apply to stratum subdivision undertaken as part of multi-occupancy and mixed use buildings.

Council is willing to accept an authorisation to exercise delegated plan making functions for this Planning Proposal, should such an authorisation be issued as part of the Gateway determination. The evaluation criteria for the issuing of an authorisation is attached as Appendix 1.

Part 2 – An explanation of the provisions that are to be included in the proposed instrument

SSLEP2015 is to be amended as follows:

LEP Provision	Amendment	Relevant Objective (from Part 1)
Land Use Table	Permit 'Exhibition homes' and 'Exhibition villages' with development consent in the R2 Low Density Residential and R3 Medium Density Residential zones.	Objective B.3
Clause 4.1A Minimum subdivision requirements in certain residential and environment protection zones	There are three related issues in clause 4.1A and a related issue in clause 4.1B. Consequently they are described separately below. A single consolidated suggested draft of each corrected clause is provided to avoid confusion.	Objective B.4
Clause 4.1A Minimum subdivision requirements in certain residential and environment protection zones	<p>Subclause (3) (c) uses a form of words "...lots in a strata plan or community title scheme" which was intended to provide an exemption from the effect of clause 4.1A for subdivision of any land into lots in a strata plan, such as the strata subdivision of a residential flat building on an existing torrens title lot, where each dwelling becomes a separate lot within the strata plan.</p> <p>However, words similar to this in clause 4.1 of the Standard Instrument LEP have been interpreted through the LEC decision <i>DM & Longbow Pty Ltd v Willoughby City Council [2017] NSWLEC 173</i> to refer only to the subdivision of <u>existing</u> strata lots in a strata plan.</p> <p>Clause 4.1 of the Standard Instrument LEP was subsequently amended at 4.1(4) to adopt a new form of words to restore the original intent. However Clause 4.1A was not amended. This effectively prohibits the strata subdivision of multi occupancy buildings. This was not the intention of either Council or the Minister.</p> <p>Clause 4.1A should be redrafted to enable strata subdivision and community title subdivision as originally intended, through the use of wording as has since been employed in clause 4.1(4).</p>	Objective B.4.i

<p>Clause 4.1A Minimum subdivision requirements in certain residential and environment protection zones</p>	<p>The plan currently allows the strata subdivision of existing (pre 23 June 2015) dual occupancies in the E3 zone without meeting the minimum lots size dimensions (see clause 4.1A(3)(b)). The subdivision of new dual occupancies in the E3 zone, unless they meet the minimum lot size dimensions, is not permitted. However the clause, as drafted, is somewhat contradictory (see clause 4.1A(3)(c)). To resolve this ambiguity it is recommended that the prohibition on strata subdivision of new dual occupancies in zone E3 be relocated to clause 4.1B.</p> <p>The intent is to ensure that strata subdivision of <u>new</u> dual occupancies in zone E3, as intended through Amendment 9, is subject to the minimum lot size dimensions.</p> <p>Background to the clause: At its commencement (23 June 2015) the Sutherland Shire Local Environmental Plan 2015 greatly limited development for the purpose of dual occupancies in the E3 Environmental Management zone - the most sensitive environmental zone.</p> <p>Dual Occupancies were (and remain) prohibited under the land use table for the E3 zone. Permissibility for Dual occupancies within the zone is instead facilitated through an Additional Permitted Use in clause 27 of Schedule 1 of the plan applying to Area “B” on the LEP’s APU map sheets. The APU clause only applies if one of the dwellings to form the dual occupancy is an existing lawful dwelling in the foreshore area, which had been in existence for at least 3 years prior to the commencement of the Plan and formed part of the existing character of the waterfront. The LEP only allowed strata subdivision if the lots met the minimum dimensions – 2 strata lots with these dimensions are difficult to achieve on waterfront lots. This was a deliberate action by Council to constrain the subdivision of such dual occupancies.</p> <p>In making SSLEP2015, Council considered that subdivision of such dual occupancies in zone E3 was not appropriate, as individual ownership is likely to lead to demands for further intensification of the waterfront dwelling and further environmental impacts in these sensitive locations along the foreshore. The waterfront areas of the Shire are often very steep, heavily vegetated, bushfire prone and highly valued for water views and direct waterfront access. Historically iterative & cumulative subdivision of waterfront lots in these areas has contributed to conflicts from loss views, impacts on vegetation and increasing intensity of development along the foreshore which has diminished its natural beauty and character in some places. Consequently, the first version of SSLEP2015 applied the minimum lot dimensions to such subdivisions – these dimensions that are very difficult to achieve on waterfront lots and essentially create a ‘prohibition’.</p>	<p>Objective B.4.ii</p>
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The conditional permissibility of the APU, and difficulty in achieving subdivision standards, reflected Council's desire to restrict further intensification of sensitive waterfront areas whilst allowing property owners to potential to develop a new more accessible dwelling outside the foreshore area. The existing "boat houses" and other waterfront dwellings which contributed to the character of the area could remain without requiring demolition. Prior to SSLEP2015 Council did not permit dual occupancy in these areas, and should an owner want a larger house, the waterfront cottage was required to be demolished (see SSLEP2006 cl.18 (3)(ii)).

Clause 4.1A (minimum subdivision lot sizes), as original made, also did not feature any exemptions for other types of subdivision or development. Hence, these minimum dimension requirements unintentionally frustrated all Torrens Title subdivision of dual occupancies in residential zones, and strata subdivisions of dual occupancies and residential flat buildings or commercial properties. Subsequently Council pursued amendments to the plan which were intended to eliminate these conflicts, but intended to retain the effective 'prohibition' on subdivision of dual occupancies in the E3 zone.

- Amendment No. 2 gazetted on 9/10/2015 provided an exemption from clause 4.1A for subdivision of Dual Occupancies in zones R2, R3 & R4 generally, and for strata subdivision of dual occupancies in zone E4.
- Amendment No. 4 gazetted on 28/07/2017 provided a further exemption from clause 4.1A for "*subdivision of lots in a strata plan or community title scheme*" which was intended to overcome difficulties in subdivision of residential flat buildings, townhouses, commercial and mixed use buildings.

Following these amendments, Council resolved to allow a small number of properties in the E3 zone, with two constructed dwellings on their land at the time SSLEP2015 commenced to strata subdivide. These properties had two dwellings as they had not yet demolished their waterfront cottage as required by a condition of development consent. Amendment No. 9 gazetted on 04/08/2017 was intended to allow some flexibility and the strata subdivision of these existing 'dual occupancies' in the E3 zone. The amendment intended to facilitate strata subdivision of only existing (constructed prior to 23 June 2015) dual occupancies in the E3 zone that do not meet the minimum lot dimensions, without providing such concessions for new dual occupancies. Again, the intention in Amendment 9, was not to allow the strata subdivision of new dual occupancies.

However the general exemption for strata subdivision introduced in Amendment No. 9 is not clear (see clause 4.1A(3)(c)). This drafting anomaly was further compounded by changes made to the Standard Instrument on 20 April 2018 concerning strata subdivision.

The current intent is to maintain the continued limitation on subdivision of new dual occupancies in zone E3 as intended through Amendment 9.

This may be best achieved by transferring the 'effective prohibition' on subdivision of new dual occupancies in zone E3 from Clause 4.1A into clause 4.1B. In addition to clarifying the operation of Clause 4.1A, this change would also have the effect of consolidating the requirements for subdividing of dual occupancies in zones E3 and E4 (both environmental zones into clause 4.1B which will improve the legibility of the LEP.

It is Council's view that the current drafting of Clause 4.1A, whilst somewhat anomalous, applies the minimum lot dimensions to the strata subdivision of new dual occupancies. However this should be better drafted. The proposed change therefore has no impact.

The effect of this change would be minimal because since the introduction of SSLEP2015 only six development applications in the E3 zone for a new dual occupancy or alteration of an existing dual occupancy have been approved or are pending a determination. They are listed below:

Application	Decision	Description	Primary Property	Suburb
DA16/0843	Approved	Construction of additional dwelling to form a detached dual occupancy	171 Fowler Road	ILLAWONG
DA17/0806	Approved	Construction of additional dwelling to create detached dual occupancy	135 Bunarba Road	GYMEA BAY
DA17/1817	Approved	Demolition of existing garages, construction of a second dwelling to form a detached dual occupancy, construction of 2 detached garages, and associated landscape and engineering works	50 Kangaroo Point Road	KANGAROO POINT
DA18/1045	Approved	Alterations and additions to existing dual occupancy and 2 lot strata subdivision	30 Bruce Avenue	CARINGBAH SOUTH
DA19/0081	Pending	Construction of a new dwelling and retention of the an existing waterfront dwelling to create a dual occupancy with two lot strata title subdivision	149 Fowler Road	ILLAWONG
DA19/0093	Pending	Construction of a single dwelling to create a dual occupancy	13 Bonnet Avenue	COMO

	<p>Of these applications only DA19/0081 is proposing strata subdivision of a new dual occupancy, which would be directly frustrated by the proposed change.</p> <p>DA16/0843 and DA17/0806 sought consent for subdivision initially, but ultimately were granted consent for construction only.</p> <p>DA17/1817 and DA19/0093 did not seek consent to subdivide the dual occupancy.</p> <p>DA18/1045 sought to subdivide an existing dual occupancy constructed prior to the gazettal of SSLEP2015 and therefore captured by the existing savings provisions.</p> <p>In the same period, a further two applications have sought to subdivide an existing dual occupancy with no other works. In both cases the existing dual occupancy was constructed prior to the gazettal of SSLEP2015 and would be unaffected by the proposed change and is caught by the savings provisions.</p> <table><tr><th>Application</th><th>Decision</th><th>Description</th><th>Primary Property</th><th>Suburb</th></tr><tr><td>DA17/1085</td><td>Approved</td><td>Strata subdivision of an existing dual occupancy</td><td>31B Oyster Bay Road</td><td>OYSTER BAY</td></tr><tr><td>DA18/0951</td><td>Approved</td><td>Strata subdivision of an existing dual occupancy</td><td>86 Prices Circuit</td><td>WORONORA</td></tr></table> <p>A small number of further dual occupancies may have achieved an approval under SSLEP2006 but not been completed at the time SSLEP2015 was gazetted. As noted above, these applications were granted at a time when subdivision of these dual occupancies was prohibited and any right to subdivide has come at the result of a drafting error in clause 4.1A rather than a deliberate policy decision of Council.</p>	Application	Decision	Description	Primary Property	Suburb	DA17/1085	Approved	Strata subdivision of an existing dual occupancy	31B Oyster Bay Road	OYSTER BAY	DA18/0951	Approved	Strata subdivision of an existing dual occupancy	86 Prices Circuit	WORONORA	
Application	Decision	Description	Primary Property	Suburb													
DA17/1085	Approved	Strata subdivision of an existing dual occupancy	31B Oyster Bay Road	OYSTER BAY													
DA18/0951	Approved	Strata subdivision of an existing dual occupancy	86 Prices Circuit	WORONORA													
<p>Clause 4.1A Minimum subdivision requirements in certain residential and environment protection zones</p>	<p>The minimum dimension requirements in clause 4.1A were never intended to prevent the creation of stratum subdivisions in large scale developments. Stratum subdivisions are frequently used in mixed use development as an intermediate subdivision step to separate commercial and residential volumes of the building prior to strata subdivision. These volumes need to be defined very flexibly across multiple levels to accommodate small building elements such as risers, lift shafts and stairwells which may in part or whole not be compatible with the minimum dimension requirements of clause 4.1A.</p> <p>Clause 4.1A must be drafted to ensure that the requirements of the clause do not apply to stratum subdivisions in mixed use buildings, and the following is suggested:</p> <p><i>4.1A Minimum subdivision requirements in certain residential and environment protection zones</i></p>	<p>Objective B.4.iii</p>															

	<p><i>(1) Development consent must not be granted for the subdivision of land in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential, unless each lot resulting from the subdivision will have:</i></p> <p style="padding-left: 40px;"><i>(a) a minimum width of 15 metres at the building line, and</i> <i>(b) a minimum depth of 27 metres.</i></p> <p><i>(2) Development consent must not be granted for the subdivision of land in Zone E3 Environmental Management or Zone E4 Environmental Living unless each lot resulting from the subdivision will have:</i></p> <p style="padding-left: 40px;"><i>(a) a minimum width of 18 metres at the building line, and</i> <i>(b) a minimum depth of 27 metres.</i></p> <p><i>(3) This clause does not apply in relation to any of the following:</i></p> <p style="padding-left: 40px;"><i>(a) the subdivision of a lot in Zone R2 Low Density Residential, Zone R3 Medium Density Residential or Zone R4 High Density Residential if there is a dual occupancy on the lot and one of those dwellings will be situated on each lot resulting from the subdivision, or</i> <i>(c) the subdivision of any land by the registration of a strata plan or strata plan of subdivision under the Strata Schemes Development Act 2015, or</i> <i>(d) the subdivision of any land by any kind of subdivision under the Community Land Development Act 1989, or</i> <i>(e) the subdivision of any building by any kind of stratum subdivision under the Conveyancing Act 1919.</i></p>	
<p>Clause 4.1B Minimum lot sizes for strata subdivisions of dual occupancies in Zone E4</p>	<p>It was intended that development for the purposes of dual occupancies would be limited in zones E3 Environmental Management and E4 Environmental Living. Development of new Dual Occupancies is permissible in zone E4 through an Additional Permitted Use clause in Schedule 1 of the LEP, and strata subdivision of these dual occupancies is only permissible where the original lot is at least the same size as the mapped minimum lot size for subdivision on the site. These limitations are implemented through Clause 4.1B.</p> <p>Similarly the development of dual occupancies in the E3 zone is limited to where one dwelling is a waterfront dwelling in the foreshore area (Schedule 1 Additional Permitted Uses Clause 27). Council intended that subdivision of dual occupancies in zone E3 could only occur if the two dwellings were already constructed at June 23 2015. The prohibition on strata subdivision of newer dual occupancies in zone E3 was implemented indirectly through clause 4.1A. The purpose is not clearly stated in the clause title and further clarity is required to ensure that clause 4.1A subclause 3(c) is read in the context of subclause 3(b) (ie 3(c) does not prevail).</p> <p>As a solution, Clause 4.1B should be amended to include the requirements for strata subdivision of dual occupancies in both zones E3 and E4. This change will ensure that the requirements for strata</p>	<p>Objective B.2</p>

	<p>subdivision of dual occupancies in zones E3 and E4 are stated clearly in a single clause, which will be easier to interpret and allow for resolution of drafting issues in clause 4.1A.</p> <p>A suggested amendment is as follows:</p> <p>4.1B Requirements for strata subdivisions of dual occupancies in Zones E3 and E4</p> <p>(1) <i>The objectives of this clause are as follows:</i></p> <ul style="list-style-type: none"> (a) <i>to limit the impacts associated with increased residential density (because of development resulting in dual occupancies) on land in Zones E4 Environmental Living and E3 Environmental Management,</i> (b) <i>to maintain the amenity and character of land in these zones,</i> (c) <i>to prevent the cumulative fragmentation of land in these zones.</i> <p>(2) <i>Development consent may only be granted for the strata subdivision of a dual occupancy on a lot of land (an original lot) in Zone E4 Environmental Living if:</i></p> <ul style="list-style-type: none"> (a) <i>the size of the original lot is not less than the minimum lot size shown on the Lot Size Map in relation to the land, or</i> (b) <i>the dwellings comprised in the dual occupancy were lawfully erected on or before 23 June 2015.</i> <p>(3) <i>Development consent may only be granted for the strata subdivision of a dual occupancy on a lot of land in Zone E3 Environmental Management if the dwellings comprised in the dual occupancy were lawfully erected on or before 23 June 2015.</i></p>	
<p>Clause 6.14 Landscaped areas in certain residential, business, industrial and environment protection zones</p>	<p>Clause 6.14 implements a minimum landscaped area requirement in specific residential and employment zones across the Sutherland Shire. Subclause 4 was intended to provide flexibility for variations to the minimum landscape area requirement if a significant tree on the site would be preserved. Tree protection was previously implemented through clauses 5.9 and 5.9AA of the standard instrument LEP, but these clauses were both repealed on the introduction of <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>. The reference to clause 5.9 within clause 6.14 was not amended when the repeal occurred, with the result that subclause (4) no longer operates.</p> <p>To restore the original intent and operation of subclause (4), the reference to clause 5.9 must be replaced with a reference to <i>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</i>.</p> <p>(4) <i>Despite subclause (3), development consent may be granted to development even though the percentage of the site consisting of landscaped areas is up to 5% less than the percentage shown on the Landscape Area Map in relation to the land if:</i></p> <ul style="list-style-type: none"> (a) <i>there is a tree on the site to which State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 applies, and</i> 	<p>Objective B.1</p>

	<p><i>(b) the consent authority is satisfied that:</i></p> <p><i>(i) the tree makes an important contribution to the character or amenity of the locality, or</i></p> <p><i>(ii) the species of tree is indigenous to the local area and listed as a threatened species under the Threatened Species Conservation Act 1995, or</i></p> <p><i>(iii) the tree is important habitat for native fauna, or</i></p> <p><i>(iv) the tree is important to the maintenance of biodiversity in the environment of the locality, or</i></p> <p><i>(v) the tree is part of remnant bushland, or</i></p> <p><i>(vi) the tree forms a notable visual element in the landscape of the locality, or</i></p> <p><i>(vii) the tree is botanically unique in or rare to the local area (whether the species of tree is native or exotic).</i></p>	
Schedule 1 – Additional Permitted Uses	It is proposed to permit ‘Exhibition homes’ and ‘Exhibition villages’ with development consent on land at the Ridgeway Estate (310 New Illawarra Road, Barden Ridge).	Objective B.3

The maps are to be amended as follows:

Amendment	Relevant Objective
Land Zoning Map	
<p>It is proposed to rezone 150 Old Illawarra Road, Barden Ridge from B1 Neighbourhood Centre to RE1 Public Recreation to align with its use as a public park – being Lot 102 DP1028645</p> <p>Council has already completed the construction of a public park on this site using powers under the Local Government Act 1993 and the Infrastructure SEPP. Rezoning the park to the RE1 Public Recreation zone simply provides recognition of its ongoing use. See Section 4.1.</p>	A.2
<p>It is proposed to rezone the following properties from their current zones to E1 National Parks as they have been gazetted as part of the National Parks Estate (page 983, NSW Government Gazette No 32 of 29 April 2016):</p> <ul style="list-style-type: none"> • 1535-1547 Princes Highway, Waterfall – Lot 439 in DP 752033 (currently E2 Environmental Conservation); • 42-60 Eckersley Road, Waterfall – Lot 723 in DP752033 (currently E2 Environmental Conservation); • 1-5 Mirang Road, Waterfall – Lot 728 in DP752033 (currently E2 Environmental Conservation); • 1865R Princes Highway, Waterfall – Lots 888 & 942 in DP752033 (currently E2 Environmental Conservation); • 1770-1776 Princes Highway, Waterfall – Lot 1 in DP 1030102 (currently IN1 General Industrial); • 1643 Princes Highway, Waterfall – Lot 1 in DP 1030112 (currently RE1 Public Recreation); and • Kummera St Road Reserve, Waterfall where currently zoned IN1 General Industrial. <p>The Greater Sydney Region Plan: A Metropolis of Three Cities and the South District Plan were released and updated in March 2018. The <i>South District Plan</i> advises the following action relevant to this matter: “39. <i>Retain and manage industrial and urban services land, in line with the Principles for managing industrial and urban services land, in the South District by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed-use zones. In updating local environmental plans, councils are to conduct a strategic review of industrial lands.</i>”</p> <p>This action is intended to protect industrial lands from encroachment by other urban purposes such as retail and residential. The expected outcome of action 39 is that industrial lands will be retained and remain available to support industrial and urban services land uses.</p> <p>It is agreed that the rezoning of industrial land at 1770-1776 Princes Highway, Waterfall is not consistent with the “<i>retain and manage approach</i>” of the South District Plan.</p> <p>However, this land has already been gazetted as National Park and therefore there is no possibility that it will be used for an industrial or urban services purpose. This land</p>	A.3

<p>was gazetted as part of the National Parks Estate in 2016 (page 983, NSW Government Gazette No 32 of 29 April 2016 available at this link https://gazette.legislation.nsw.gov.au/so/download.w3p?id=Gazette_2016_2016-32.pdf).</p> <p>The subject land is an uncleared, undeveloped land parcel located between the Princes Highway and the Illawarra Line Railway. The land contains bushland (Sydney South Exposed Sandstone Woodland). Given that the subject land is already a part of the National Parks Estate, it is not available for industrial and urban services uses despite the current zoning. Retaining the industrial zoning on this site will not achieve the objectives of South District Plan action 39.</p> <p>If the Department of Planning wishes to make this parcel available for industrial and urban services land uses, it should seek to reverse the inclusion of this land parcel in the National Parks Estate. Council to seeks to rezone this land to reflect its status as National Park under the Department's Practice Note: PN 09-002 Environment Protection Zones which states: <i>"E1 National Parks and Nature Reserves This zone is for existing national parks, nature reserves and conservation areas and new areas proposed for reservation that have been identified and agreed by the NSW Government."</i></p> <p>See Section 4.2.</p>	
<p>It is proposed to rezone 4 Hazel Place, Burraneer (Lot J DP 12558) from zone W2 Recreational Waterways to zone E4 Environmental Living to correct a mapping anomaly.</p> <p>This lot was inadvertently zoned W2 in an earlier LEP amendment, and this was not detected until after gazettal. The W2 zone provides greatly reduced permissibility compared to the E4 zone which applies to the rest of the property. See Section 4.3.</p>	A.4
<p>It is proposed to rezone part of the property at 25 Kangaroo Point Road, Kangaroo Point (Lot 1 DP 1218171) from W1 Natural Waterways to E3 Environmental Management as the land has be re-surveyed leading to a change to its mean high water mark. Accordingly the respective LEP layers are to be updated to ensure that consistent zoning and development standards apply across the entire lot. See Section 4.4.</p>	A.5.a
<p>It is proposed to rezone part of the property at 111 Princes Highway, Sylvania (Lot 55 DP 1215725) from R3 Medium Density Residential to B6 Enterprise Corridor to correct a minor mapping anomaly and ensure the entire lot is consistently zoned R3. Accordingly the respective LEP layers are to be updated to ensure that consistent zoning and development standards apply across the entire lot. See Section 4.5.</p>	A.6
<p>It is proposed to rezone water adjacent to the property at 10 Gunnamatta Road, Cronulla (Lot 100 DP 1229591) from E4 Environmental Living to W2 Recreational Waterways as the lot was resurveyed leading to a change to its mean high water mark.</p> <p>Accordingly the respective LEP layers are to be updated to ensure that consistent zoning and development standards apply to water which was formerly within the lot boundary. See Section 4.6.</p>	A.5.b

<p>It is proposed to adjust the zone boundary between RE1 Public Recreation zone and the B4 Mixed Use zone at the South Village (Brick Pit) Development to follow the property boundary of the future public park. The following properties are affected:</p> <ul style="list-style-type: none"> • 580 Princes Highway, 31 & 39 Flora Street, 6 Kiln Road, 1 Village Place, Kirrawee - Lots 1-5 DP 1215830 • 45 Flora Street, Kirrawee - Lot 1 DP 1242067 <p>The zoning boundaries of the park were determined prior to the final South Village Part 3A Major Development project determination. During the detailed design process the property boundaries of the public park component have shifted out of alignment with the zoning boundaries. The change is intended to shift the zone boundaries to align with the park lot boundary. See Section 4.7.</p>	A.9
<p>Height of Buildings Map</p> <p>It is proposed to excise 150 Old Illawarra Road, Barden Ridge (Lot 102 DP1028645) from the height of buildings map to align with its use as a public park.</p> <p>Council has already completed the public park on this site using powers under the Local Government Act 1993 and the Infrastructure SEPP. Removing the height of buildings limit on this site simply provides recognition of its ongoing use for public open space. See Section 4.1.</p>	A.2
<p>It is proposed to excise 1770-1776 Princes Highway, Waterfall (Lot 1 in DP 1030102) from the height of buildings map as it has been recently gazetted as part of the National Parks Estate.</p> <p>Removing the height of buildings limit on this site reflects the inclusion of this lot in the National Park. See Section 4.2.</p>	A.3
<p>It is proposed to extend the 8.5m height limit to all of the property at 25 Kangaroo Point Road, Kangaroo Point (Lot 1 DP 1218171) as this lot was resurveyed leading to a change to its mean high water mark. LEP layers need to be updated to ensure that consistent development standards apply across the entire lot. See Section 4.4.</p>	A.5.a
<p>It is proposed to apply the 9.5m height limit to all of the property at 111 Princes Highway, Sylvania (Lot 55 DP 1215725), replacing a small area of 9m height limit area, to ensure the entire lot has a consistent height limit.</p> <p>LEP layers need to be updated to ensure that consistent development standards apply across the entire lot. See Section 4.5.</p>	A.6
<p>It is proposed to not apply a height limit to the portion of water adjacent to the property at 10 Gunnamatta Road, Cronulla (Lot 100 DP 1229591) as this lot was resurveyed leading to a change to its mean high water mark. LEP layers need to be updated to ensure that consistent development standards apply to water which was formerly within the lot boundary. See Section 4.6.</p>	A.5.b
<p>It is proposed to correct a reference in the HOB map legend (all maps) from “6.22” to “6.21” to ensure that the correct clause is identified.</p>	A.7

<p>The HOB maps are intended to show areas where Clause 6.21 <i>Caringbah Medical Precinct</i> applies. This clause provides FSR and height bonus provisions for developments which include a health services facility within the mapped area. At present all the maps refer to clause 6.22 <i>Location of sex services premises</i> which is not relevant to the mapped area. This change is intended to ensure the intended operation of Clause 6.21 and resolve this minor mistake.</p>	
<p>Floor Space Ratio Map</p>	
<p>It is proposed to excise 150 Old Illawarra Road, Barden Ridge (Lot 102 DP1028645) from the floor space ratio map to align with its use as a public park. Council has already completed the public park on this site using powers under the Local Government Act 1993 and the Infrastructure SEPP. Removing the floor space ratio limit on this site simply provides recognition of its ongoing use for public open space. See Section 4.1.</p>	A.2
<p>It is proposed to excise 1770-1776 Princes Highway, Waterfall (Lot 1 in DP 1030102) from the floor space ratio map as it has been recently gazetted as part of the National Parks Estate. Removing development standards on this site simply reflects the inclusion of this lot in the National Park. See Section 4.2.</p>	A.3
<p>It is proposed to apply the 0.5:1 FSR to all of the property at 25 Kangaroo Point Road, Kangaroo Point (Lot 1 DP 1218171) as this lot was resurveyed leading to a change to its mean high water mark. LEP layers need to be updated to ensure that consistent development standards apply across the entire lot. See Section 4.4.</p>	A.5.a
<p>It is proposed to apply the 1:1 FSR to all of the property at 111 Princes Highway, Sylvania (Lot 55 DP 1215725), replacing a small area of 0.7:1 FSR area, to correct a mapping anomaly on this property. LEP layers need to be updated to ensure that consistent development standards apply across the entire lot. See Section 4.5.</p>	A.6
<p>It is proposed to excise an area of water adjacent to the property at 10 Gunnamatta Road, Cronulla from the floor space ratio map as this lot was resurveyed leading to a change to its mean high water mark that reduced the extent of the lot. LEP layers need to be updated to ensure that consistent development standards apply to water which was formerly within the lot boundary. See Section 4.6.</p>	A.5.b
<p>It is proposed to apply a 2:1 FSR to only that part of the site zoned B4 (the alignment of the property boundary), leaving the public park lot entirely excised from the floorspace ratio map. The affected properties are:</p> <ul style="list-style-type: none"> • 580 Princes Highway, 31 & 39 Flora Street, 6 Kiln Road, 1 Village Place, Kirrawee - Lots 1-5 DP 1215830 • 45 Flora Street, Kirrawee - Lot 1 DP 1242067 <p>The zoning boundaries of the park were determined prior to the final South Village Part 3A Major Development project determination. During the detailed design process the property boundaries of the public park component have shifted out of alignment with the zoning boundaries. The change is intended to shift the development standard boundaries to align with the park lot boundary. See Section 4.7.</p>	A.9

<p>It is proposed to correct a reference in the FSR map legend (all maps) from “6.22” to “6.21” to ensure that the correct clause is identified.</p> <p>The FSR maps are intended to show areas where Clause 6.21 <i>Caringbah Medical Precinct</i> applies. This clause provides FSR and height bonus provisions for developments which include a health services facility within the mapped area. At present all the maps refer to clause 6.22 <i>Location of sex services premises</i> which is not relevant to the mapped area. This change is intended to ensure the intended operation of Clause 6.21 and resolve this minor mistake.</p>	A.7
Lot Size Map	
<p>It is proposed to excise 1770-1776 Princes Highway, Waterfall (Lot 1 in DP 1030102) from the lot size map as it has been recently gazetted as part of the National Parks Estate. Removing development standards on this site reflects the inclusion of this lot in the National Park. See Section 4.2.</p>	A.3
<p>It is proposed to apply the 850m² lot size to all of the property at 25 Kangaroo Point Road, Kangaroo Point (Lot 1 DP 1218171) as this lot was resurveyed leading to a change to its mean high water mark. LEP layers need to be updated to ensure that consistent development standards apply across the entire lot. See Section 4.4.</p>	A.5.a
<p>It is proposed to excise an area of water adjacent to the property at 10 Gunnamatta Road, Cronulla from the lot size map as this lot was resurveyed leading to a change to its mean high water mark that reduced the extent of the lot. LEP layers need to be updated to ensure that consistent development standards apply to water which was formerly within the lot boundary. See Section 4.6.</p>	A.5.b
Landscaped Area Map	
<p>It is proposed to excise 1770-1776 Princes Highway, Waterfall (Lot 1 in DP 1030102) from the landscaped area map as it has been recently gazetted as part of the National Parks Estate. Removing development standards on this site reflects the inclusion of this lot in the National Park. See Section 4.2.</p>	A.3
<p>It is proposed to apply the 40% landscaped area to all of the property at 25 Kangaroo Point Road, Kangaroo Point (Lot 1 DP 1218171) as this lot was resurveyed leading to a change to its mean high water mark. LEP layers need to be updated to ensure that consistent zoning and development standards apply across the entire lot. See Section 4.4.</p>	A.5.a
<p>It is proposed to apply the 10% landscaped area to all of the property at 111 Princes Highway, Sylvania (Lot 55 DP 1215725), replacing a small area of 30% landscaped area to correct a mapping anomaly. LEP layers need to be updated to ensure that consistent development standards apply across the entire lot. See Section 4.5.</p>	A.6
<p>It is proposed to excise an area of water adjacent to the property at 10 Gunnamatta Road, Cronulla from the landscaped area map, as this lot was resurveyed leading to a change to its mean high water mark that reduced the extent of the lot. LEP layers need to be updated to ensure that consistent development standards apply to water which was formerly within the lot boundary. See Section 4.6.</p>	A.5.b

<p>It is proposed to excise 145 Woronora Road, Engadine (Lot B in DP 26599) from the landscaped area map to reflect its earlier rezoning to the SP2 Infrastructure zone where the landscaped area clause does not apply.</p> <p>The provisions of Clause 6.14 explicitly do not apply in the SP2 Infrastructure zone. Excising this site from the landscaped area map will therefore have no effect on the future development of the site, but will avoid any confusion around application of this clause. See Section 4.8.</p>	A.10
Terrestrial Biodiversity Map	
<p>It is proposed to excise 284-286 Taren Point Road, Caringbah (Lot 2 DP 230381) from the Terrestrial Biodiversity Map as the site has been inspected and endangered ecological communities (specifically the <i>Sydney Turpentine-Ironbark Forest</i> or STIF) shown on OEH mapping are not present. The change has no impact on the development potential of the site because any development application lodged on the site would be able to demonstrate that there are no EECs present.</p> <p>The inspection at 284-286 Taren Point Road, Caringbah was conducted following submission of a preliminary arborist's report to support a pre-lodgement meeting discussion PAD17/0115. The report prepared by DM Clarke Botanical Consulting Services in September 2016 revealed that the vegetation found on site has been highly modified containing both native and exotic tree species. Nearly all of these tree species are not of this vegetation community and none are positive diagnostic plant species of this endangered ecological community. The consultant's report identified two <i>Eucalyptus resinifera</i> (which are positive diagnostic species) in the north west quarter of the block, however further investigation revealed these to be of another <i>Eucalyptus</i> species which are not indigenous to Sutherland Shire nor of this vegetation community. As such the vegetation on this property does not support the endangered ecological community Sydney Turpentine Ironbark Forest. The site was inspected by Council's environmental scientist and landscape architect on 30 September 2016 to confirm the above findings. See Section 4.9.</p>	A.1.a
<p>It is proposed to excise 89-91 Willarong Road, Caringbah (Strata Plan 81485) from the Terrestrial Biodiversity Map as the site has been inspected and endangered ecological communities (specifically the <i>Sydney Turpentine-Ironbark Forest</i> or STIF) shown on OEH mapping are not present. The inspection established that Endangered Ecological Communities are not present on this site. The change has no impact on the development potential of the site because any development application lodged on the site would be able to demonstrate that there are no EECs present.</p> <p>The inspection at 89-91 Willarong Road was conducted following submission of an arborist's report as part of development application DA17/1626. The report prepared by Dr Treegood in November 2017 identifies the trees on the site representing the STIF community as; <i>Elaeocarpus reticulatus</i> (Blueberry Ash), <i>Pittosporum undulatum</i> (Sweet Pittosporum) and <i>Liquidambar styraciflua</i> (Sweetgum). A large <i>Angophora costata</i> (Sydney Red Gum) is marked on the tree survey however this is found in the adjoining property to the west within the school grounds.</p> <p>Although both the Blueberry Ash and the Sweet Pittosporum can be found in the STIF community, the Blueberry Ash is an uninformative species and the Sweet Pittosporum has become a prolific "seeder" (due to changed environmental conditions) and is now</p>	A.1.b

<p>found in many different vegetation communities as well as creating mono cultures if left unattended. The Sweetgum is an exotic tree (non-native) and as such the vegetation at this site cannot be considered as representative of the STIF community. This site was inspected by Council's landscape architects on 10th July 2018 and the above findings confirmed. See Section 4.9.</p>	
<p>It is proposed to excise 93 Willarong Road, Caringbah (Lot 1 DP 655508) from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities (specifically the <i>Sydney Turpentine-Ironbark Forest</i> or STIF) shown on OEH mapping are not present. Council resolved to remove this site from the Terrestrial Biodiversity map following an inspection by Council's landscape architect. The inspection established that Endangered Ecological Communities are not present on this site. The change has no impact on the development potential of the site because any development application lodged on the site would be able to demonstrate that there are no EECs present.</p> <p>The inspection at 93 Willarong Road was conducted following submission of an arborist's report as part of development application DA17/0771. The report prepared by Allied Tree Consultancy dated 24 February 2016 identifies the trees onsite as <i>Cedrus deodara</i> (Deodar Cypress) <i>Ilex aquifolium</i> (English Holly) <i>Cotoneaster sp.</i> (Cotoneaster) and <i>Cupressus macrocarpa var brunniana</i> (Brunnings cypress), which are all exotic trees (non-native) and as such are not of the STIF community. This was also confirmed by Council's landscape architect who inspected the site on 28th August 2017. See Section 4.9.</p>	A.1.c
<p>It is proposed to excise part of 551 President Avenue, Sutherland (St Patricks College School) from the Terrestrial Biodiversity Map because the lots have been inspected and endangered ecological communities (specifically the <i>Sydney Turpentine-Ironbark Forest</i> or STIF) shown on OEH mapping are not present. The land includes:</p> <ul style="list-style-type: none"> • Lots 1, 2, 3, 5, 6, 7, 8, 9, 10 in Section 44 of DP 802; • Lots 1 & 2 DP 326496; • Lots A & B DP 449596; • Lot 1 DP 881766; • Lot 1 DP 1015888; <p>Council resolved to remove these sites from the Terrestrial Biodiversity map following an inspection by Council's environmental scientists. The inspection established that Endangered Ecological Communities are not present on these sites. The change has no impact on the development potential of the sites because any development application lodged on the site would be able to demonstrate that there are no EECs present.</p> <p>Council received a submission from Robinson Urban Planning Pty Ltd, acting on behalf of Sydney Catholic Schools on 6 July 2018. The submission included advice and mapping from Eco Logical Australia Pty Ltd who had investigated the vegetation on the above sites. The investigation identified a small number of trees on the site including a mature <i>Eucalyptus punctata</i> and several other eucalyptus species which may be indicative of STIF. However much of the site's vegetation does not fall within the definition of STIF. Consequently the above lots are recommended by Eco Logical Australia to be removed from the Terrestrial Biodiversity Map. Lots containing any trees which are indicative of STIF will be retained in the Terrestrial Biodiversity Map.</p>	A.1.d

See Section 4.9.							
<p>It is proposed to excise 54 Belmont Street, Sutherland (Lot 1 DP 1015890) from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities are not present. Council resolved to remove this site from the Terrestrial Biodiversity map following an inspection by Council's environmental scientists. The change has no impact on the development potential of the site because any development application lodged on the site would be able to demonstrate that there are no EECs present. See Section 4.9.</p> <p>This site is part of the St Patrick's College School campus and was assessed in the advice and mapping from Eco Logical Australia Pty Ltd discussed above. The vegetation on this lot does not fall within the definition of STIF and therefore it can be removed from the Terrestrial Biodiversity Map.</p>	A.1.e						
<p>It is proposed to excise 130 Flora Street, Sutherland (Lot 4 DP 15941) from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities are not present. Council resolved to remove this site from the Terrestrial Biodiversity map following an inspection by Council's environmental scientists. The inspection established that Endangered Ecological Communities are not present on this site. The change has no impact on the development potential of the site because any development application lodged on the site would be able to demonstrate that there are no EECs present. See Section 4.9.</p> <p>This site is part of the St Patrick's College School campus and was assessed in the advice and mapping from Eco Logical Australia Pty Ltd discussed above. The vegetation on this lot does not fall within the definition of STIF and therefore it can be removed from the Terrestrial Biodiversity Map.</p>	A.1.f						
<p>It is proposed to excise 507, 511 & 515-521 President Avenue, Sutherland from the Terrestrial Biodiversity Map because the sites have been inspected and endangered ecological communities are not present. The land includes:</p> <ul style="list-style-type: none"> • Strata Plan 94756; • Lot 1 DP 1231961; • Strata Plan 55354; <p>Council resolved to remove these sites from the Terrestrial Biodiversity map following an inspection by Council's environmental scientists. The inspection established that Endangered Ecological Communities are not present on these sites. The change has no impact on the development potential of the sites because any development application lodged on the site would be able to demonstrate that there are no EECs present. See Section 4.9.</p> <p>These sites were assessed by Council's Environmental Science team at the same time as the St Patrick's College School site was inspected. The inspection identified the vegetation on these sites as a "<i>Mixture of exotics and natives not representative of the STIF community</i>" including:</p> <table border="1" data-bbox="204 1912 1241 2022"> <tr> <td><i>Casuarina glauca</i></td><td>Indigenous to Sutherland Shire however not found in STIF</td></tr> <tr> <td><i>Cedrus sps</i></td><td>Exotic</td></tr> <tr> <td><i>Jacaranda mimosifolia</i></td><td>Exotic</td></tr> </table>	<i>Casuarina glauca</i>	Indigenous to Sutherland Shire however not found in STIF	<i>Cedrus sps</i>	Exotic	<i>Jacaranda mimosifolia</i>	Exotic	A.1.g
<i>Casuarina glauca</i>	Indigenous to Sutherland Shire however not found in STIF						
<i>Cedrus sps</i>	Exotic						
<i>Jacaranda mimosifolia</i>	Exotic						

<i>Lophostemon confertus</i>	Native but not to Sutherland Shire as such not found in STIF
<i>Corymbia citriodora</i>	Native but not to Sutherland Shire as such not found in STIF
<i>Eucalyptus nicholii</i>	Native but not to Sutherland Shire as such not found in STIF
<i>Eucalyptus robusta</i>	Indigenous to Sutherland Shire however not found in STIF
<i>Eucalyptus scoparia</i>	Native but not to Sutherland Shire as such not found in STIF
<i>Macadamia integrifolia</i>	Native but not to Sutherland Shire as such not found in STIF
<i>Melaleuca quinquenervia</i>	Indigenous to Sutherland Shire however not found in STIF
<i>Pittosporum undulatum</i>	Although found in STIF, this species has become a prolific “seeder” (due to changed environmental conditions) and is now found in many vegetation communities as well as creating mono cultures if left unattended becoming a weed.
<i>Schinus molle</i>	Exotic
<i>Syzygium paniculatum</i>	Indigenous to Sutherland Shire however not found in STIF

The vegetation on these sites does not fall within the definition of STIF and therefore they can be removed from the Terrestrial Biodiversity Map.

It is proposed to excise 84-88 Glencoe Street, Sutherland (Strata Plan 64905) from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities are not present. Council resolved to remove this site from the Terrestrial Biodiversity map following an inspection by Council’s environmental scientists. The change has no impact on the development potential of the site because any development application lodged on the site would be able to demonstrate that there are no EECs present. See Section 4.9.

These sites were assessed by Council’s Environmental Science team at the same time as the St Patrick’s College School site was inspected. The inspection identified the vegetation on these sites as a “Mixture of exotics and natives not representative of the STIF community” including:

<i>Acmena smithii</i>	Indigenous to Sutherland Shire however not found in STIF
<i>Araucaria sps</i>	Native but not to Sutherland Shire as such not found in STIF
<i>Elaeocarpus reticulatus</i>	Although found in STIF, these are immature trees which have been ‘recently’ planted and are considered “Uninformative” species.
<i>Eucalyptus microcorys</i>	Native but not to Sutherland Shire as such not found in STIF
<i>Eucalyptus scoparia</i>	Native but not to Sutherland Shire as such not found in STIF
<i>Jacaranda mimosifolia</i>	Exotic

<i>Lophostemon confertus</i>	Native but not to Sutherland Shire as such not found in STIF
<i>Palm trees</i>	Exotic

The vegetation on these sites does not fall within the definition of STIF and therefore they can be removed from the Terrestrial Biodiversity Map.

It is proposed to excise 103-105, 110, 112, 114, 116, 118 & 120 Flora Street, Sutherland from the Terrestrial Biodiversity Map because the sites have been inspected and endangered ecological communities are not present. The land includes:

- Strata Plan 41980;
- Lots A & B in DP 431965;
- Lots 1, 2, 3 & 4 in DP 324080;

Council resolved to remove these sites from the Terrestrial Biodiversity map following an inspection by Council's environmental scientists. The inspection established that Endangered Ecological Communities are not present on these sites. The change has no impact on the development potential of the sites because any development application lodged on the site would be able to demonstrate that there are no EECs present. See Section 4.9.

These sites were assessed by Council's Environmental Science team at the same time as the St Patrick's College School site was inspected. The inspection identified the vegetation on these sites as a "Mixture of exotics and natives not representative of the STIF community" including:

These sites were assessed by Council's Environmental Science team at the same time as the St Patrick's College School site was inspected. The inspection identified the vegetation on the sites south of Flora Street (110-120 Flora Street) as a "*Much of the vegetation has been removed in this area or are exotic species.*" including:

<i>Conifer sps</i>	Exotic
<i>Corymbia citriodora</i>	Native but not to Sutherland Shire as such not found in STIF
<i>Lagerstroemia indica</i>	Exotic

The site north of Flora Street (103-105 Flora Street) was found to have "*Native plants but not representative of the STIF community*"

<i>Callistemon viminalis</i>	Native – cultivated & not found in STIF
<i>Casuarina glauca</i>	Indigenous to Sutherland Shire however not found in STIF
<i>Eucalyptus robusta</i>	Indigenous to Sutherland Shire however not found in STIF
<i>Melaleuca quinquenervia</i>	Indigenous to Sutherland Shire however not found in STIF

The vegetation on these sites does not fall within the definition of STIF and therefore they can be removed from the Terrestrial Biodiversity Map.

Additional Permitted Uses Map

A.1.i

It is proposed to extend Area B to all of the property at 25 Kangaroo Point Road, Kangaroo Point (Lot 1 DP 1218171) as this lot was resurveyed leading to a change to its mean high water mark. LEP layers need to be updated to ensure that consistent zoning and development standards apply across the entire lot. See Section 4.4.	A.5.a
It is proposed to extend the APU No. 17 Area to all of the property at 111 Princes Highway, Sylvania (Lot 55 DP 1215725) to correct a mapping anomaly. LEP layers need to be updated to ensure that consistent zoning and development standards apply across the entire lot. See Section 4.5.	A.6
It is proposed to create a new Additional Permitted Use over the area of the lot at 310 New Illawarra Road, Barden Ridge (Lot 1 DP 1229719) which is not deferred from <i>Sutherland Shire Local Environmental Plan 2015</i> . This change is intended to facilitate Exhibition homes and Exhibition villages as permissible with consent on this site, a new large residential subdivision. These uses are considered appropriate as it develops into a new residential community. See Section 4.10.	B.3
Natural Landform Map	
It is proposed to extend the Natural Landform area to all of the property at 25 Kangaroo Point Road, Kangaroo Point (Lot 1 DP 1218171). This lot was resurveyed leading to a change to its mean high water mark. LEP layers need to be updated to ensure that consistent zoning and development standards apply across the entire lot. See Section 4.4.	A.5.a
It is proposed to add the area of water adjacent to the property at 10 Gunnamatta Road, Cronulla to the Natural Landform area. This lot was resurveyed leading to a change to its mean high water mark that reduced the extent of the lot. LEP layers need to be updated to ensure that consistent zoning and development standards apply to water which was formerly within the lot boundary. See Section 4.6.	A.5.b
Land Reservation Acquisition Map	
It is proposed to excise the following lots from the land acquisition map as they have been acquired by the relevant public authorities.	A.8
These sites can be removed from the Land Reservation and Acquisition Map because they have been acquired by the relevant public authorities. See Section 4.11.	
<ul style="list-style-type: none"> 167 Forest Road, Gymea – Lot 54, DP 9303; This parcel is zoned SP2 Infrastructure and reserved for the purpose of “Transport Reservation” on the LRA map. Council’s land ownership records show that this parcel is in the possession of the “Roads & Traffic Authority Business Services Group”.	
<ul style="list-style-type: none"> 159 Sylvania Road, Miranda – Lot 7, DP12683; This parcel is zoned SP2 Infrastructure and reserved for the purpose of “Transport Reservation” on the LRA map. Council’s land ownership records show that this parcel is in the possession of the “Roads & Traffic Authority Business Services Group”.	
<ul style="list-style-type: none"> Railway Corridor at Como Parade, Como – Lot 195, DP1215612; 	

<p>This parcel is zoned SP2 Infrastructure and reserved for the purpose of “Railway Corridor” on the LRA map.</p> <p>Council’s land ownership records show that this parcel is in the possession of the “State Of New South Wales”.</p>	
<ul style="list-style-type: none"> 531-533 Woronora River Frontages, Barden Ridge – Part Lot 241, DP8755; & Part Lot 240A, DP18174; <p>These parcels are zoned E2 Environmental Conservation and reserved for the purpose of “Regional open space” on the LRA map.</p> <p>Council’s land ownership records show that these parcels are in the possession of the “Minister Administering The Environmental Planning And Assessment Act 1979”.</p>	
<ul style="list-style-type: none"> 2 Mawarra Avenue, Miranda – Lot 15, DP27544; <p>This parcel is zoned RE1 Public Recreation and reserved for the purpose of “Local open space” on the LRA map.</p> <p>Council’s land ownership records show that this parcel is in the possession of “Sutherland Shire Council”.</p>	
<ul style="list-style-type: none"> 1R & 2R Gidji Road, Miranda – Lots 2 & 3, DP1211461; <p>These parcels are zoned RE1 Public Recreation and reserved for the purpose of “Local open space” on the LRA map.</p> <p>Council’s land ownership records show that these parcels are in the possession of “Sutherland Shire Council”.</p>	
<ul style="list-style-type: none"> 112/1R & 97/1R The Esplanade, Sylvania – Lots 180 & 183, Section B, DP12157; <p>These parcels are zoned RE1 Public Recreation and reserved for the purpose of “Local open space” on the LRA map.</p> <p>Council’s land ownership records show that these parcels are in the possession of “Sutherland Shire Council”.</p>	
<ul style="list-style-type: none"> 159R-185R Woronora Crescent, Como – Lot 1, DP1194852; <p>This parcel is zoned RE1 Public Recreation and reserved for the purpose of “Local open space” on the LRA map.</p> <p>Council’s land ownership records show that this parcel is in the possession of “Sutherland Shire Council”.</p>	
Foreshores of Port Hacking, Georges River, Woronora River and Botany Bay Map	
<p>It is proposed to extend the “Foreshores of Port Hacking, Georges River, Woronora River and Botany Bay” area to all of the property at 25 Kangaroo Point Road, Kangaroo Point (Lot 1 DP 1218171). This lot was resurveyed leading to a change to its mean high water mark. LEP layers need to be updated to ensure that consistent zoning and development standards apply across the entire lot. See Section 4.4.</p>	A.5.a
Foreshore Building Line Map	
<p>It is proposed to extend the Foreshore Area to all of the property below the existing Foreshore Building Line at 25 Kangaroo Point Road, Kangaroo Point (Lot 1 DP 1218171). This lot was resurveyed leading to a change to its mean high water mark. LEP layers need to be updated to ensure that consistent zoning and development standards apply across the entire lot. See Section 4.4.</p>	A.5.a

<p>It is proposed to remove the Foreshore Area from all land and water at Shell Point where it is not adjacent to an existing mapped Foreshore Building Line. Precise mapped areas are shown in part 4 of this planning proposal. The adjacent land at Shell Point has been zoned IN4 Working Waterfront which is intended to facilitate further water based development and industrialisation of the foreshore in this area. This is one of the few remaining deep water industrial sites in Sydney and is therefore of great strategic importance for the continuation of maritime industry and services. The strategic employment value of the land is in conflict with the intent of clause “6.9 Limited development on foreshore area”. As such it is considered appropriate to remove the mapped foreshore area wherever it is not associated with a mapped foreshore building line. See Section 4.12.</p> <p>The standard instrument LEP defines foreshore area to mean “<i>the land between the foreshore building line and the mean high water mark of the nearest bay or river.</i>” Some water near Shell Point has been identified as a mapped foreshore area, however, this area does not have a corresponding mapped foreshore building line. As a result this foreshore area may not have any effect. If it does have effect despite the absence of a foreshore building line, then the provisions of clause “6.9 Limited development on foreshore area” aim to significantly limit development in the foreshore area and are not appropriate in this working waterfront location. Of specific importance, subclause (2) of clause 6.9 constitutes an effective prohibition on industrial development in the foreshore of a kind envisaged by the IN4 working waterfront zone:</p> <p>(2) Development consent must not be granted for development on the foreshore area except for the following:</p> <ul style="list-style-type: none"> <i>(a) the alteration, extension or rebuilding of an existing dwelling wholly or partly on the foreshore area if the footprint of the extension or alteration will not extend any further forward of the foreshore building line than the footprint of the existing dwelling,</i> <i>(b) the erection of a new dwelling on the foreshore area if there is no reasonable alternative that would allow a new dwelling to be located outside of the foreshore area,</i> <i>(c) development for the following purposes that does not significantly alter the shape, natural form or drainage of the foreshore area:</i> <ul style="list-style-type: none"> <i>(i) boat sheds,</i> <i>(ii) jetties,</i> <i>(iii) landscaped areas,</i> <i>(iv) sea retaining walls,</i> <i>(v) slipways,</i> <i>(vi) swimming pools (that are no higher than 300 millimetres above ground level),</i> <i>(vii) water recreation structures,</i> <i>(viii) waterway access stairs,</i> <i>(ix) inclinators,</i> <i>(d) the erection of a building on the foreshore area (other than a building referred to in paragraph (a), (b) or (c)), if the levels, depth or other exceptional features of the site make it appropriate to do so.</i> <p>The preferred mechanism for ensuring that this prohibition cannot apply to the IN4 working waterfront foreshore area is to edit the mapping in this location to remove</p>	A.11
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<p>the foreshore area where it is not adjacent to a foreshore building line. The alternative option of applying a foreshore building line would frustrate the interface between the IN4 working waterfront zone and the waterway. In this location, the strategic priority of protecting the coast and waterways must be balanced against the strategic function and intent of the IN4 working waterfront zone. The intent of the IN4 Working Waterfront zone at Shell Point is to facilitate direct access to the water and foreshore for industrial uses such as ship building, slipways and other facilities to support marine industry. This intent is frustrated by the presence of a mapped foreshore area and a foreshore building which would subject to the interpretation of SSLEP2015 clause 6.9 Limited development on foreshore area effectively prohibit development along the entire foreshore interface for the IN4 zone.</p>	
<p>It is proposed to remove the Foreshore Area from all land and water at Kurnell where it is not adjacent to an existing mapped Foreshore Building Line. Precise mapped areas shown in part 4 of this planning proposal.</p> <p>The standard instrument LEP defines foreshore area to mean “<i>the land between the foreshore building line and the mean high water mark of the nearest bay or river.</i>” Some areas of land and water near Kurnell has been identified as possessing a mapped foreshore area, however this area does not have a corresponding mapped foreshore building line. This foreshore area may not have any effect.</p> <p>The affected water to the south west of Kurnell is zoned W1 Natural waterways which provides considerable protection from development. This area is part of the Towra Point Aquatic Reserve. Removing the foreshore area from water in this location will not facilitate further development or allow greater environmental impacts.</p> <p>The affected foreshore land at Silver Beach north of Kurnell (adjacent to Prince Charles Parade) is predominantly zoned E2 Environmental Conservation and held in public ownership. Small sections of the beach are zoned IN3 Heavy Industrial and SP2 Infrastructure “Pipeline”. These industrial and infrastructure zones represent the areas where infrastructure for the Kurnell Caltex petroleum storage establishment cross the beach. This infrastructure is long established and unlikely to be affected by the foreshore area mapped in the LEP. Therefore, removing the foreshore area from beach will not facilitate further development or allow greater environmental impacts. See Section 4.12.</p>	<p>A.11</p>

Part 3 – The justification for those objectives, outcomes and the process for their implementation

Section A – Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not a result of a single strategic study or report. It responds to Council resolutions (PLN028-18, PLN037-18 & PLN041-18) to address outstanding matters which have been raised by Council Staff, Certifiers and members of the public in relation to the *Sutherland Shire Local Environmental Plan 2015*. The planning proposal is required to implement the decisions of Council to amend SSLEP2015 to resolve the identified issues.

Update to Land Reservation Acquisition Map

Council officers undertook a review of the Land Reservation Acquisition Map. During this review, several properties were identified as being required for removal from the map due to acquisition of the land by the relevant public authority.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only means to achieve the intended outcome as amendments to SSLEP2015 are required.

Section B – Relationship to strategic planning framework

Q3. 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)?

Assessment Criteria

a) Does the proposal have strategic merit? It is:

- *Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- *Consistent with a relevant local council strategy that has been endorsed by the Department; or*
- *Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

Yes, although the proposed amendments are predominantly administrative or minor in nature. The Planning Proposal aims to ensure quality outcomes for the long term benefit of the Sutherland Shire through ensuring the accuracy and consistency of its planning controls. The proposed changes are consistent with the broad policy directions contained within The Greater Sydney Region Plan: A Metropolis of Three Cities and the South District Plan. The specific directions and objectives of the Greater Sydney Region Plan and South District Plan are discussed below in relation to the Planning Proposal.

The Greater Sydney Region Plan: A Metropolis of Three Cities

A city supported by infrastructure

This direction seeks to better integrate land use and transport to improve walkability and establish the principle of the 30 minute city.

1. Infrastructure supports the three cities

- This planning proposal interacts with this objective around the following matter:
 - 150 Old Illawarra Road, Barden Ridge – Rezone from B1 Neighbourhood centre to RE1 Public Recreation – This site has been acquired and redeveloped for use as a public park. The site is located adjacent to a local school and is opposite a low density residential area. The change to a public park makes the local area more walkable by providing playground equipment within walking distance of homes and schools. Therefore this zone change is consistent with the objective of the plan.

2. Infrastructure aligns with forecast growth – growth infrastructure compacts

- This planning proposal interacts with this objective around the following matters:
 - Updates to the Land Acquisition and Reservation Map to remove land which has already been acquired by the relevant acquisition authority – Various Locations – These sites are currently identified for acquisition by a State agency or by Sutherland Shire Council. This layer functions as a list indicative land acquisitions and has been used by Council for the purpose of formulating development contributions plans, operational plans and budgets for the purpose of providing infrastructure. This layer is proposed to be updated so that it reflects outstanding land acquisitions only and not those that have been completed. This is consistent with the objective and direction because it simplifies the administrative processes which Council uses to acquire land for future public infrastructure such as public open space, drainage and other purposes.

3. Infrastructure adapts to meet future needs

- This planning proposal interacts with this objective around the following matter:
 - 150 Old Illawarra Road, Barden Ridge – Rezone from B1 Neighbourhood centre to RE1 Public Recreation – This site has been acquired and redeveloped for use as a public park. The site is located near a land release area at 150 New Illawarra Road, Barden Ridge which is in the process of subdivision for the purpose of residential housing. The public park in this location is the nearest local park to this new subdivision and forms part of Council's infrastructure investments to meet the future needs of residents in the areas. Therefore this zone change is consistent with the objective of the plan.

4. Infrastructure use is optimised

- This planning proposal does not contain any matters which directly interact with the optimisation of infrastructure usage.

A collaborative city

5. Benefits of growth realised by collaboration of governments, community and business

- This planning proposal interacts with this objective around the following matters:
 - Updates to the Land Acquisition and Reservation Map to remove land which has already been acquired by the relevant acquisition authority – Various Locations – These sites are currently identified for acquisition by a State agency or by Sutherland Shire Council. This layer functions as a list indicative land acquisitions which is common to Council and State Agencies which may otherwise be unaware of each other's intentions on land acquisition. Keeping this layer updated ensures that consistent and correct information is provided to all relevant parties to facilitate collaboration. This is consistent with the objective and direction because it facilitates a collaborative approach to infrastructure provision.

A city for people

6. Services and infrastructure meet communities' changing needs

- This planning proposal interacts with this objective around the following matter:
 - 150 Old Illawarra Road, Barden Ridge – Rezone from B1 Neighbourhood centre to RE1 Public Recreation – This site has been acquired and redeveloped for use as a public park. The site is located near a land release area at 150 New Illawarra Road, Barden Ridge which is in the process of subdivision for the purpose of residential housing. The public park in this location is the nearest local park to this new subdivision and forms part of Council's infrastructure investments to meet the future needs of residents in the areas. Therefore this zone change is consistent with the objective of the plan.

7. Communities are healthy, resilient and socially connected

- This planning proposal interacts with this objective around the following matter:
 - 150 Old Illawarra Road, Barden Ridge – Rezone from B1 Neighbourhood centre to RE1 Public Recreation – This site has been acquired and redeveloped for use as a public park. The site is located adjacent to a local school and is opposite a low density residential area. The use of the site as a public park contributes to the health and wellbeing of the community by encouraging physical activity and social interaction for children and their parents. Therefore this zone change is consistent with the objective of the plan.

8. Greater Sydney's communities are culturally rich with diverse neighbourhoods

- This planning proposal does not contain any matters which directly interact with this objective.

9. Greater Sydney celebrates the arts and supports creative industries and innovation

- This planning proposal does not contain any matters which directly interact with this objective.

Housing the city

10. Greater housing supply

- This planning proposal interacts with this objective around the following matters:
 - Permit 'Exhibition homes' and 'Exhibition villages' with development consent in the R2 Low Density Residential and R3 Medium Density Residential zones & via an Additional Permitted Use at 150 New Illawarra Road, Barden Ridge – These uses facilitate housing supply by providing residents with an opportunity to inspect new home designs in locations convenient to them. Council understands that home builders who offer secondary dwelling and dual occupancy products are particularly interested in demonstrating examples of their products. These uses operate for a period of several years before reverting to dwellings, ensuring that any direct negative impacts on housing supply are temporary. Therefore, this planning change facilitates efficient operation of the housing market within the Sutherland Shire and contributes to housing supply.
 - Address matters relating to clause 4.1A and 4.1B. At present several issues existing around the drafting and operation of clauses which restrict subdivision for specific uses and zones. These issues create barriers to housing provision and development by potentially preventing stratum subdivision of mixed use buildings, prevent creation of new strata plans and strata lots and create uncertainty around the operation of conflicting provisions. These issues inhibit housing supply by directly preventing development that creates new housing supply, or by creating uncertainty which discourages applicants from trying to create new housing. Resolving these issues will remove barriers to new housing supply and therefore facilitates greater housing supply.
 - Correct a drafting anomaly in Clause 6.14 created by the introduction of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 – This clause provides for a minimum landscaped area requirement in residential and industrial zones. The clause contains an incentive provision which allows more flexibility around the amount of landscaped area provided that an existing tree (to which clause 5.9 applies) is retained as part of the development. The introduction of the SEPP and consequent changes to the standard instrument LEP removed clause 5.9, but did not update references within clause 6.14. Therefore, the incentive provision in clause 6.14 no longer operates. By fixing this reference, the proposed change assists housing supply by restoring flexibility around the landscaped area development standard.

11. Housing is more diverse and affordable

- This planning proposal interacts with this objective around the following matter:
 - Address matters relating to clause 4.1A and 4.1B. At present several issues existing around the drafting and operation of clauses which restrict subdivision for specific uses and zones. These issues create barriers to housing provision and development by potentially preventing stratum subdivision of mixed use buildings, prevent creation of new strata plans and strata lots and create uncertainty around the operation of conflicting

provisions. Part of the proposed changes involve resolution of ambiguities around the conditions where subdivision requirements apply. Resolving these issues will remove barriers and risks to the provision of new housing supply in higher density and mixed use formats, therefore improving housing diversity and affordability. Clarifying the policy position on dual occupancy subdivision in zone E3 Environmental Management will not reduce housing affordability or diversity because the existing policy position is already a defacto prohibition on subdivision and the zone does not made a significant contribution to housing supply.

A city of great places

12. Great places that bring people together

- This planning proposal does not contain any matters which directly interact with this objective.

13. Environmental heritage is identified, conserved and enhanced

- This planning proposal does not contain any matters which directly interact with this objective.

A well-connected city

14. A Metropolis of Three Cities – integrated and use and transport creates walkable and 30-minute cities

- This planning proposal does not contain any matters which directly interact with this objective.

15. The Eastern, GOP and Western Economic Corridors are better connected and more competitive

- This planning proposal does not contain any matters which directly interact with this objective.

16. Freight and logistics network is competitive and efficient

- This planning proposal does not contain any matters which directly interact with this objective.

17. Regional connectivity is enhanced

- This planning proposal does not contain any matters which directly interact with this objective.

Jobs and skills for the city

18. Harbour CBD is stronger and more competitive

- This planning proposal does not contain any matters which directly interact with this objective.

19. Greater Parramatta is stronger and better connected

- This planning proposal does not contain any matters which directly interact with this objective.

20. Western Sydney Airport and Badgerys Creek Aerotropolis are economic catalysts for Western Parkland City

- This planning proposal does not contain any matters which directly interact with this objective.

21. Internationally competitive health, education, research and innovation precincts

- This planning proposal does not contain any matters which directly interact with this objective.

22. Investment and business activity in centres

- This planning proposal seeks to correct a minor zoning anomaly at 111 Princes Highway, Sylvania which has at present created an unnecessary split zoning across the property. By addressing this split zoning, the planning proposal will simplify the planning controls applying to the site. This will remove unnecessary administrative barriers to development of the site that would complicate an approvals process without materially changing the development outcome. Therefore, this planning proposal is consistent with this direction.

23. Industrial and urban services land is planned, retained and managed

- This planning proposal interacts with this objective around the following matters:
 - Rezone 1770-1776 Princes Highway, Waterfall – Lot 1 in DP 1030102 and the Kummera Street Road Reserve from IN1 General Industrial to E1 National Parks and Reserves and remove unnecessary development standards. This change is proposed because the land at 1770-1776 Princes Highway, Waterfall was gazetted as part of the National Parks Estate in 2016. Council is obliged by Department of Planning practice notes such as *PN 09-002 Environment Protection Zones* which states: “*E1 National Parks and Nature Reserves This zone is for existing national parks, nature reserves and conservation areas and new areas proposed for reservation that have been identified and agreed by the NSW Government.*”
It is conceded that the rezoning of industrial land is not generally consistent with the “*retain and manage approach*” of the Sydney Region Plan and the South District Plan. However, this land has already been gazetted as National Park and therefore there is no possibility that it will be used for an industrial or urban services purpose even if its industrial zoning is retained. The rezoning therefore does not diminish the amount of industrial and urban services land available in the Sutherland Shire, the South District or Greater Sydney more generally. Therefore, any inconsistency with the Greater Sydney Region Plan on this matter is not of practical significance.
 - Remove the mapped Foreshore Area from location at Shell Point where a mapped foreshore building line is not in place. The intent of the IN4 Working Waterfront zone at Shell Point is to facilitate direct access to the water and foreshore for industrial uses such as ship building, slipways and other facilities to support marine industry. This intent is confused by the presence of a mapped foreshore area which subject to the interpretation of clause 6.9

Limited development on foreshore area and the standard instrument definition of *foreshore area* may effectively prohibit development along the entire foreshore interface for the IN4 zone. The strategic need to facilitate managed access to the waterway for industrial uses is not compatible with the presence of the foreshore area in this location. Removal of the foreshore area in this location is therefore consistent with this direction of the Greater Sydney Region Plan.

24. Economic sectors are targeted for success

- This planning proposal does not contain any matters which directly interact with this objective.

A city in its landscape

25. The coast and waterways are protected and healthier

- This planning proposal interacts with this objective around the following matters:
 - Remove the mapped Foreshore Area from locations at Kurnell and Shell Point where a mapped foreshore building line is not in place.,
 - In both locations, the mapped foreshore area may have no statutory effect because it is not paired with a mapped foreshore building line. The definition of *foreshore area* “..means the land between the foreshore building line and the mean high water mark of the nearest bay or river.” assumes the presence of a corresponding foreshore building line.
 - At Shell Point resolving the ambiguity by applying a foreshore building line would frustrate the interface between the IN4 working waterfront zone and the waterway. In this location, the strategic priority of protecting the coast and waterways must be balanced against the strategic function and intent of the IN4 working waterfront zone. The intent of the IN4 Working Waterfront zone at Shell Point is to facilitate direct access to the water and foreshore for industrial uses such as ship building, slipways and other facilities to support marine industry. This intent is frustrated by the presence of a mapped foreshore area and a foreshore building which would subject to the interpretation of SSLEP2015 clause 6.9 *Limited development on foreshore area* effectively prohibit development along the entire foreshore interface for the IN4 zone.
 - At Kurnell the foreshore area is an unnecessary overlay in locations where land and water are fully publicly owned and are therefore unlikely to develop further. Applying a foreshore building line in these locations would not result in any additional protection or environmental benefit. One of the areas is part of the Towra Point Aquatic Reserve at Quibray Bay which creates a level of protection far in excess of the LEP’s mapped foreshore area. The other area on the beach near Prince Charles Parade encompasses crown land and water on a public beach where there is no interface with private property to regulate.

- Therefore, the planning proposal does not diminish the protection or health of the coast and waterways, and is substantially consistent with this direction.

26. A cool and green parkland city in the South Creek corridor

- This planning proposal does not contain any matters which directly interact with this objective.

27. Biodiversity is protected, urban bushland and remnant vegetation is enhanced

- This planning proposal does not contain any matters which directly interact with this objective.

28. Scenic and cultural landscapes are protected

- This planning proposal does not contain any matters which directly interact with this objective.

29. Environmental, social and economic values in rural areas are protected and enhanced

- This planning proposal does not contain any matters which directly interact with this objective.

30. Urban tree canopy cover is increased

- This planning proposal interacts with this objective around the following matters:
 - Correct a drafting anomaly in Clause 6.14 created by the introduction of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* – This clause provides for a minimum landscaped area requirement in residential and industrial zones. The clause contains an incentive provision which allows more flexibility around the amount of landscaped area provided that an existing tree (to which clause 5.9 applies) is retained as part of the development. The introduction of the SEPP and consequent changes to the standard instrument LEP removed clause 5.9, but did not update references within clause 6.14. Therefore, the incentive provision in clause 6.14 no longer operates. By fixing this reference, the proposed change will restore this incentive to retain trees on development sites, thereby contributing to increased canopy cover.

31. Public open space is accessible, protected and enhanced

- This planning proposal interacts with this objective around the following matter:
 - 150 Old Illawarra Road, Barden Ridge – Rezone from B1 Neighbourhood centre to RE1 Public Recreation – This site has been acquired and redeveloped for use as a public park. The site is located adjacent to a local school and is opposite a low density residential area. This proposed zone change helps to ensure the land will remain public open space into the future and is therefore consistent with this direction.

32. The Green Grid links parks, open spaces, bushland and walking and cycling paths

- This planning proposal does not contain any matters which directly interact with this objective.

An efficient city

33. A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change

- This planning proposal does not contain any matters which directly interact with this objective.

34. Energy and water flows are captured, used and re-used

- This planning proposal does not contain any matters which directly interact with this objective.

35. More waste is re-used and recycled to support the development of a circular economy

- This planning proposal does not contain any matters which directly interact with this objective.

A resilient city

36. People and places adapt to climate change and future shocks and stresses

- This planning proposal does not contain any matters which directly interact with this objective.

37. Exposure to natural and urban hazards is reduced

- This planning proposal does not contain any matters which directly interact with this objective.

38. Heatwaves and extreme heat are managed

- This planning proposal does not contain any matters which directly interact with this objective.

Implementation

39. A collaborative approach to city planning

- This planning proposal does not contain any matters which directly interact with this objective.

40. Plans refined by monitoring and reporting

- This planning proposal does not contain any matters which directly interact with this objective.

The South District Plan

Infrastructure and collaboration

S1. Planning for a city supported by infrastructure

- This planning proposal interacts with this objective around the following matters:
 - 150 Old Illawarra Road, Barden Ridge – Rezone from B1 Neighbourhood centre to RE1 Public Recreation – This site has been acquired and

redeveloped for use as a public park. The site is located near a land release area at 150 New Illawarra Road, Barden Ridge which is in the process of subdivision for the purpose of residential housing. The public park in this location is the nearest local park to this new subdivision and forms part of Council's infrastructure investments to meet the future needs of residents in the areas. Therefore this zone change is consistent with the objective of the plan.

- Updates to the Land Acquisition and Reservation Map to remove land which has already been acquired by the relevant acquisition authority – Various Locations – These sites are currently identified for acquisition by a State agency or by Sutherland Shire Council. This layer functions as a list indicative land acquisitions and has been used by Council for the purpose of formulating development contributions plans, operational plans and budgets for the purpose of providing infrastructure. This layer is proposed to be updated so that it reflects outstanding land acquisitions only and not those that have been completed. This is consistent with the objective and direction because it simplifies the administrative processes which Council uses to acquire land for future public infrastructure such as public open space, drainage and other purposes.

S2. Working through collaboration

- This planning proposal interacts with this objective around the following matters:
 - Updates to the Land Acquisition and Reservation Map to remove land which has already been acquired by the relevant acquisition authority – Various Locations – These sites are currently identified for acquisition by a State agency or by Sutherland Shire Council. This layer functions as a list indicative land acquisitions which is common to Council and State Agencies which may otherwise be unaware of each other's intentions on land acquisition. Keeping this layer updated ensures that consistent and correct information is provided to all relevant parties to facilitate collaboration. This is consistent with the objective and direction because it facilitates a collaborative approach to infrastructure provision.

Liveability

S3. Providing services and social infrastructure to meet people's changing needs

- This planning proposal interacts with this objective around the following matter:
 - 150 Old Illawarra Road, Barden Ridge – Rezone from B1 Neighbourhood centre to RE1 Public Recreation – This site has been acquired and redeveloped for use as a public park. The site is located near a land release area at 150 New Illawarra Road, Barden Ridge which is in the process of subdivision for the purpose of residential housing. The public park in this location is the nearest local park to this new subdivision and forms part of Council's infrastructure investments to meet the future needs of residents in

the areas. Therefore this zone change is consistent with the objective of the plan.

S4. Fostering health, creative, culturally rich and socially connected communities

- This planning proposal interacts with this objective around the following matter:
 - 150 Old Illawarra Road, Barden Ridge – Rezone from B1 Neighbourhood centre to RE1 Public Recreation – This site has been acquired and redeveloped for use as a public park. The site is located adjacent to a local school and is opposite a low density residential area. The use of the site as a public park contributes to the health and wellbeing of the community by encouraging physical activity and social interaction for children and their parents. Therefore this zone change is consistent with the objective of the plan.

S5. Providing housing supply, housing choice and affordability with access to jobs, services and public transport

- This planning proposal interacts with this objective around the following matters:
 - Permit 'Exhibition homes' and 'Exhibition villages' with development consent in the R2 Low Density Residential and R3 Medium Density Residential zones & via an Additional Permitted Use at 150 New Illawarra Road, Barden Ridge – These uses facilitate housing supply by providing residents with an opportunity to inspect new home designs in locations convenient to them. Council understands that home builders who offer secondary dwelling and dual occupancy products are particularly interested in demonstrating examples of their products. These uses operate for a period of several years before reverting to dwellings, ensuring that any direct negative impacts on housing supply are temporary. Therefore, this planning change facilitates efficient operation of the housing market within the Sutherland Shire and contributes to housing supply.
 - Address matters relating to clause 4.1A and 4.1B. At present several issues existing around the drafting and operation of clauses which restrict subdivision for specific uses and zones. These issues create barriers to housing provision and development by potentially preventing stratum subdivision of mixed use buildings, prevent creation of new strata plans and strata lots and create uncertainty around the operation of conflicting provisions. These issues inhibit housing supply by directly preventing development that creates new housing supply, or by creating uncertainty which discourages applicants from trying to create new housing. Resolving these issues will remove barriers to new housing supply and therefore facilitates greater housing supply. Clarifying the policy position on dual occupancy subdivision in zone E3 Environmental Management will not reduce housing affordability or diversity because the existing policy position is already a defacto prohibition on subdivision and the zone does not made a significant contribution to housing supply.
 - Correct a drafting anomaly in Clause 6.14 created by the introduction of State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017 –

This clause provides for a minimum landscaped area requirement in residential and industrial zones. The clause contains an incentive provision which allows more flexibility around the amount of landscaped area provided that an existing tree (to which clause 5.9 applies) is retained as part of the development. The introduction of the SEPP and consequent changes to the standard instrument LEP removed clause 5.9, but did not update references within clause 6.14. Therefore, the incentive provision in clause 6.14 no longer operates. By fixing this reference, the proposed change assists housing supply by restoring flexibility around the landscaped area development standard.

S6. Creating and renewing great places and local centres, and respecting the District's heritage

- This planning proposal does not contain any matters which directly interact with this objective.

Productivity

S7. Growing and investing in the ANSTO research and innovation precinct

- This planning proposal does not contain any matters which directly interact with this objective.

S8. Growing and investing in health and education precincts and Bankstown Airport trade gateway as economic catalysts for the District

- This planning proposal does not contain any matters which directly interact with this objective.

S9. Growing investment, business opportunities and jobs in strategic centres

- This planning proposal seeks to correct a minor zoning anomaly at 111 Princes Highway, Sylvania which has at present created an unnecessary split zoning across the property. By addressing this split zoning, the planning proposal will simplify the planning controls applying to the site. This will remove unnecessary administrative barriers to development of the site that would complicate an approvals process without materially changing the development outcome. Therefore, this planning proposal is consistent with this direction.

S10. Retaining and managing industrial and urban services land

- This planning proposal interacts with this objective around the following matters:
 - Rezone 1770-1776 Princes Highway, Waterfall – Lot 1 in DP 1030102 and the Kummera Street Road Reserve from IN1 General Industrial to E1 National

Parks and Reserves and remove unnecessary development standards. This change is proposed because the land at 1770-1776 Princes Highway, Waterfall was gazetted as part of the National Parks Estate in 2016. Council is obliged by Department of Planning practice notes such as *PN 09-002 Environment Protection Zones* which states: “*E1 National Parks and Nature Reserves This zone is for existing national parks, nature reserves and conservation areas and new areas proposed for reservation that have been identified and agreed by the NSW Government.*”

It is conceded that the rezoning of industrial land is not generally consistent with the “*retain and manage approach*” of the Sydney Region Plan and the South District Plan. However, this land has already been gazetted as National Park and therefore there is no possibility that it will be used for an industrial or urban services purpose even if its industrial zoning is retained. The rezoning therefore does not diminish the amount of industrial and urban services land available in the Sutherland Shire, the South District or Greater Sydney more generally. Therefore, any inconsistency with the Greater Sydney Region Plan on this matter is not of practical significance.

- Remove the mapped Foreshore Area from location at Shell Point where a mapped foreshore building line is not in place. The intent of the IN4 Working Waterfront zone at Shell Point is to facilitate direct access to the water and foreshore for industrial uses such as ship building, slipways and other facilities to support marine industry. This intent is confused by the presence of a mapped foreshore area which subject to the interpretation of clause 6.9 Limited development on foreshore area and the standard instrument definition of foreshore area may effectively prohibit development along the entire foreshore interface for the IN4 zone. The strategic need to facilitate managed access to the waterway for industrial uses is not compatible with the presence of the foreshore area in this location. Removal of the foreshore area in this location is therefore consistent with this direction of the Greater Sydney Region Plan.

S11. Supporting growth of targeted industry sectors

- This planning proposal does not contain any matters which directly interact with this objective.

S12. Delivering integrated land use and transport planning and a 30-minute city

- This planning proposal does not contain any matters which directly interact with this objective.

Sustainability

S13. Protecting and improving the health and enjoyment of the District’s waterways

- This planning proposal interacts with this objective around the following matters:

- Remove the mapped Foreshore Area from locations at Kurnell and Shell Point where a mapped foreshore building line is not in place.,
 - In both locations, the mapped foreshore area may have no statutory effect because it is not paired with a mapped foreshore building line. The definition of *foreshore area* “..means the land between the foreshore building line and the mean high water mark of the nearest bay or river.” assumes the presence of a corresponding foreshore building line.
 - At Shell Point resolving the ambiguity by applying a foreshore building line would frustrate the interface between the IN4 working waterfront zone and the waterway. In this location, the strategic priority of protecting the coast and waterways must be balanced against the strategic function and intent of the IN4 working waterfront zone. The intent of the IN4 Working Waterfront zone at Shell Point is to facilitate direct access to the water and foreshore for industrial uses such as ship building, slipways and other facilities to support marine industry. This intent is frustrated by the presence of a mapped foreshore area and a foreshore building which would subject to the interpretation of SSLEP2015 clause 6.9 *Limited development on foreshore area* effectively prohibit development along the entire foreshore interface for the IN4 zone.
 - At Kurnell the foreshore area is an unnecessary overlay in locations where land and water are fully publicly owned and are therefore unlikely to develop further. Applying a foreshore building line in these locations would not result in any additional protection or environmental benefit. One of the areas is part of the Towra Point Aquatic Reserve at Quibray Bay which creates a level of protection far in excess of the LEP’s mapped foreshore area. The other area on the beach near Prince Charles Parade encompasses crown land and water on a public beach where there is no interface with private property to regulate.
 - Therefore, the planning proposal does not diminish the protection or health of the coast and waterways, and is substantially consistent with this direction.

S14. Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas

- This planning proposal does not contain any matters which directly interact with this objective.

S15. Increasing urban tree canopy cover and delivering green grid connections

- This planning proposal interacts with this objective around the following matters:
 - Correct a drafting anomaly in Clause 6.14 created by the introduction of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017* –

This clause provides for a minimum landscaped area requirement in residential and industrial zones. The clause contains an incentive provision which allows more flexibility around the amount of landscaped area provided that an existing tree (to which clause 5.9 applies) is retained as part of the development. The introduction of the SEPP and consequent changes to the standard instrument LEP removed clause 5.9, but did not update references within clause 6.14. Therefore, the incentive provision in clause 6.14 no longer operates. By fixing this reference, the proposed change will restore this incentive to retain trees on development sites, thereby contributing to increased canopy cover.

S16. Delivering high quality open space

- This planning proposal interacts with this objective around the following matter:
 - 150 Old Illawarra Road, Barden Ridge – Rezone from B1 Neighbourhood centre to RE1 Public Recreation – This site has been acquired and redeveloped for use as a public park. The site is located adjacent to a local school and is opposite a low density residential area. This proposed zone change helps to ensure the land will remain public open space into the future and is therefore consistent with this direction.

S17. Reducing carbon emissions and managing energy, water and waste efficiently

- This planning proposal does not contain any matters which directly interact with this objective.

S18. Adapting to the impacts of urban and natural hazards and climate change

- This planning proposal does not contain any matters which directly interact with this objective.

Implementation

S19. Preparing local strategic planning statements informed by local strategic planning

- This planning proposal does not contain any matters which directly interact with this objective.

S20. Monitoring and reporting on the delivery of the Plan

- This planning proposal does not contain any matters which directly interact with this objective.

b) Does the proposal have site specific merit, having regard to the following:

- *The natural environment (including known significant environmental values, resources or hazards) and*
- *The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- *The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

Some of the proposed amendments are intended to better protect the environment by applying appropriate zoning and development standards.

Other amendments will remove unnecessary site specific anomalies, mistakes or inconsistencies that add complexity to the planning system without benefiting the environment.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Council's Community Strategic Plan: *Our Community Plan* endorses the following priority which this planning proposal seeks to pursue:

2.2.3 Encourage responsible urban planning which balances growth with environmental sustainability.

This planning proposal seeks to streamline the operation of the plan and is therefore consistent with the Community Strategic Plan.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes the planning proposal is generally consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs.

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment	Creates a set of principles to protect the environmental qualities of the Georges River Catchment. The Planning proposal proposes minor mapping changes affecting land within the Georges River Catchment.	Yes - The planning proposal does not seek to materially alter the development potential of land in the catchment area. Changes are minor and generally administrative in nature.
State Environmental Planning Policy (Affordable Rental Housing) 2009	None. No provisions of the Planning Proposal affect development for the purposes of affordable rental housing.	N/A

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	None. No provisions of the Planning Proposal affect the environmental performance characteristics of residential dwellings.	N/A
State Environmental Planning Policy (Coastal Management) 2018	None. No provisions of the Planning Proposal seek to introduce controls which would conflict with the Coastal Management SEPP.	N/A
State Environmental Planning Policy (Concurrences) 2018	None. No provisions of the Planning Proposal affect the concurrence and integrated development arrangements of this SEPP.	
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	None. No provisions of the Planning Proposal affect development for the purposes of educational establishments or child care facilities.	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	None. No provisions of the Planning Proposal affect exempt and complying development policy.	N/A
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	None. No provisions of the Planning Proposal affect development for the purposes of housing for seniors or people with a disability.	N/A
State Environmental Planning Policy (Infrastructure) 2007	None. No provisions of the Planning Proposal affect development for the purposes of infrastructure.	N/A
State Environmental Planning Policy (Kosciuszko)	None - Does not apply to land under SSLEP2015	N/A

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
National Park—Alpine Resorts) 2007		
State Environmental Planning Policy (Kurnell Peninsula) 1989	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	None. No provisions of the Planning Proposal affect development for the purposes of mining, petroleum production and extractive industries.	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	None. No provisions of the Planning Proposal affect development for the purposes regulated under this SEPP.	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (Primary Production and Rural Development) 2019	None. No provisions of the Planning Proposal affect development for the purposes of primary production or rural development.	N/A
State Environmental Planning Policy (State and Regional Development) 2011	None. No provisions of the Planning Proposal affect development classed as State Significant Development or Regional Development.	N/A
State Environmental Planning Policy (State Significant Precincts) 2005	None. No provisions of the Planning Proposal affect projects or sites regulated under this SEPP.	N/A
State Environmental Planning Policy	None. No provisions of the Planning Proposal affect	N/A

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
(Sydney Drinking Water Catchment) 2011	projects or sites regulated under this SEPP.	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (Three Ports) 2013	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (Urban Renewal) 2010	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	Creates a state-wide framework for assessing applications to remove and manage vegetation. The Planning Proposal seeks to make consequential amendments to LEP provisions which referred to the now repealed clauses 5.9 and 5.9AA of the Standard Instrument LEP.	Yes - The planning proposal simply seeks to implement the SEPP within the existing provisions of the LEP.
State Environmental Planning Policy (Western Sydney Employment Area) 2009	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy No 19—Bushland in Urban Areas	Requires Council to have regard to the aims of the policy and give priority to retention of bushland. The Planning Proposal seeks to rezone some areas of Bushland to E1 National Parks from their existing zones. This reflects their gazettal as National Park.	Yes - The Planning Proposal seeks to recognise and implement the expansion of the National Parks estate and is entirely consistent with the SEPP.

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 1—Development Standards	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy No 21—Caravan Parks	None. No provisions of the Planning Proposal affect development for the purposes of caravan parks.	N/A
State Environmental Planning Policy No 33—Hazardous and Offensive Development	None. No provisions of the Planning Proposal affect development for the purposes of hazardous or offensive development.	N/A
State Environmental Planning Policy No 36—Manufactured Home Estates	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy No 44—Koala Habitat Protection	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy No 47—Moore Park Showground	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy No 50—Canal Estate Development	None. No provisions of the Planning Proposal affect development for the purposes of Canal Estates.	N/A
State Environmental Planning Policy No 55—Remediation of Land	The Planning Proposal does not seek to materially change the development potential of any land which is known to be contaminated.	N/A
State Environmental Planning Policy No 64—Advertising and Signage	None. No provisions of the Planning Proposal affect development for the purposes of Advertising and Signage.	N/A

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	None. No provisions of the Planning Proposal affect development for the purposes of Residential Apartments.	N/A
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	None. No provisions of the Planning Proposal affect development for the purposes of affordable housing.	N/A
Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)	None. No provisions of the Planning Proposal affect development for the purposes of extractive industries.	N/A

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 and s.9.1 directions)?

Yes the planning proposal is generally consistent with the applicable s9.1 Ministerial Directions. Relevant Directions are discussed in detail below:

1.1 - Business and Industrial Zones

This direction applies because the planning proposal includes an adjustment of relevant zone boundaries for the following matters:

- B6 Enterprise Corridor zone boundary at 111 Princes Highway, Sylvania
- B4 Mixed Use zone boundary at 580 Princes Highway, 1 Village Place, 39 & 45 Flora Street, Kirrawee

The intention of both matters is to realign zone boundaries between business and industrial zones to match the relevant property boundaries. The proposal gives effect to the objectives and mandatory outcomes of the direction because it:

- Corrects a minor anomaly on land which is intended for employment growth;
- Protects employment land in business and industrial zones by reducing complexity associated with split zones;
- Supports the viability of the existing identified centres by reducing planning complexity within them;
- Retains the areas of existing centres and employment zones;
- Does not decrease the total floor space potential for employment in business zones or industry in industrial zones;
- Does not relate to a new employment area.

Therefore, this planning proposal is consistent with this direction.

2.1 - Environment Protection Zones

This direction applies to all planning proposals by all relevant planning authorities.

This proposal gives effect to the objective and mandatory outcomes of the direction because it:

- Does not alter the existing protections for environmentally sensitive areas;
- Recognises the enhanced protection of land within the National Parks Estate by rezoning it to E1 National Parks;
- Deals generally with minor administrative matters that have no significant environmental impact.

The proposal seeks to improve the reliability of the terrestrial biodiversity map and consequently may depart from the direction in a minor fashion. Requirement number (5) of the direction states:

“A planning proposal that applies to land within an environment protection zone or land otherwise identified for environmental protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land).”

The proposal may depart from the letter of this direction because it seeks to remove some properties from the Terrestrial Biodiversity map. These properties are only being removed because an inspection by a qualified professional has confirmed that they do not contain a listed Endangered Ecological Community (EEC) (See Objective A.1). These sites are located in urban areas, are already developed for a school or for residential purposes and as noted, do not contain an EEC that would justify special protection by inclusion in this LEP layer. In practice, the terrestrial biodiversity map functions as a flag to development assessment officers and applicants to investigate the vegetation on the site as part of the planning process. A secondary consequence of this map applying to land is that some forms of complying development cannot be used.

Removal of these properties from this map is considered justified in this instance because the onsite vegetation has been confirmed not to be an EEC. The alternative of leaving these properties in the map despite knowing that the vegetation does not deserve special protection, is not acceptable because it would undermine confidence in the accuracy of this layer. Consequently a minor departure from the precise wording of part (5) of the direction is justified in order to better satisfy the broader objective of the direction.

2.2 - Coastal Management

This direction applies to all planning proposals affecting land within the coastal zone.

This planning proposal gives effect to the objectives and mandatory outcomes of the direction because it:

- Does not seek to affect the management of coastal areas of NSW.
- Does not seek to make changes which are relevant to the Coastal Management Act 2016, NSW Coastal Management Manual, NSW Coastal Design Guidelines 2003 or any Coastal Zone Management Plan under the former act.
- Does not rezone land to facilitate more intensive land uses within a coastal vulnerability area and does not seek to amend any of the maps contained within the Coastal Management SEPP 2018.

A key requirement of this direction is that *“A planning proposal must not rezone land which would enable increased development or more intensive land-use on land: ...*

.. (b) that has been identified as land affected by a current or future coastal hazard in a local environmental plan or development control plan, or a study or assessment undertaken:

(i) by or on behalf of the relevant planning authority and the planning proposal authority, or

(ii) by or on behalf of a public authority and provided to the relevant planning authority and the planning proposal authority.”

The proposal may appear to depart from the requirement in a minor fashion in that it is proposing to rezone a small area of a waterfront property at 25 Kangaroo Point Road, Kangaroo Point and adjust mapping to reflect a recent resurvey of the land and mean high water mark (objective A.5.a). This land is identified as affected by future sea level rise (a coastal hazard) by a study undertaken by Sutherland Shire Council. However, in practice this does not enable any further development of the site beyond its current use because the change does not affect its development potential under the E3 Environmental Management zone. This is because the changes will occur within an extension of

the protected foreshore area that limits development regardless of the zoning. Therefore this change does not create further development potential.

Similarly the Planning Proposal is intending to correct an unintentional zone change which affects a single boat shed lot at 4 Hazel Place, Burraneer (objective A.4). This land is also identified as affected by future sea level rise by a Council study. The accidental change to zoning from E4 Environmental Living to W2 Recreational waterways was made via a technical error and only affected the zoning map. This planning proposal simply seeks to reverse this accidental change and therefore is not seeking an increase in the development potential of the lot, merely to restore the planning controls that were originally intended. The lot is itself too small to be developed for the purpose of a separate dwelling and located entirely within a protected foreshore area where development is limited regardless of the zoning. Therefore this change does not create further development potential.

In conclusion, although these two changes might appear to contravene this direction in practice, no additional development potential is being created on land to which this direction applies. Therefore, the planning proposal is compliant with the direction.

3.1 - Residential Zones

This direction applies to all planning proposals that will affect land within a residential zone, or a zone where significant residential development is permissible.

This planning proposal is making the following changes to residential zones:

- Adjust the R3 Medium density residential zone boundaries at 111 Princes Highway, Sylvania to align with lot boundaries.
- Adjust the B4 Mixed Use zone boundaries on the South Village Site at Kirrawee,
- Amend the Zoning Table to permit “*Exhibition homes*” and “*Exhibition villages*” in the R2 Low density residential zone and R3 Medium density residential zone with consent.

The intention of the boundary adjustment at 111 Princes Highway, Sylvania is to remove a boundary anomaly where a site is zoned 98% B6 Enterprise corridor and the remaining 2% is zoned R3 Medium density residential. Removing the zoning anomaly does not have consequences for the residential development potential of the site as the B6 portion of the site has multi-dwelling housing as an additional permitted use under Schedule 1 of the LEP. Zoning the entire site B6 will reduce the zoning complexity of the site.

The intention of the boundary adjustment at the South Village development in Kirrawee is to accurately zone the park RE1 Public Recreation and the residential and commercial development B4 Mixed Use. The current boundary does not align with the property boundary of the public park on the site. Removing the anomaly does not have consequences for the residential development potential of the site because the change is minor and development of the site is already nearing completion under existing approvals.

Exhibition homes and Exhibition villages uses are time limited uses of land which transition into normal residential dwellings at the expiry of their development consent periods. It is anticipated that any reductions in residential density in the R2 Low density residential and R3 Medium density residential zones will therefore be temporary and will not have any consequences for the zone as a whole.

The planning proposal is therefore consistent with the requirements and objectives of this direction.

4.1 - Acid Sulfate Soils

This direction applies to all planning proposals that will affect land with a probability of containing acid sulfate soils as shown on the Acid Sulfate Soils Planning Maps.

The planning proposal is making minor changes to address zoning anomalies, boundary alignment problems or incorrect LEP information. It is not intended to materially affect the development potential of land at risk of acid sulfate soils and is therefore compliant with this direction.

4.3 - Flood Prone Land

This direction applies to all planning proposals that will affect land at risk of flooding.

The planning proposal is making minor changes to address zoning anomalies, boundary alignment problems or incorrect LEP information. It is not intended to materially affect the development potential of land at risk of flooding and is therefore compliant with this direction.

4.4 - Planning for Bushfire Protection

This direction applies to all planning proposals that will affect land which is mapped as bushfire prone.

This direction could apply to the following matters in the planning proposal:

- Rezone land at 150 Old Illawarra Road, Barden Ridge for use as a public park and make consequential changes to remove redundant development standards.
- Rezone lands recently gazetted as National Park to the E1 National Parks and Reserves zone and make consequential changes to remove any redundant development standards.
- Amendments to Clauses 4.1A and 4.1B which apply through the E4 and E3 zones.

However, the changes do not increase the risk of life or property to bushfire and are consistent with the direction.

5.10 - Implementation of Regional Plans

This direction applies to land to which a Regional Plan has been released by the Minister for Planning.

The matters in this planning proposal are minor in nature and do not trigger or conflict with the provisions of the Greater Sydney Region Plan: A Metropolis of Three Cities.

6.2 - Reserving Land for Public Purposes

This direction applies to all planning proposals which affect land which is reserved for acquisition by a public authority.

An intent of this planning proposal is to remove items from the land acquisition map which have been already acquired by the relevant public authority. Consultation with the relevant public authorities can be undertaken after a Gateway Determination has been issued.

6.3 - Site Specific Provisions

This direction applies to planning proposals which seek to enable specific developments on land. No specific development proposals will be accommodated by this plan.

An intent of this planning proposal is to facilitate development of Exhibition homes and Exhibition villages at 310 New Illawarra Road, Barden Ridge. This is the site a future residential subdivision, and is considered to be an appropriate location for the proposed additional uses. The land is zoned E4 Environmental Living. This zone has been applied to residential areas of the Sutherland Shire which are subject to environmental risks such as bush fire vulnerability. The density of these areas should be maintained at a lower level than residential areas with less risk in order to facilitate safe evacuation of residents and access by emergency services.

Exhibition homes and Exhibition villages will be at the same density as residential dwellings. Exhibition homes and Exhibition villages are not considered to be compatible with the objectives of the E4 Environmental Living except in new subdivisions where they are likely to be a temporary feature. For this reason, it is not considered appropriate to make these uses permissible with consent in the E4 Environmental living zone generally. The proposed additional permitted use could not be facilitated by rezoning the land to the R2 Low Density Residential zone as this would also allow for much greater residential densities and development types which are not acceptable on bush fire prone land. The proposed additional permitted use does not impose any additional development standards beyond those already imposed by the Sutherland Shire Local Environmental Plan 2015.

It is therefore considered that the planning proposal is consistent with this direction.

7.1 - Implementation of a Plan for Growing Sydney

This direction applies to planning proposals affecting land in a Council area within Greater Sydney.

The planning proposal does have strategic merit. *A Metropolis of Three Cities - The Greater Sydney Region Plan 2018* and the *South District Plan* have directions and objectives relevant to this planning proposal. The alignment between this planning proposal and the Greater Sydney Region Plan and South District Plan are discussed in detail as part of the assessment of the strategic justification of the planning proposal (see question 3).

Section C – Environmental, social and economic impact

Q7. 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 proposed changes are minor or administrative in nature.

Q8. 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 minor or administrative in nature and are unlikely to result in any environmental effects.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal is not anticipated to have any negative social or economic impacts. The aim of the planning proposal is to ensure that SSLEP2015 is accurate and consistent with Council's strategic policy direction.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

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

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of any relevant State and Commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

4.1 150 Old Illawarra Road, Barden Ridge

Rezone 150 Old Illawarra Road, Barden Ridge from B1 Neighbourhood Centre to RE1 Public Recreation to align with its use as a public park.

Lot 102 DP1028645

Objective A.2



Land Zoning (Map Sheet LZN_003)	
Existing: B1 Neighbourhood Centre	Proposed: RE1 Public Recreation
A zoning map showing the existing B1 Neighbourhood Centre zoning. The site is colored light blue, and the surrounding area is yellow. The map shows the site's location relative to the surrounding residential lots and the road.	A zoning map showing the proposed RE1 Public Recreation zoning. The site is colored green, and the surrounding area is yellow. The map shows the site's location relative to the surrounding residential lots and the road.

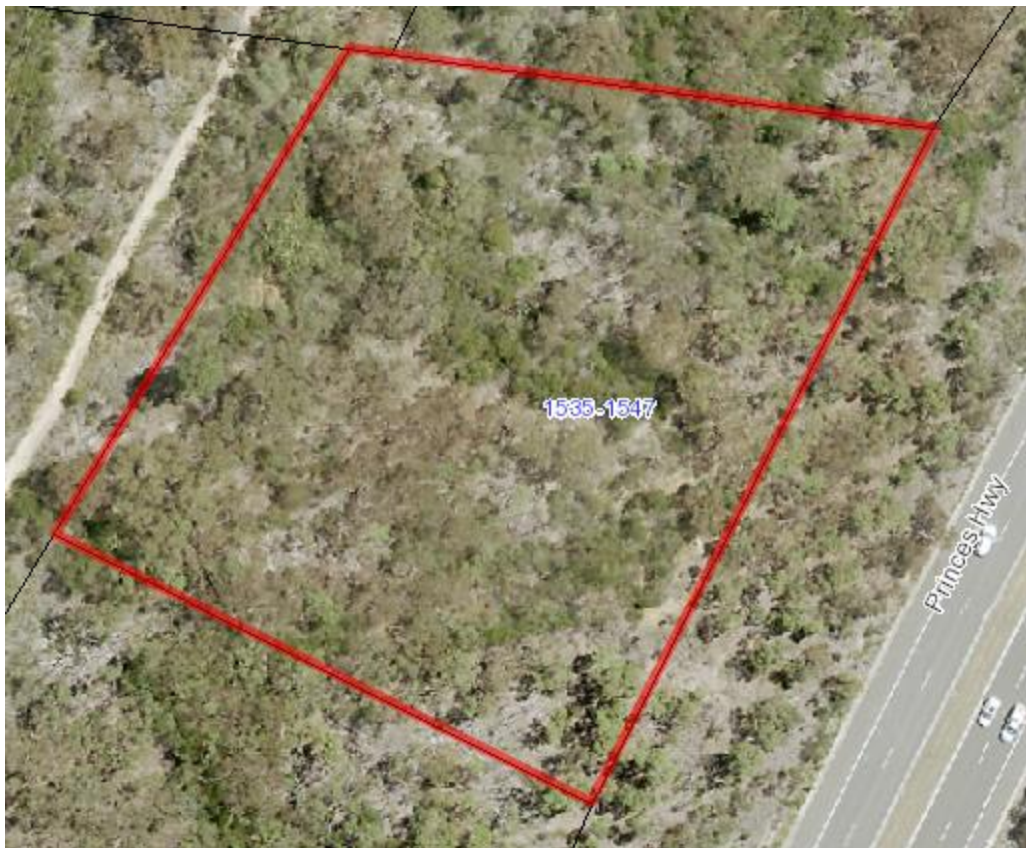
Height of Buildings (Map Sheet HOB_003)	
Existing: 9m	Proposed: None
	
Floor Space Ratio (Map Sheet FSR_003)	
Existing: 1:1	Proposed: None
	

4.2 National Parks

Rezone the following properties from their current zones to E1 National Parks as they have been recently gazetted as part of the National Parks Estate:

- **1535-1547 Princes Highway, Waterfall – Lot 439 in DP 752033 (currently E2 Environmental Conservation);**

Objective A.3



Land Zoning (Map Sheet LZN_001B)



Existing: E2 Environmental conservation	Proposed: E1 National Parks
A map segment showing a large orange-colored area labeled 'E2' and a yellow-colored area labeled 'SP2 Classified Road'. The orange area is irregularly shaped and occupies most of the left side of the segment. The yellow area is a narrow strip on the right. A dashed line runs along the boundary between the orange and yellow areas.	A map segment showing the same area as the previous one, but with the orange-colored area now labeled 'E1'. The yellow area remains labeled 'SP2 Classified Road'. The dashed line boundary is also present.

- 42-60 Eckersley Road, Waterfall – Lot 723 in DP752033 (currently E2 Environmental Conservation);
- 1-5 Mirang Road, Waterfall – Lot 728 in DP752033 (currently E2 Environmental Conservation);

Objective A.3



Land Zoning (Map Sheet LZN_001B)

Existing: E2 Environmental conservation	Proposed: E1 National Parks
	

- 1865R Princes Highway, Waterfall – Lots 888 & 942 in DP752033 (currently E2 Environmental Conservation);

Objective A.3



Land Zoning (Map Sheet LZN_001B)

Existing: E2 Environmental conservation	Proposed: E1 National Parks

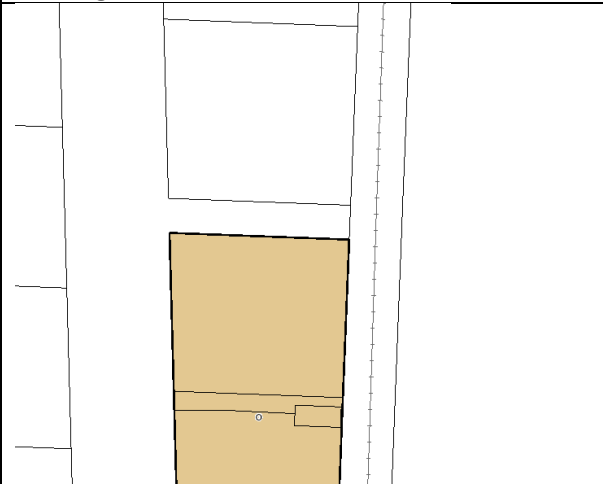
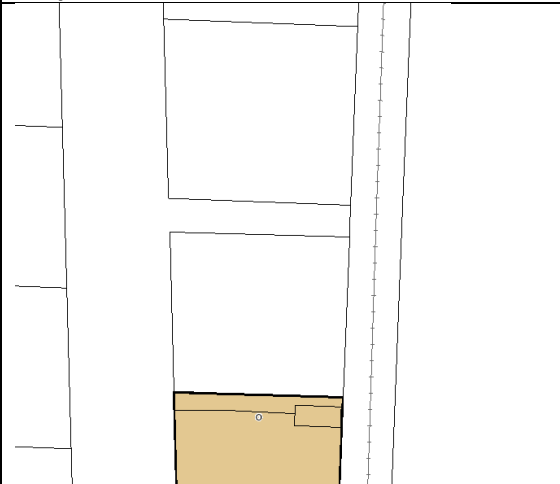
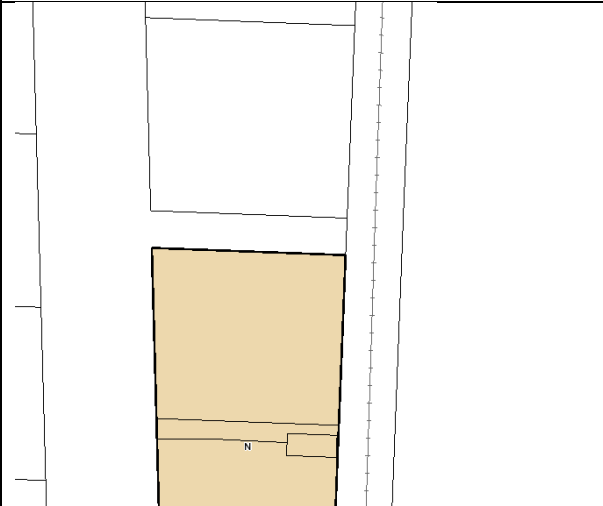

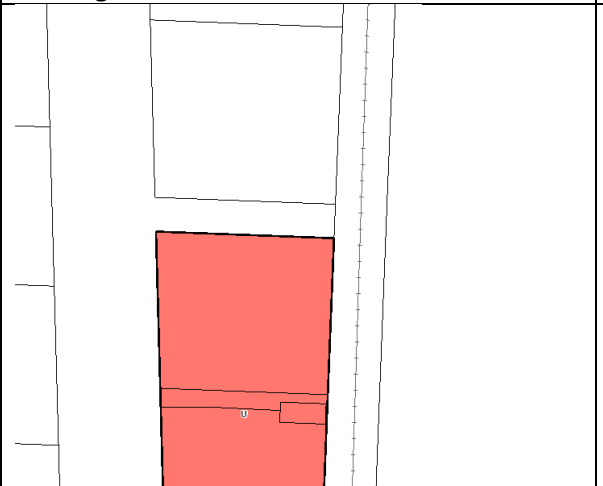
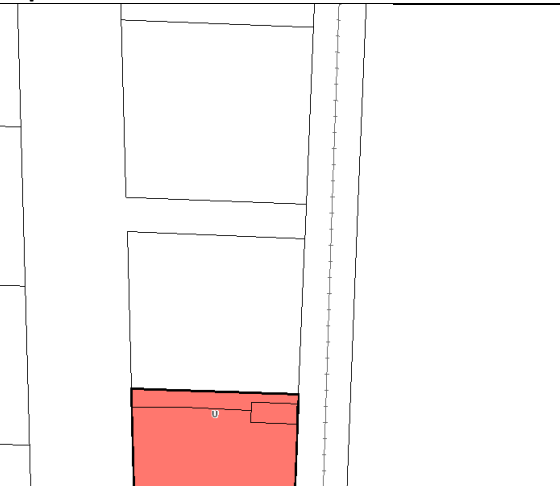
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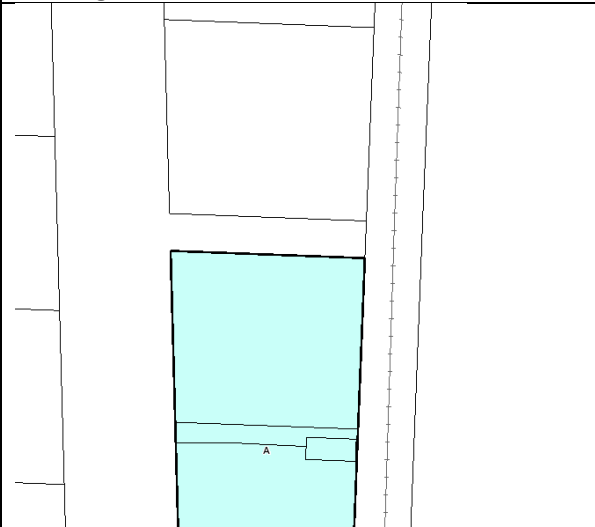
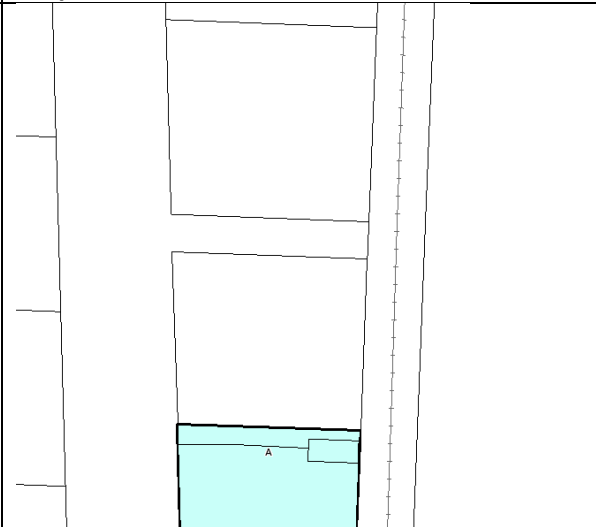
1770-1776 Princes Highway, Waterfall – Lot 1 in DP 1030102 (currently IN1 General Industrial);

- Kummera St Road Reserve, Waterfall where currently zoned IN1 General Industrial.
- Objective A.3



Land Zoning (Map Sheet LZN_001B)	
Existing: IN1 General Industrial	Proposed: E1 National Parks

Height of Buildings (Map Sheet HOB_001B)	
Existing: 16m	Proposed: None
	
Floor Space Ratio (Map Sheet FSR_001B)	
Existing: 1:1	Proposed: None
	
Lot Size (Map Sheet LSZ_001B)	
Existing: 1000m²	Proposed: None
	

Landscaped Area (Map Sheet LSA_001B)	
Existing: 10%	Proposed: None
 <p>This site plan shows the existing landscaped area, which is highlighted in cyan. The area is located in the lower-left portion of the site, adjacent to a vertical boundary line. A small rectangular feature, possibly a building or structure, is situated within the landscaped area. The label 'A' is positioned near the bottom center of the cyan area. The surrounding area is white, indicating non-landscaped space.</p>	 <p>This site plan shows the proposed landscaped area, which is highlighted in cyan. The area is located in the lower-left portion of the site, adjacent to a vertical boundary line. A small rectangular feature, possibly a building or structure, is situated within the landscaped area. The label 'A' is positioned near the bottom center of the cyan area. The surrounding area is white, indicating non-landscaped space.</p>

- 1643 Princes Highway, Waterfall – Lot 1 in DP 1030112 (currently RE1 Public Recreation);

Objective A.3



Land Zoning (Map Sheet LZN_001B)

Existing: RE1 Public Recreation	Proposed: E1 National Parks

4.3 Zoning Anomaly – 4 Hazel Place, Burraneer

Rezone the following lot from zone W2 Recreational Waterways to zone E4 Environmental Living to correct a mapping anomaly.

Lot J DP 12558 at 4 Hazel Place, Burraneer

Objective A.4



Land Zoning (Map Sheet LZN_008A)

Existing: W2 Recreational Waterways	Proposed: E4 Environmental Living

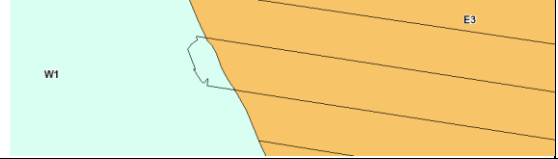

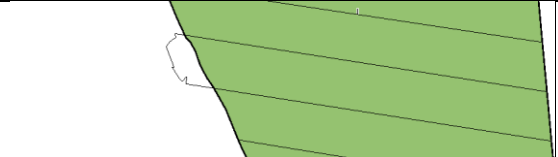
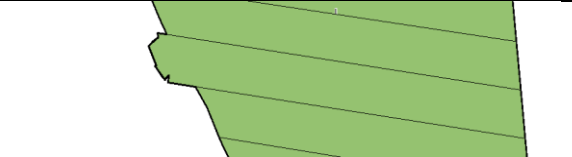
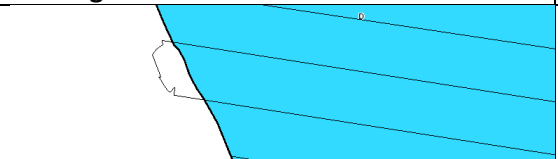
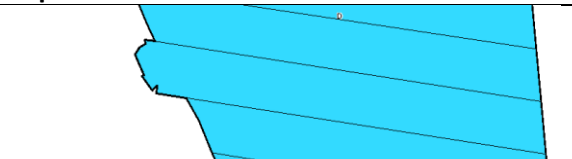
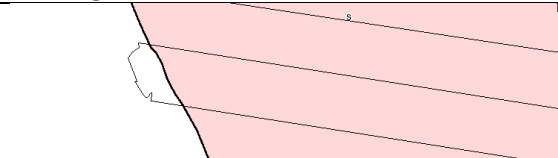
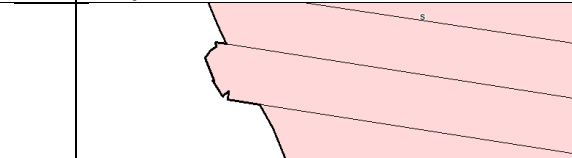
4.4 25 Kangaroo Point Road, Kangaroo Point

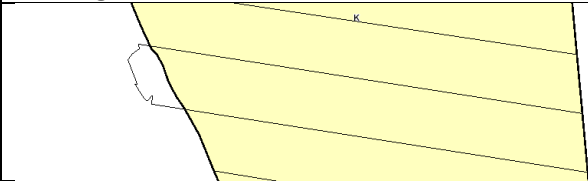
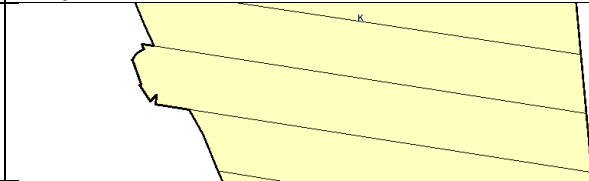
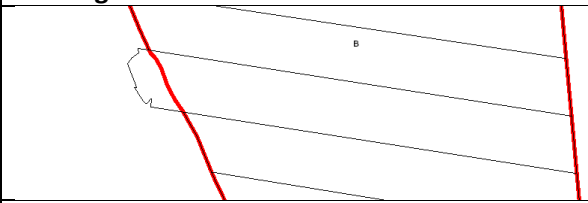
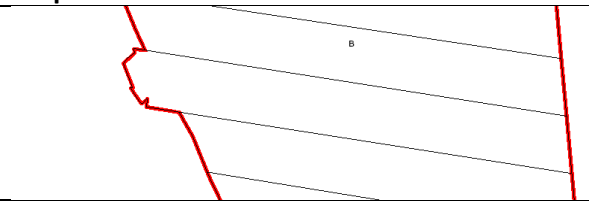
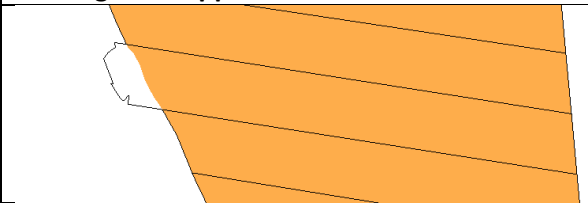
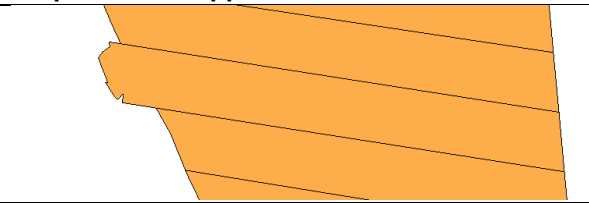
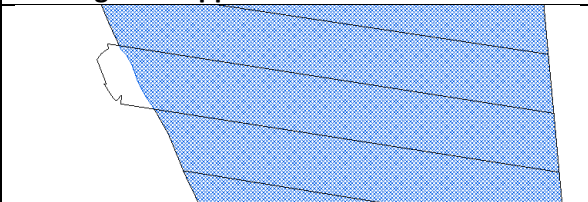
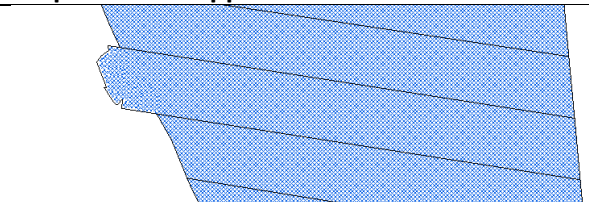
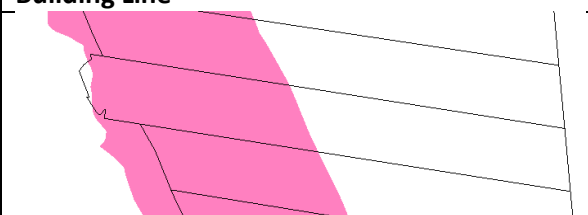
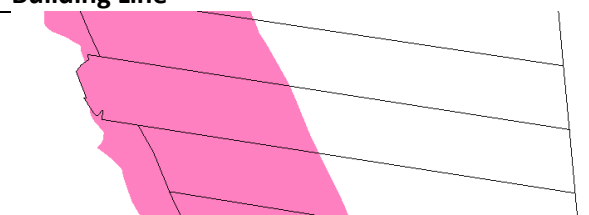
Rezone part of the property at 25 Kangaroo Point Road, Kangaroo Point from W1 Natural Waterways to E3 Environmental Management to correct a mapping anomaly.

Lot 1 DP 1218171

Objective A.5.a



Land Zoning (Map Sheet LZN_006)	
Existing: E3 Environmental Management + W1 Natural Waterways	Proposed: E3 Environmental Management
	
Height of Buildings (Map Sheet HOB_006)	
Existing: 8.5m + None	Proposed: 8.5m
	
Floor Space Ratio (Map Sheet FSR_006)	
Existing: 0.5:1 + None	Proposed: 0.5:1
	
Lot Size (Map Sheet LSZ_006)	
Existing: 850m² + None	Proposed: 850m²
	

Landscaped Area (Map Sheet LSA_006)	
Existing: 40% + None	Proposed: 40%
	
Additional Permitted Uses (Map Sheet APU_006)	
Existing: Area B + None	Proposed: Area B
	
Natural Landform (Map Sheet LFM_006)	
Existing: Part Applied	Proposed: Full Applied
	
Foreshores of Port Hacking, Georges River, Woronora River and Botany Bay (Map Sheet FDV_006)	
Existing: Part Applied	Proposed: Full Applied
	
Foreshore Building Line (Map Sheet FBL_006)	
Existing: Part Applied below Foreshore Building Line	Proposed: Full Applied below Foreshore Building Line
	


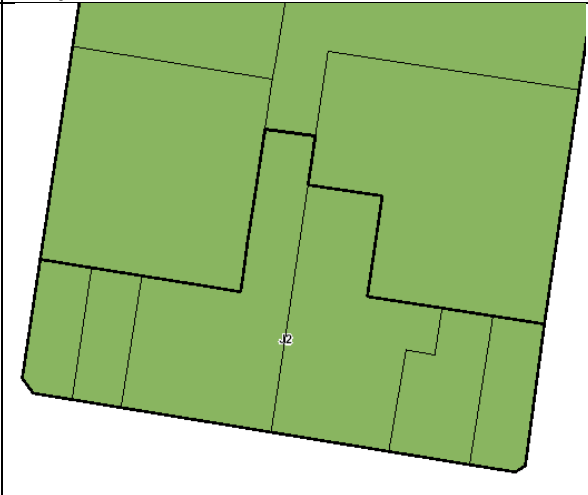
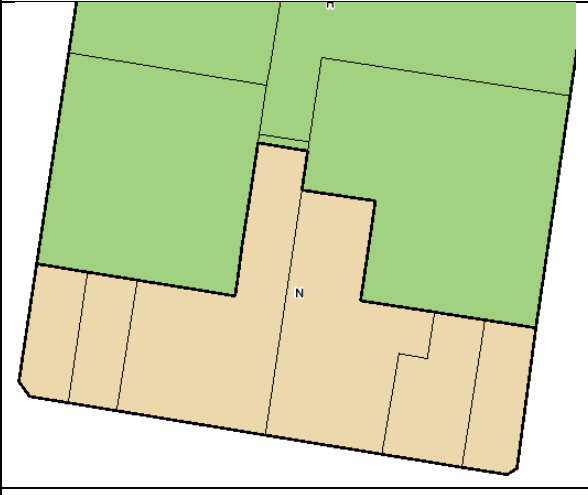
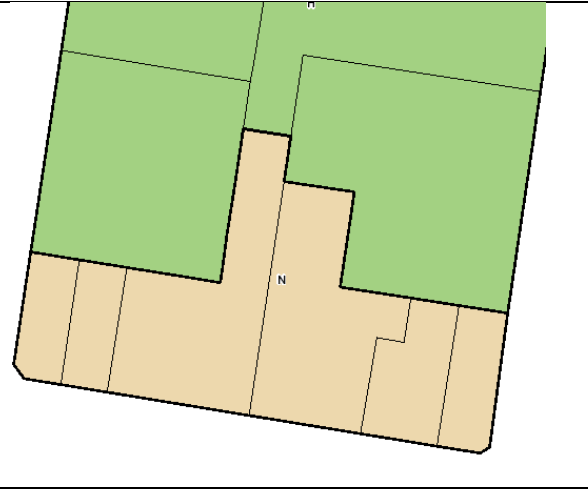
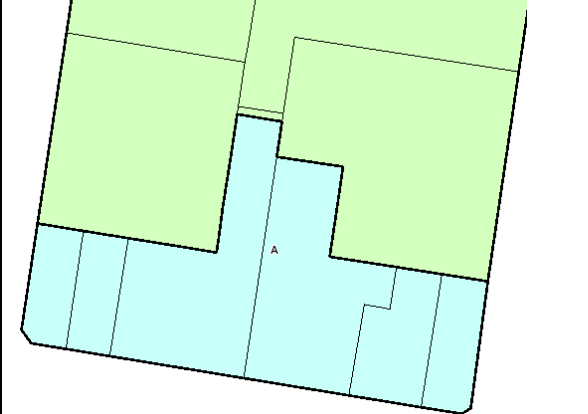
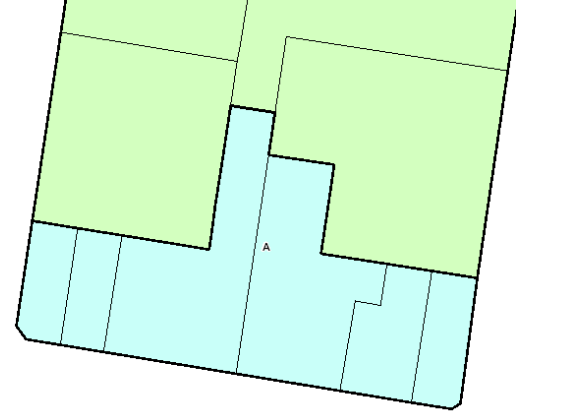
4.5 111 Princes Highway, Sylvania

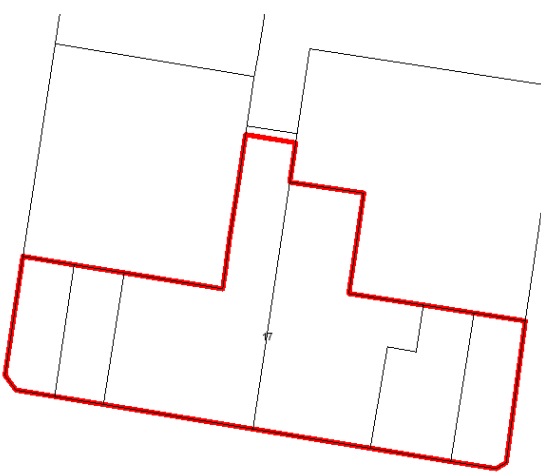
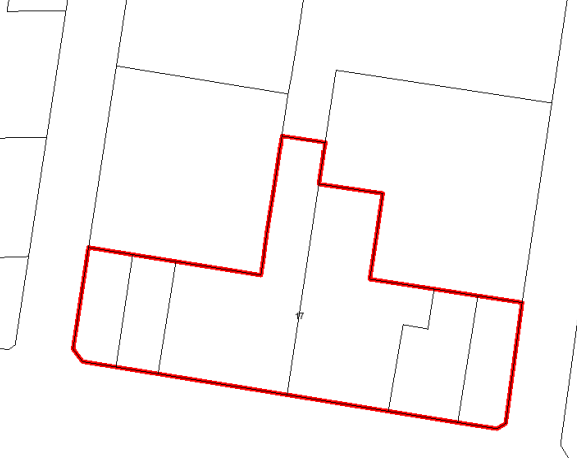
Rezone part of the property at 111 Princes Highway, Sylvania from R3 Medium Density Residential to B6 Enterprise Corridor to correct a mapping anomaly.

Lot 55 DP 1215725 Objective A.6



Land Zoning (Map Sheet LZN_006)	
Existing: B6 Enterprise Corridor + R3 Medium Density Residential	Proposed: B6 Enterprise Corridor

Height of Buildings (Map Sheet HOB_006)	
Existing: 9.5m + 9.0m	Proposed: 9.5m
	
Floor Space Ratio (Map Sheet FSR_006)	
Existing: 1:1 + 0.7:1	Proposed: 1:1
	
Landscaped Area (Map Sheet LSA_006)	
Existing: 10% + 30%	Proposed: 10%
	

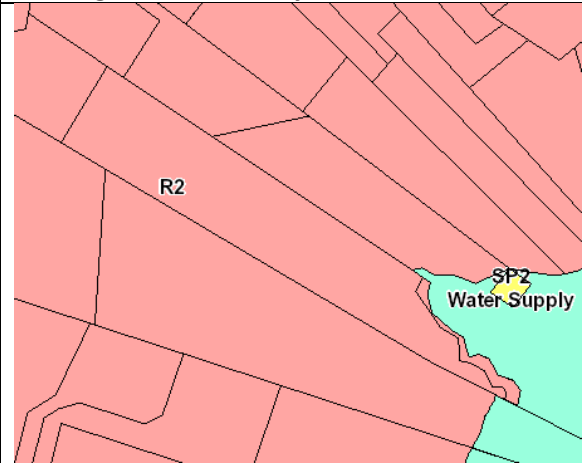
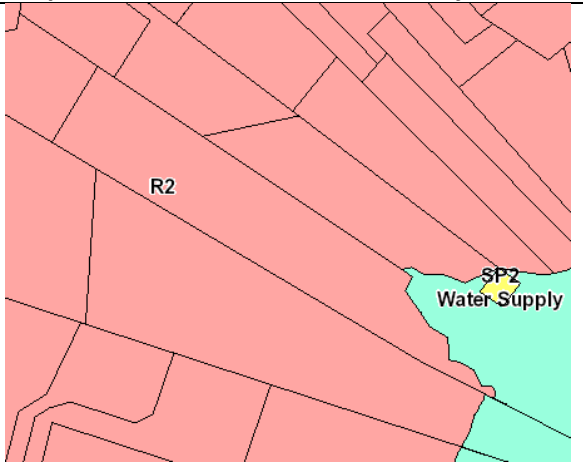
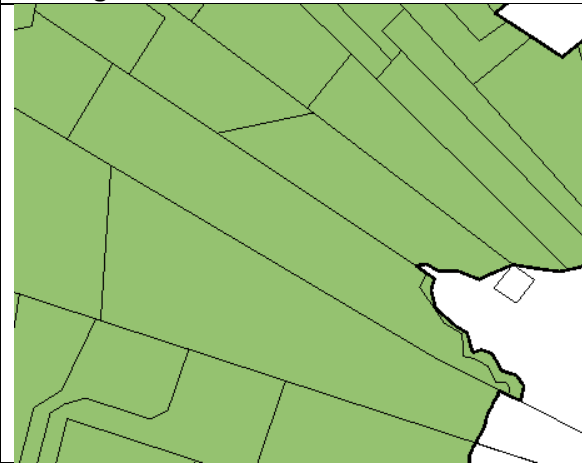

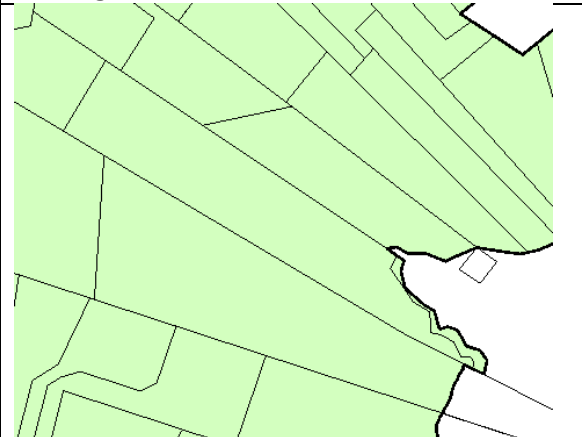
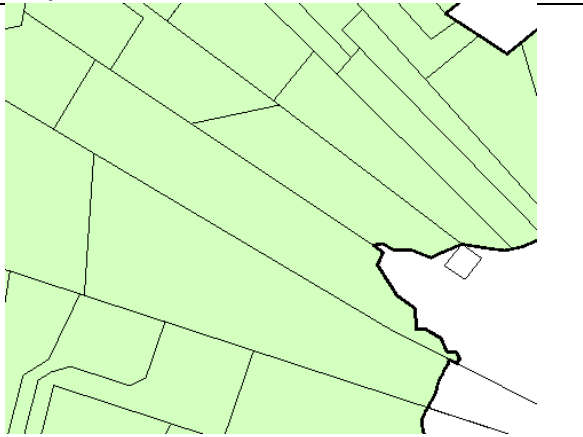
Additional Permitted Uses (Map Sheet APU_006)	
Existing: Area 17 + None	Proposed: Area 17
	

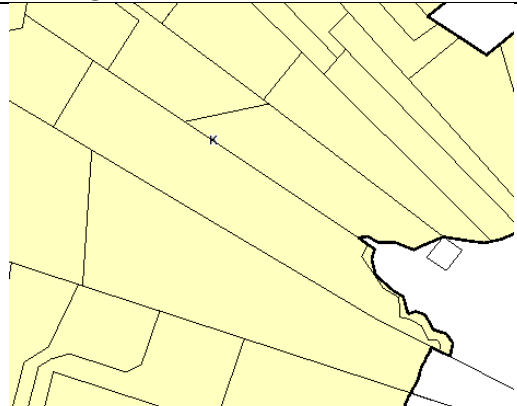
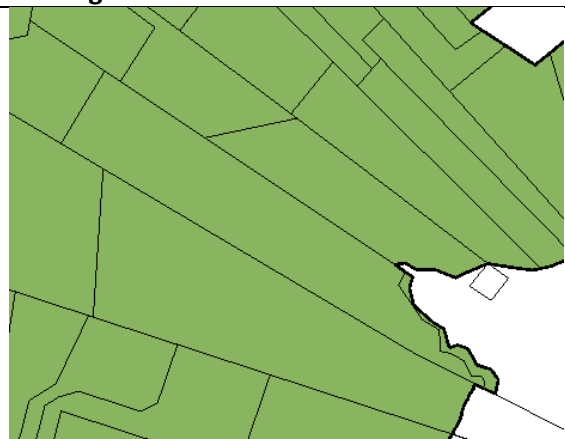
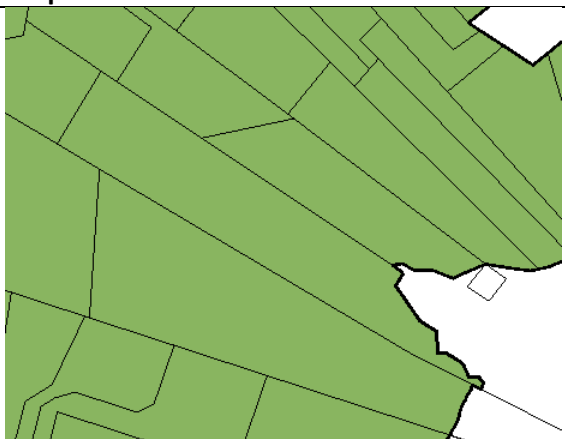


4.6 Water Adjacent to 10 Gunnamatta Road, Cronulla

Rezone water adjacent to the property at 10 Gunnamatta Road, Cronulla from E4 Environmental Living to W2 Recreational Waters to correct a mapping anomaly.

Objective A.5.b



Land Zoning (Map Sheet LZN_008A)	
Existing: R2 Low density residential	Proposed: W2 Recreational waterways
	
Height of Buildings (Map Sheet HOB_008A)	
Existing: 8.5m	Proposed: None
	
Floor Space Ratio (Map Sheet FSR_008A)	
Existing: 0.55:1	Proposed: None
	

Lot Size (Map Sheet LSZ_008A)	
Existing: 500m²	Proposed: None
	
Landscaped Area (Map Sheet LSA_008A)	
Existing: 35%	Proposed: None
	
Natural Landform (Map Sheet LFM_008A)	
Existing: None	Proposed: Applied
	

4.7 South Village Boundary Adjustments to match Public Park

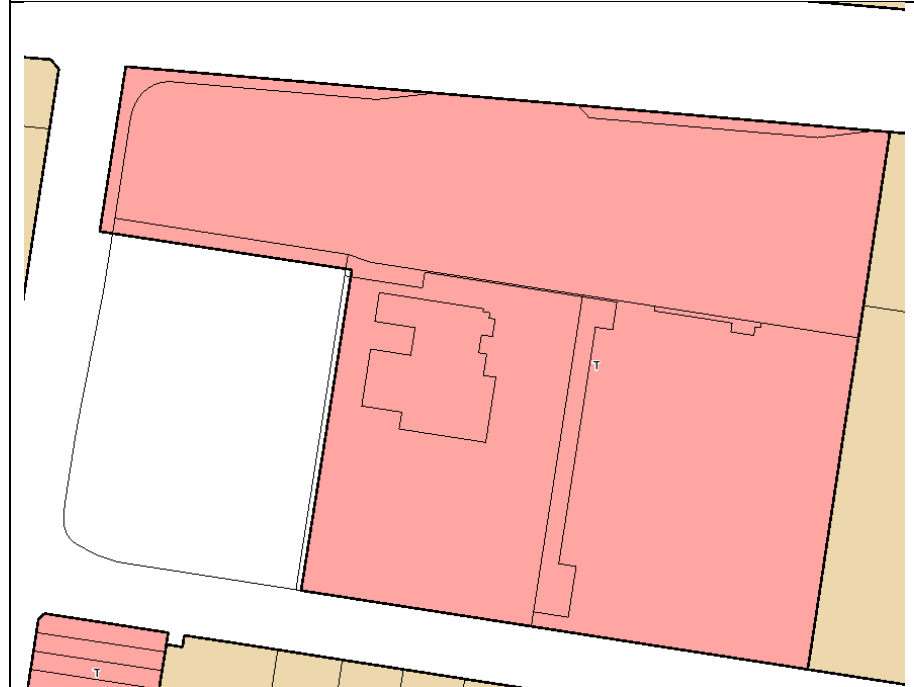
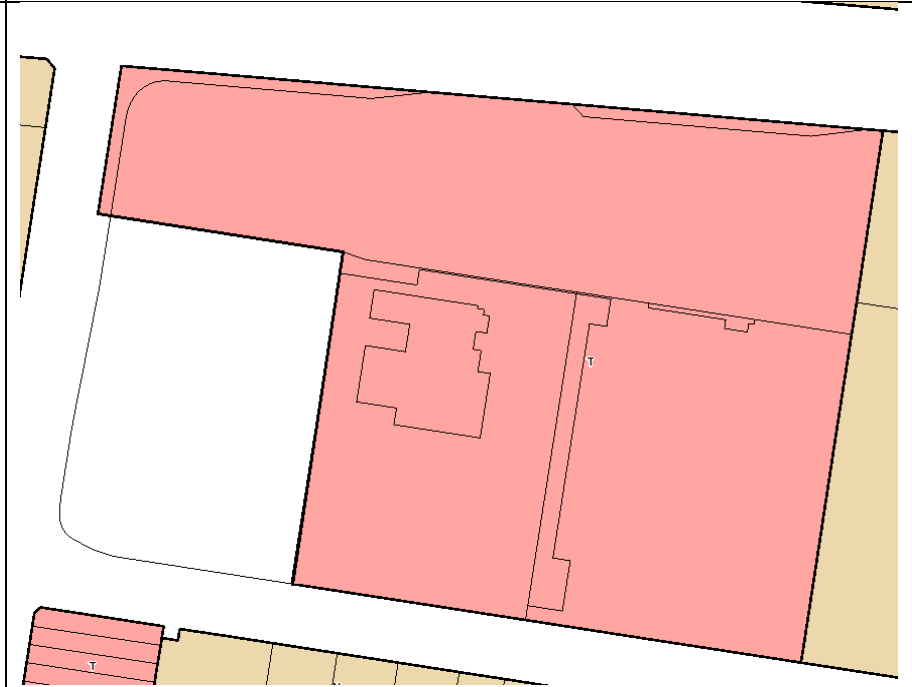
Adjust the zone boundary between the RE1 Public Recreation zone and the B4 Mixed Use zone on these properties along with other relevant map layers to follow the property boundary of the future public park:

- 580 Princes Highway, 31 & 39 Flora Street, 6 Kiln Road, 1 Village Place, Kirrawee - Lots 1,2,4 & 5 DP 1215830 & [SP98216](#) (Updated to reflect strata subdivision of former Lot 3 in DP1215830)
- 45 Flora Street, Kirrawee - Lot 1 DP 1242067

Objective A.9



Land Zoning (Map Sheet LZN_005A)	
Existing: B4 Mixed Use + RE1 Public Recreation on all properties	Proposed: RE1 Public Recreation on 45 Flora Street; B4 Mixed Use on 580 Princes Highway, 31 & 39 Flora Street, 6 Kiln Road and 1 Village Place.
	

Floor Space Ratio: (Map Sheet FSR_005A)	
Existing: 2:1 applied to part of all properties	Proposed: 2:1 applied to 580 Princes Highway, 31 & 39 Flora Street, 6 Kiln Road and 1 Village Place. No FSR Limit applied to 45 Flora Street.
	

4.8 145 Woronora Road, Engadine

Excise 145 Woronora Road, Engadine from the landscaped area map to reflect its prior rezoning to the SP2 Infrastructure zone where the landscaped area clause does not apply.

Lot B in DP 26599;

Objective A.10



Landscaped Area (Map Sheet LSA_001A)

Existing: 40%	Proposed: None

4.9 Terrestrial Biodiversity Map Amendments

Excise 284-286 Taren Point Road, Caringbah from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities are not present.

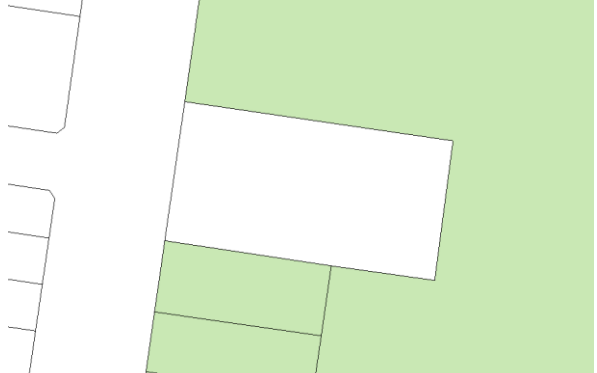
Lot 2 DP 230381;

Objective A.1.a



Terrestrial Biodiversity Map

(Map Sheet BIO_006)

Existing: Applied	Proposed: None
	

Excise 89-91 Willarong Road, Caringbah from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities are not present.

- Strata Plan 81485;

Objective A.1.b

Excise 93 Willarong Road, Caringbah from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities are not present.

- Lot 1 DP 655508;

Objective A.1.c



Terrestrial Biodiversity Map
(Map Sheet BIO_006)

Existing: Applied	Proposed: None

Excise part of 551 President Avenue, Sutherland from the Terrestrial Biodiversity Map because the sites have been inspected and endangered ecological communities are not present.

- Lots 1, 2, 3, 5, 6, 7, 8, 9, 10 in Section 44 of DP 802;
- Lots 1 & 2 DP 326496;
- Lots A & B DP 449596;
- Lot 1 DP 881766;
- Lot 1 DP 1015888;

Objective A.1.d

Excise 54 Belmont Street, Sutherland from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities are not present.

- Lot 1 DP 1015890;

Objective A.1.e

Excise 130 Flora Street, Sutherland from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities are not present.

- Lot 4 DP 15941;

Objective A.1.f



Terrestrial Biodiversity Map
(Map Sheet BIO_005A)



Excise 507, 511 & 515-521 President Avenue, Sutherland from the Terrestrial Biodiversity Map because the sites have been inspected and endangered ecological communities are not present.

- Strata Plan 94756;
- Lot 1 DP 1231961;
- Strata Plan 55354;

Objective A.1.g

Excise 110, 112, 114, 116, 118 & 120 Flora Street, Sutherland from the Terrestrial Biodiversity Map because the sites have been inspected and endangered ecological communities are not present.

- Lots A & B in DP 431965;
- Lots 1, 2, 3 & 4 in DP 324080;

Objective A.1.i



Terrestrial Biodiversity Map

(Map Sheet BIO_005A)



Excise 103-105 Flora Street, Sutherland from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities are not present.

- Strata Plan 41980;

Objective A.1.i

Excise 84-88 Glencoe Street, Sutherland from the Terrestrial Biodiversity Map because the site has been inspected and endangered ecological communities are not present.

- Strata Plan 64905;

Objective A.1.h



Terrestrial Biodiversity Map

(Map Sheet BIO_005A)



4.10 310 New Illawarra Road, Barden Ridge

Additional Permitted Uses Map

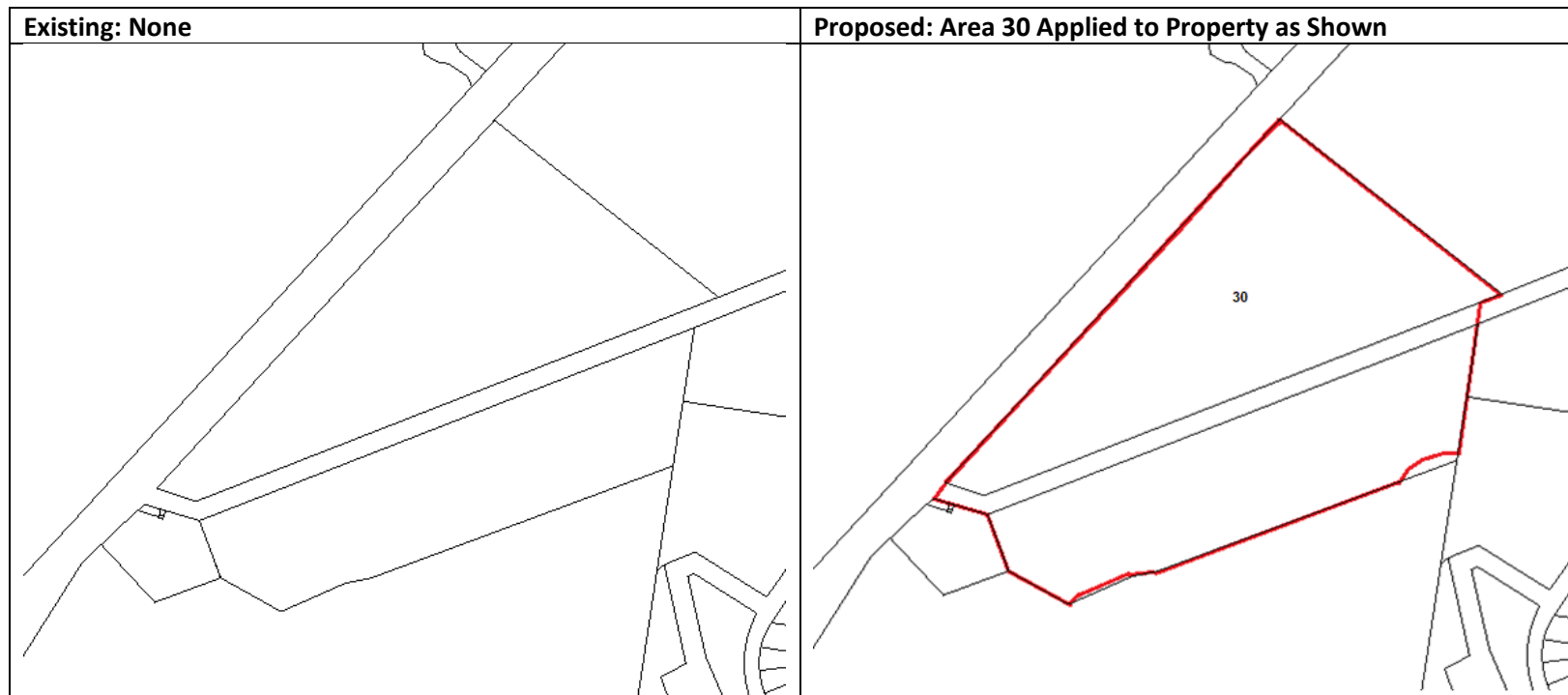
Create a new Additional Permitted Use “30” over the area of the lot at 310 New Illawarra Road, Barden Ridge which is not deferred from The Sutherland Shire Local Environmental Plan 2015.

Lot 1 DP 1229719

Objective B.3



(Map Sheet APU_001A & APU_003)



4.11 Updates to Land Acquisition Map

Land Reservation Acquisition Map

Excise the following lots from the land acquisition map as they have been acquired by the relevant public authorities:

- **167 Forest Road, Gymea – Lot 54, DP 9303;**

Objective A.8



Land Reservation Acquisition Map (Map Sheet LRA_001F)

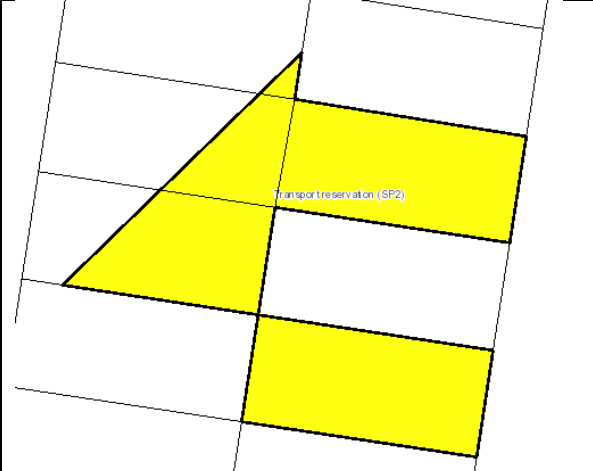
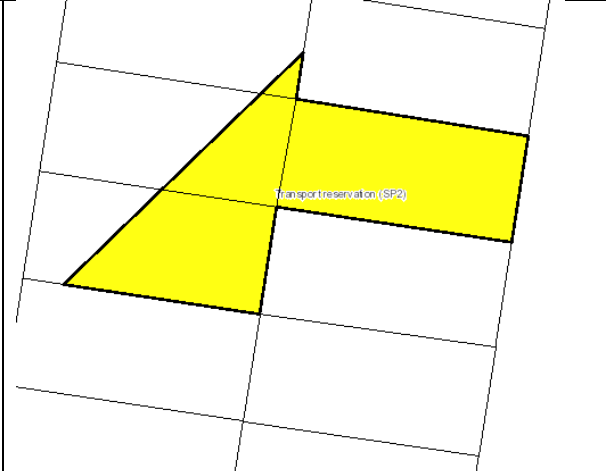
Existing: Applied as “Transport reservation (SP2)”	Proposed: None

- 159 Sylvania Road, Miranda – Lot 7, DP12683;

Objective A.8



Land Reservation Acquisition Map (Map Sheet LRA_006A)

Existing: Applied as "Transport reservation (SP2)"	Proposed: None
	

Railway Corridor at Como Parade, Como – Lot 195, DP1215612;

Objective A.8



Land Reservation Acquisition Map (Map Sheet LRA_005)

Existing: Applied as "Railway corridor (SP2)"	Proposed: None

- 531-533 Woronora River Frontages, Barden Ridge – Part Lot 241, DP8755; & Part Lot 240A, DP18174;

Objective A.8



Land Reservation Acquisition Map (Map Sheet LRA_001D)

Existing: Applied as “Regional open space (E2)”	Proposed: None
A map showing a yellow-shaded rectangular area within a larger white area. The yellow area is labeled 'Regional open space (E2)'. The white area is divided into several diagonal lines.	A map showing the same area as the left panel, but with the yellow shading removed. The area is now white and labeled 'Proposed: None'. The diagonal lines remain.

- 2 Mawarra Avenue, Miranda – Lot 15, DP27544;

Objective A.8



Land Reservation Acquisition Map (Map Sheet LRA_006A)

Existing: Applied as "Local open space (RE1)"	Proposed: None

- 1R & 2R Gidji Road, Miranda – Lots 2 & 3, DP1211461;

Objective A.8



Land Reservation Acquisition Map (Map Sheet LRA_006A)

Existing: Applied as "Local open space (RE1)"	Proposed: None

- 112/1R & 97/1R The Esplanade, Sylvania – Lots 180 & 183, Section B, DP12157;

Objective A.8



Land Reservation Acquisition Map (Map Sheet LRA_006)

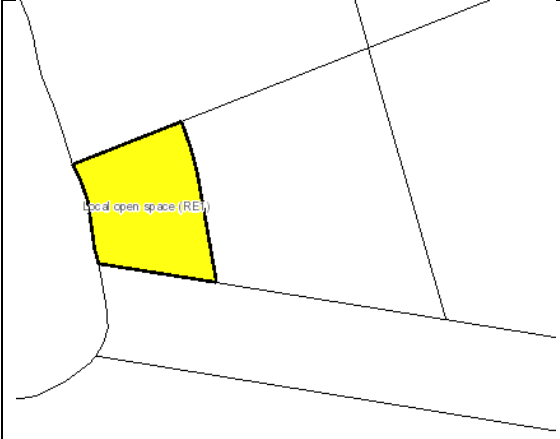
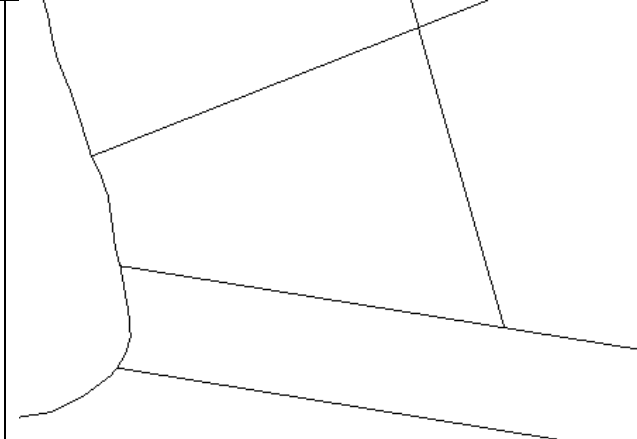
Existing: Applied as "Local open space (RE1)"	Proposed: None

- 159R-185R Woronora Crescent, Como – Lot 1, DP1194852;

Objective A.8



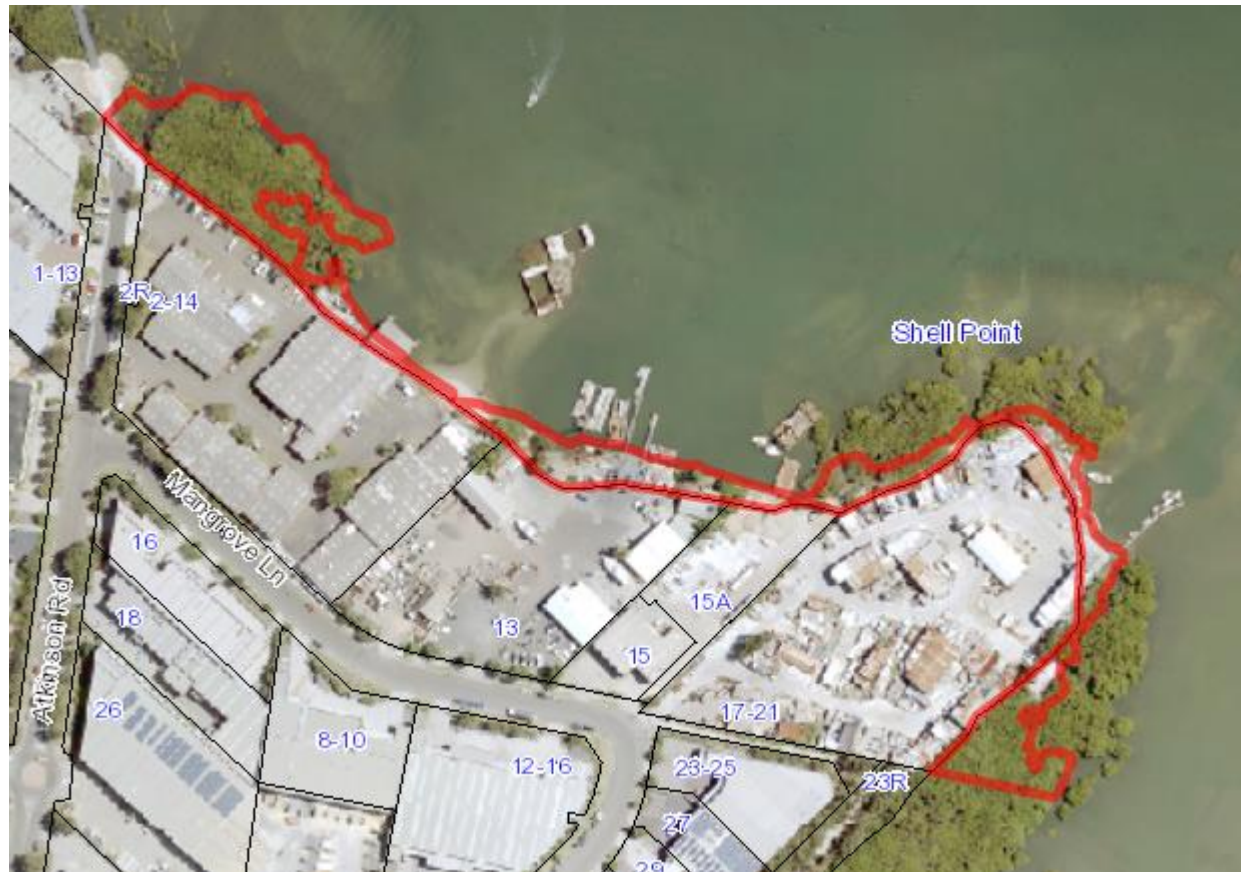
Land Reservation Acquisition Map (Map Sheet LRA_005)

Existing: Applied as "Local open space (RE1)"	Proposed: None
	

4.12 Updates to Foreshore Area at Shell Point and Kurnell

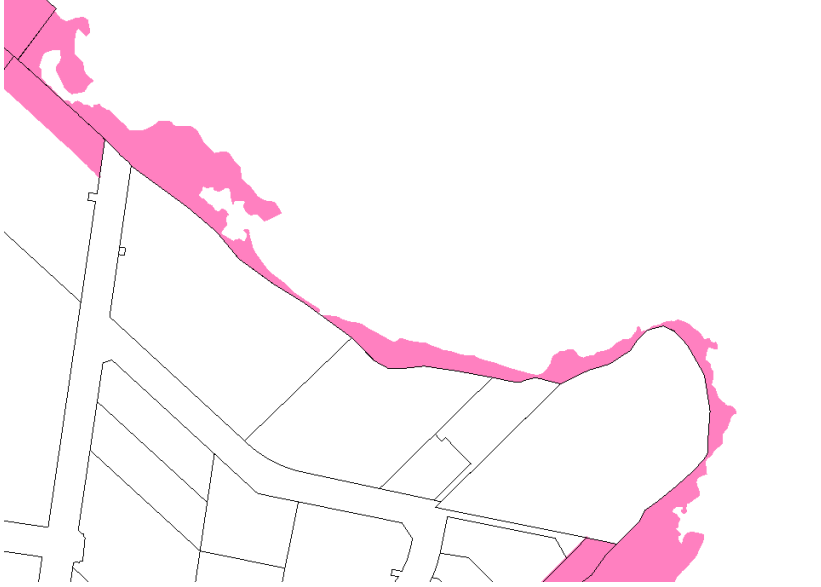
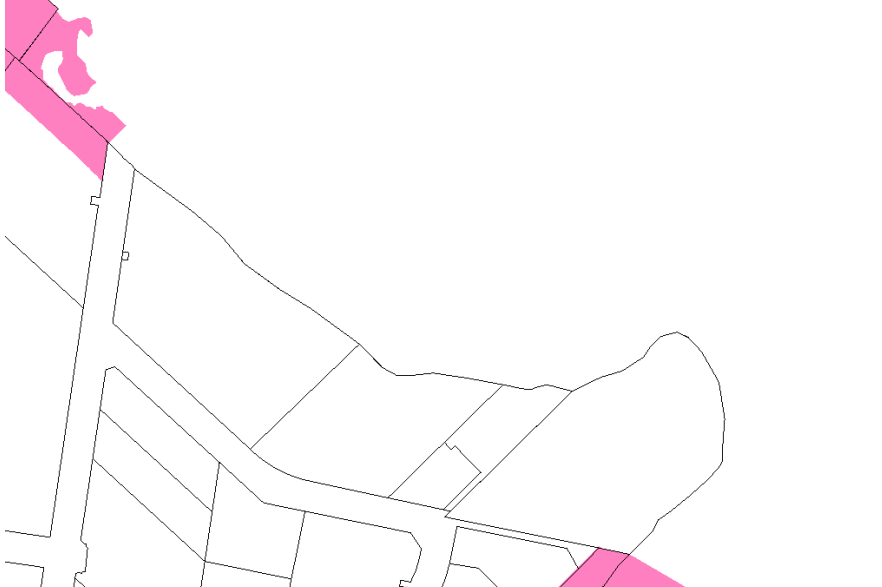
Foreshore Building Line Map

Remove the Foreshore Area from all land and water at Shell Point where it is not adjacent to an existing mapped Foreshore Building Line.



Objective A.11

(Map Sheet FBL_006)

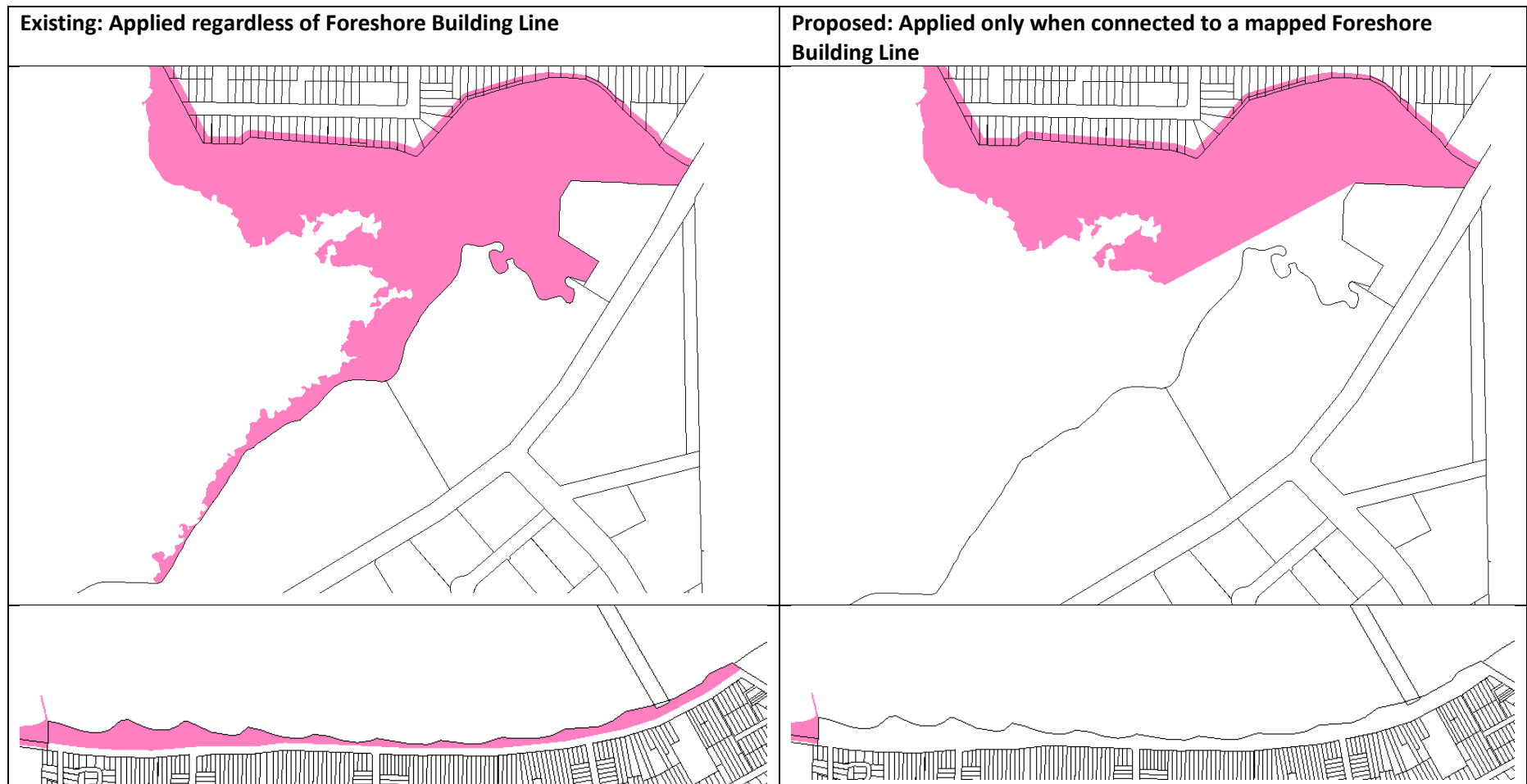
Existing: Applied regardless of Foreshore Building Line	Proposed: Applied only when connected to a mapped Foreshore Building Line
	

Remove the Foreshore Area from all land and water at Kurnell where it is not adjacent to an existing mapped Foreshore Building Line.

Objective A.11



(Map Sheet FBL_007 & FBL_010)



Part 5 – Details of the community consultation that is to be undertaken on the planning proposal

In accordance with “A Guide to Preparing Local Environmental Plans” prepared by the Department of Planning and Environment (2016), 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 send 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 consultation website (jointheconversation.sutherlandshire.nsw.gov.au) with links from the home page. It is anticipated that the mapping changes will be available through Shire Maps (Council’s interactive online mapping system) which will be especially beneficial for the public to compare the existing and proposed changes for any property.

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 – Project Timeline

Milestones	Timing
Gateway Determination	April 2019
Exhibition Start	May 2019
End Exhibition	June 2019
Review and Consideration of Submissions	July/August 2019
Report to Committee on Submissions	September 2019
Council Meeting	October 2019
Request for Draft Instrument to be Prepared	October 2019

Conclusion

The Planning Proposal SSLEP2015 Minor Amendments: Clauses, Zoning and Development Standards 2018 seeks to rectify a number of clause anomalies and mapping issues that have been identified since SSLEP2015 came into force.

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: Criteria for Delegation of Plan Making Functions

Local Government Area: Sutherland Shire

Name of draft LEP: SSLEP2015 Minor Amendments: Clauses, Zoning and Development Standards 2018

Address of land (if applicable): Multiple

Intent of draft LEP: To amend SSLEP2015 to address a range of minor issues (mapping and instrument) which have been identified during the operation of the plan.

Additional Supporting Points/Information: N/A

Evaluation criteria for the Issuing of an Authorisation				
(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)	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?	Y			
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			
Minor Mapping Error Amendments	Y/N			
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?	Y			
Heritage LEPs	Y/N			
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?		N/A		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		N/A		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		N/A		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any Interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		
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?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezonings	Y/N			
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?	Y			
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?		N/A		
Does the planning proposal create an exception to a mapped development standard?		N/A		
Section 73A matters				
<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>		N/A		