# Business Paper

## Sutherland Shire Local Planning Panel

**Tuesday, 3 November 2020**

**6:00pm**

SUTHERLANDSHIRE

## ORDER OF BUSINESS

**1. DISCLOSURES OF INTEREST**

**2. REPORTS FROM OFFICERS**

| | |
|---|---|
| SSLPP065-20 | Planning Proposal, SUTHERLAND SHIRE<br>2020/365616 - SSLEP2015 Refresh |
| SSLPP066-20 | 5-7 Kurrajong Street, SUTHERLAND<br>DA19/0868 - Demolition of existing structures and construction of a multi dwelling development, front fence and 13 lot strata subdivision |
| SSLPP067-20 | 227 Loftus Avenue, LOFTUS<br>DA19/0913 - Demolition of existing structures and construction of a child care centre |
| SSLPP068-20 | 2-6 Cronulla Street, CRONULLA<br>DA20/0307 - Change of use and fit out of shop 7 as a small bar with advertising sign |
| SSLPP069-20 | 38 Grosvenor Crescent, CRONULLA<br>DA20/0324 - Partial demolition and alterations and additions to an existing dwelling to create a dual occupancy with strata subdivision |
| SSLPP070-20 | 239 Attunga Road, YOWIE BAY<br>DA20/0259 - Alterations and additions to an existing dwelling and construction of a carport |
| SSLPP071-20 | 385 Willarong Road, CARINGBAH SOUTH<br>DA20/0526 - Construction of a swimming pool |

## SSLPP065-20 PLANNING PROPOSAL - SSLEP2015 REFRESH

**Attachments:** Appendix A⇩

### EXECUTIVE SUMMARY

- The Planning Proposal seeks to amend the Sutherland Shire Local Environmental Plan 2015 to align it with policy decisions contained in the Sutherland Shire Local Strategic Planning Statement (LSPS) and make other minor amendments to improve planning outcomes. This Council initiated planning proposal is generally consistent with relevant State legislation, directions, policies and strategic documents and will have a minimal environmental, social and economic impact.

### REPORT RECOMMENDATION

THAT:

1. That the Planning Proposal has sufficient strategic merit to warrant referral to the Minister for Planning and Public Spaces under Section 3.34 Environmental Planning and Assessment Act 1979 for Gateway determination.

**OFFICER'S COMMENTARY**

## 1.0 PROPOSAL SUMMARY

The purpose of this Planning Proposal is to amend the *Sutherland Shire Local Environmental Plan 2015* to better align it with policy directions contained in the Sutherland Shire Local Strategic Planning Statement (LSPS) and make other minor amendments to improve planning outcomes. This is a Council initiated planning proposal.

## 2.0 BACKGROUND

Key dates relating to the planning proposal are as follows:

- June 2015 – Sutherland Shire Local Environmental Plan 2015 came into force.
- March 2018 – *Greater Sydney Region Plan: A Metropolis of Three Cities* and the *South District Plan* released.
- December 2019 – Council resolution that a refresh of the *Sutherland Shire Local Environmental Plan 2015* be carried out in the first half of 2020 to better align the plan with the draft Local Strategic Planning Statement. (PLN039-19) This is the first stage of the realignment of the LEP. Stage 2 is scheduled for 2022.
- March 2020 – Sutherland Shire Local Strategic Planning Statement (LSPS) adopted (COR008-20) and submitted for assurance to the GSC
- Jun 2020 – GSC requests changes to the draft LSPS
- August 2020 – Draft LSPS amended by Council to address the concerns of the GSC (PLN031-20)
- 15 September 2020 – GSC support granted and LSPS made.
- June 2021 – Required date by which Sutherland Shire Council must have amended its Local Environmental Plan to align with the *South District Plan*.

## 3.0 PROPOSED AMENDMENTS

Council has resolved to take a two staged approach to the review of its LEP. Stage 1 will be a simple refresh to better align the LEP with the planning priorities of LSPS and South District Plan. Stage 2 will be a more comprehensive review and will be informed by a detailed review of barriers to business in the employment zones, the preparation of place based strategies for the key commercial centres, and the preparation of a new Housing Strategy. Stage 2 will take place in 2021/22.

### 3.1 Zoning of ANSTO Campus

The ANSTO Campus comprises of 21 lots. The zoning applied to these lots under SSLEP2015 is SP1 Special Activities, with 'Research and Technology' identified in red lettering as the special activities permissible.

The ANSTO Precinct is identified in the South District Plan and the Sutherland Shire Local Strategic Planning Statement as an Innovation Precinct. This reflects the intention of ANSTO to develop a research and innovation precinct, a graduate institute, and technology park as part of a major repositioning of the role campus. These new activities will be based around the unique research facilities provided on the ANSTO Campus. The ANSTO Collaboration Area Place Strategy was approved by the Greater Sydney Commission in December 2019 facilitating its transition to a research and technology hub.

*The LSPS Planning Priority 14 aims to Support employment growth at ANSTO Innovation Precinct to allow for more highly skilled local employment opportunities. Action 14.5 states Apply broad land use permissibility to the ANSTO precinct to support a wide and flexible range of uses, including opportunities for short to medium-term visitor accommodation and employment and tourism opportunities for the local Aboriginal community.*

To better reflect the intent of the ANSTO Collaboration Area Place Strategy it is recommended that the SP1 Special Activities zoning be retained, and the red lettering be amended to 'Innovation Precinct'. This will broaden the permissibility of uses for the campus aligning it with the Place Strategy.

### 3.2 Give statutory effect to the Sutherland Shire Green Grid

At its meeting of the 20th May 2019 (PLN012-19), Council endorsed a Green Grid Strategy Map for the Sutherland Shire, consistent with its obligations under the Greater Sydney Commission's Metropolis of Three Cities and South District Plan (Planning Priority S15).

Sutherland Shire's Green Grid is a long term vision for the area to facilitate a co-ordinated network of high quality green spaces, tree-lined streets and corridors. This grid will support walking, cycling and community access to:

- Centres and public transport hubs,
- Schools, shops and community facilities
- Natural destinations (e.g. beaches, waterways, bushland)
- Bush trails through the National Parks,
- Greenweb biodiversity corridors, and
- Drainage corridors.

Planning Priority 19 of Council's LSPS relates specifically to delivering the Green Grid in the Sutherland Shire. Action 19.1 requires Council to *"incorporate Green Grid into LEP and DCP provisions"*. By introducing a Green Grid local provision into the SSLEP2015 detailed provisions in the DCP will have greater weight in the development assessment process.

The Green Grid map is a 'living document' and will be subject to ongoing refinement as specific projects are completed and new projects are identified for inclusion. The intention of this provision is to ensure there is space in the public domain for canopy trees, that landscaping within the front setback of adjoining development contributes to canopy cover, and that the driveways of new developments minimise conflict points with pedestrians and cyclists. In order to give effect to the Green Grid Strategy it is recommended that the following text be introduced as a local provision:

*(1) The objective of this clause is to create a network of tree-lined active transport connections between and through open spaces and along waterways.*

*(2) This clause applies to land identified on the Green Grid Map.*

*(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the extent to which the development:*

*i. retains and enhances canopy cover, and*

*ii. facilitates and prioritises safe active transport connections.*

**3.3 Improve water quality by applying the stormwater controls in Clause 6.4 to all zones.**

Clause 6.4 of Sutherland Shire Local Environmental Plan 2015 aims to minimise the impacts of urban stormwater, including on adjoining land, native bushland and receiving waters. However, this clause presently only applies to residential, business and industrial zones.

Council's LSPS Planning Priority 18 aims to *"Improve the quality of our waterways and beaches by ensuring the planning framework and public works protect waterways, foreshores and beaches"*. This aim promotes water efficiency and stormwater management across all areas of the Sutherland Shire. A submission from Water NSW, requested that Clause 6.4 of the SSLEP2015 be amended to expand its application to all relevant zones in the LGA. The wider application of the clause to all zones will ensure that all development applications will be subject to the objectives and controls of clause 6.4 of the SSLEP2015.

**3.4 Retain more vegetation in the E4 zone through changes to Complying Development**

SSLEP2015's complying development provisions allow for a development of dwelling houses and ancillary development in the E4 Environmental Living zone. At present, vegetation removal or pruning undertaken for development under this Schedule requires a separate permit under SEPP (Vegetation in non-rural areas) 2017. However, trees and vegetation are exempted from the permit where it satisfies one of the following criteria:

- the tree or vegetation is within 3m of the development; or
- the tree or vegetation is less than 6m high.

Council's intent in making this provision was to require both criteria be satisfied to exempt a tree or vegetation from the need for a permit. This was to ensure that only minor vegetation close to the development could be removed as complying development. However, the provision as drafted exempts trees or vegetation if they comply with either requirement. This allows small trees to be removed anywhere on the site even if they bear no relation to the development being undertaken. It is therefore proposed to amend the drafting of this provision so that both the height and proximity tests must be satisfied in order to qualify for removal without a separate permit or consent.

This will not prohibit any development, but it will ensure that trees removed are relevant to the proposed development.

### 3.5 Add exemptions to subdivision clauses to facilitate closing roads under the Roads Act 1993

Clauses 4.1 and 4.1A apply minimum lot area and lot dimension requirements for subdivision and are intended to prevent land fragmentation, preserve the character of suburban areas and achieve planned residential densities. However, these clauses can prohibit the subdivision of land for the closure of roads where resultant lots do not meet the minimum size standards.

Clause 4.6(6) prevents the subdivision of land in E2, E3 and E4 zones which results in 2 or more undersize lots, or lots less than 90% of the minimum required. Whilst SEPP Infrastructure (Schedule 1) allows for boundary adjustment, these provisions are limited by the requirement that they cannot change the area of any lot by more than 10% and cannot change the purposes for which the resulting lots can be used. In some cases Council has found that these two restrictions mean that is unable to complete road closures.

The planning proposal provides exemptions to clauses 4.1 and 4.1A of SSLEP2015 that will facilitate subdivisions associated with the closure of a road despite mapped minimum lot size or the minimum lot dimensions assigned to particular zones.

### 3.6 Remove Clause 4.1C.

Clause 4.1C Minimum lot sizes for land containing secondary dwellings, duplicates the effect of clause 2.6(2) which is a mandatory provision of the Standard Instrument Local Environmental Plan. The mandatory provision came into effect after Cl4.1C had been drafted as a local provision during the preparation of SSLEP2015; however, the duplication was not removed when SSLEP2015 was gazetted.

Both provisions prevent the subdivision of a secondary dwelling from the primary dwelling unless both resulting lots will comply with the minimum subdivision lot size required by clause 4.1 Minimum subdivision lot size. Removal of clause 4.1C is proposed to reduce the complexity of SSLEP2015.

### 3.7 Add objectives to Clause 4.1E to better describe Council's intent.

Clause 4.1E sets the minimum lot sizes for dual occupancies and multi dwelling housing in the R2 Low Density Residential zone. The DPIE endorsed model clause for minimum lot size requirements for dual occupancy, multi dwelling housing and residential flat buildings is solely *"to achieve planned residential density in certain zones"*. Recent Land and Environment Court cases have highlighted the importance of objectives in understanding the intent behind development standards. The current objective does not fully describe Council's intent and the following object is proposed to be added to Clause 4.1E:

*(b) To maintain the character of the streetscape created by low density development within a landscaped context.*

This approach is consistent with the objectives of the R2 Low Density Residential zone which include: *"to ensure the single dwelling character, neighbourhood character and streetscapes of the zone are maintained over time and not diminished by the cumulative impact of multi-dwelling housing or seniors housing"*. This objective aims to maintain the existing spatial qualities and streetscape character of Zone R2 which are characterised by a strong landscaped context created by generous front setbacks and private backyards. Maintaining this character can be better achieved on larger lots where landscaping opportunities, parking, ancillary development and the increased bulk and scale can be more easily accommodated.

### 3.8 Remove flood mapping from the SSLEP.

The planning proposal seeks to remove reference to "Flood Planning Map" in clause 6.3 Flood Planning, remove the Flood Planning Map from the suite of LEP maps, and delete the definition of 'Flood Planning Map' in the Dictionary.

Council has adopted a number of Flood Risk Management Policies and Flood Hazard Maps for the catchments of the Sutherland Shire. These policies and maps have been prepared in accordance with the State Government's Floodplain Development Manual 2005 and were developed using data from a number of flood studies undertaken throughout the LGA. The maps are under constant review and amendments are made when new information is available. The statutory framework is such that the LEP is simply not agile enough to reflect full disclosure of flooding constraints. As a result the Flood Hazard Map more accurately reflects the flood planning level than the 'Flood Planning Map' contained in the SSLEP2015.

Removing the flood maps from the LEP will ensure reliance on the most up to date flood mapping, without the need for a lengthy LEP amendment process each time a flood study is completed. The Flood Hazard Maps are available for viewing by the community on Council's website, ensuring that the most accurate and up to date mapping is readily accessible and used in the assessment of development applications.

### 3.9 Remove Clause 6.10 and associated mapping in response to State Environmental Planning Policy (Coastal Management) 2018 and the repeal of State Environmental Planning Policy No. 71 – Coastal Protection.

State Environmental Planning Policy 71 (Coastal Protection) (SEPP 71) only applied to the eastern foreshores and beaches, leaving most of the estuary and river foreshores unprotected. Clause 6.10 was included in SSLEP2015 to regulate development on foreshores which were outside that coastal zone, essentially acting like a local extension of the coastal zone and applying similar development controls.

The NSW Government introduced the Coastal Management Act 2016 and accompanying State Environmental Planning Policy (Coastal Management) 2018 which replaced the previous Coastal Protection Act 1979 and SEPP 71. The new coastal zone applies to all major waterways and foreshores of the Sutherland Shire, including all of the foreshore affected by clause 6.10 of the SSLEP2015.

Given that the SEPP and Coastal Management Act apply regardless of SSLEP2015, the controls under clause 6.10 and associated mapping are now superfluous and should be deleted.

### 3.10 Rezone land to facilitate a land swap agreement at Geebung Lane in Engadine.

On the 15th October 2018 Council resolved (SER033-18) to enter in to a draft Voluntary Planning Agreement (VPA) between Council and Engadine Tavern Project Pty Ltd to facilitate the exchange of a portion of Council owned road (143.5m²) on Geebung Lane for a portion of land at 5 Preston Avenue (165.1m²) (part Lot 6 DP 232490). The agreement includes a contribution for the embellishment of the augmented Engadine Town Park.

Consequently the planning proposal seeks to amend the Sutherland Shire Local Environmental Plan 2015 as follows:

- The park extension (5 Preston Avenue) will be rezoned from B3 Commercial to RE1 Pubic Recreation with removal of the mapped building height and FSR limit.
- The road closure portion will retain the B3 commercial core zoning, but have a Floor Space Ratio limit of 2:1 and height limit of 20m applied consistent with the adjoining land.

### 3.11 Minimum lot size requirement for boarding house developments.

Boarding Houses are a type of residential accommodation which is a permissible use in zones R2, R3, R4, B1, B2, B3, B4 and SP3. While a boarding house is a specialised land use, it is not characterised by a distinctive building form. Depending on the zone in which it is located, it may express as a dwelling house, multi dwelling housing, shop top housing or a residential flat building. Recent development applications have shown that proposed building forms of boarding houses are not always compatible with existing local character, particularly when boarding houses are proposed on small lots.

Larger lots allow relationships to adjoining development to be better managed. Council has resolved to introduce a minimum lot size of 800m2 for the development of Boarding Houses in all zones (Minute No. 302, PLN037-19, 18 November 2019).

**3.12 Add a savings clause for applications lodged but not determined.**

The planning proposal includes a savings provision to ensure that any development application lodged prior to the commencement of these changes is not affected by them.

**3.13 Rezoning to recognise a new Council reserve at 168 Oak Road, Kirrawee.**

The planning proposal includes zone and development standards changes to reflect the acquisition of 168 Oak Road, Kirrawee for a new public reserve. Council has purchased the property (Lot 33 in DP 590492) for the purpose of augmenting local public open space in a locality experiencing densification. The property is currently zoned R2 Low Density Residential and this will be changed to RE1 Public Recreation in recognition of its intended purpose. Further, the property will be excised from the Height of Buildings, Floor Space Ratio, Lot Size and Landscaped Area maps as is standard practice with public open space.

**3.14 Amend Clause 5.6 Architectural roof features to limit the application of the clause to specified prescribed zones only.**

Clause 5.6 is based on an optional model clause designed to encourage architectural diversity and interest in buildings by providing flexibility in the height limits imposed on buildings. In the Sutherland Shire Local Environmental Plan 2015 this clause was introduced with the intent of limiting its application to higher density residential, commercial and industrial zones. However, the drafting of the clause does not achieve the intent of limiting its operation to the intended zones.

Instead the drafting of the clause limits the application of a single objective within the clause to the zones. It's also noted that the list of zones does not include the B4 Mixed Use zone despite this being a higher density zone where design excellence in buildings should be encouraged. Consequently amendments to this clause are sought to apply the clause to the prescribed zones only and add B4 mixed use as a prescribed zone.

**3.15 Correct a zoning anomaly on a portion of the former church site at 1R Waterfall Road, Heathcote.**

The property at 1 Rosebery Street, Heathcote commenced use as a church in the 1980s. In 2000 the church property was extended through the purchase of a small (44m2) portion of adjacent land to the rear of the property (Lot 10 DP 1014211) which has the separate address 1R Waterfall Road, Heathcote. This new parcel was developed for the purpose of expanding the church carpark in the same year.

Under the Sutherland Shire Local Environmental Plan 2000, the lot was zoned 7(b) Environment protection in line with the adjacent crown land. At the introduction of the Sutherland Shire Local Environmental Plan 2015 the zone of this lot was transferred to the equivalent zone being E2 Environmental Conservation. The zone change occurred despite this parcel being entirely used as a bitumen car park with no remaining vegetation. The rest of the former church site is zoned R2 Low Density Residential.

The former church is now in different ownership and a development application (DA20/0430) has been submitted for *"Demolition of existing structures, construction of a multi-dwelling housing complex comprising of twelve (12) dwellings and strata subdivision"*. The proposed use is prohibited in the E2 Zone and this has prompted the applicant to request the zoning anomaly be corrected.

It is therefore proposed that the zoning anomaly be corrected by changing the zone of Lot 10 DP 1014211 from E2 Environmental Conservation to R2 Low Density Residential and applying development standards consistent with the rest of the former church site.

**3.16 Clarify the drafting of clause 6.9 to confirm that rebuilding of existing dwellings must not extend further into the foreshore area than the existing dwelling.**

SSLEP2015 limits development through clause 6.9 in order to protect the natural and aesthetic qualities of the foreshore area. The clause recognises that in the past some homes were constructed in the foreshore area and provides exceptions to allow them to be rebuilt, altered and extended provided that they do not intrude further into the foreshore area as a result.

The current drafting of the clause is problematic because it directly limits the expansion of dwellings in the foreshore area by extension or alteration, but does not limit the expansion of these dwellings when they are rebuilt. To address this inconsistency it is recommended that the clause be amended slightly to consistently apply the existing limitation on the footprint of development in the foreshore area to the extension, alteration and rebuilding of an existing dwelling.

## 4.0 STATUTORY CONSIDERATIONS

**Ministerial Directions under Section 9.1 of the Environmental Planning and Assessment Act 1979:**

**Local Planning Panels Direction – Planning Proposals – 27/09/2018**

Under this Direction all planning proposals prepared after 01/06/2018 must be referred to the local planning panel for advice prior to the Council's decision on the planning proposal, unless the Council's general manager determines that the planning proposal relates to:

*a) the correction of an obvious error in a local environmental plan,*

*b) matters that are of a consequential, transitional, machinery or other minor nature, or*

*c) matters that council's general manager considers will not have any significant adverse impact on the environment or adjoining land.*

The matters dealt with in this planning proposal are varied and range in their potential scale on consequence. As such they are not considered to meet the tests in (a) to (c) and therefore warrants referral to the Panel.

Further, under this direction, Council is specifically required to provide an assessment report with the planning proposal and recommendations as to whether or not the planning proposal should be submitted for a Gateway determination. This report has been prepared to assist the panel in their advice to Council.

**S117 and S9.1 Directions for Planning Proposals Generally**

The planning proposal has been assessed against all relevant Ministerial Directions and found to be generally consistent. Some minor inconsistencies have been identified in relation to the following matters:

| Section 9.1 Direction | Planning Proposal Matter | Nature and Justification for Inconsistency |
|---|---|---|
| **Direction 1.1 Business and Industrial Zones** | Geebung Lane, Engadine Land Swap | This change will lead to a small (21.6m$^2$) net reduction in the area of land within the B3 Commercial Core zone at Engadine. This is justified in order to facilitate development of the Engadine Tavern private car park at 5 Preston Avenue. |
| **Direction 2.1 Environment Protection Zones** | Correct a zoning anomaly on a portion of the former church site at 1R Waterfall Road, Heathcote | This change will remove a small area of land from within the E2 Environment Protection zone. This is justified because the relevant portion has been a bitumen car park for 20 years, and the portion is small at around 40m$^2$ and is less than 2% of the total area of the property at 1 Rosebery Street, Heathcote. |
| **Direction 2.6 Remediation of Land** | Facilitate the ANSTO Innovation Precinct through changes to the mapped purpose of the special purpose zoning which applies to the site. | This change affects land which may be affected by contamination from past uses. This is justified because ANSTO has authority under Commonwealth legislation to manage and use their land independently of NSW planning legislation and Council's LEP. The LEP change on this site is therefore just a formal recognition of the future intended use of the site. |
| **Direction 3.1 Residential Zones** | Introduce a minimum lot size requirement for boarding house | The change limits the choice of building types and locations in housing market by restricting new boarding houses to sites greater than 800m$^2$. This is justified by |

| Section 9.1 Direction | Planning Proposal Matter | Nature and Justification for Inconsistency |
|---|---|---|
| | developments. | the need to ensure that boarding houses have sufficient space to mitigate impacts on privacy and amenity. |
| **Direction 3.1 Residential Zones** | Rezoning to recognise a new Council reserve at 168 Oak Road, Kirrawee. | The change removes a single residential lot from the pool of residential zoned land available for development. The loss of a single residential lot is outweighed by the potential benefits to the community for providing public open space in a locality experiencing residential growth. |

**State Environmental Planning Policies**: The Planning proposal has been assessed against all relevant State Environmental Planning Policies and found to be consistent.

**Sutherland Shire Local Strategic Planning Statement**: The planning proposal has been found to be consistent with the planning priorities of the LSPS. The elements of the planning proposal relating to Strategic Alignment are directly related to actions of the LSPS.

## 5.0 PUBLIC PARTICIPATION

Formal public participation in a planning proposal can only occur once a Gateway Determination has been issued by the Minister or Greater Sydney Commission. Once the Gateway Determination has been issued consultation will take place in accordance with the requirements of the Determination.

## 6.0 DECLARATIONS OF AFFILIATION, GIFTS AND POLITICAL DONATIONS

Section 10.4 of the Environmental Planning and Assessment Act, 1979 requires the declaration of donations/gifts in excess of $1000, but does not apply to applications or requests made by a public authority on its own behalf. No declarations have been made in relation to this planning proposal.

## 7.0 CONCLUSION

The purpose of this Planning Proposal is to amend the Sutherland Shire Local Environmental Plan 2015 to align with policy decisions of the Sutherland Shire Local Strategic Planning Statement and make other minor amendments. 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.

The changes have strategic merit because they address shortcomings or anomalies within the LEP, or better align the LEP with the LSPS, or make changes that will delivered improved local planning outcomes.

The Planning Proposal has sufficient merit to supports its referral for Gateway Determination.

**RESPONSIBLE MANAGER**

The manager responsible for the preparation of this Report is the Manager Strategic Planning (Mark Carlon) 9710 0523.

File Number: 2020/365616

**Appendix A**

# Planning Proposal
# SSLEP2015 Refresh

## Contents

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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 (*SSLEP2015*)* to align with policy directions of the Sutherland Shire Local Strategic Planning Statement and make other minor amendments as listed below:

**Strategic Alignment with LSPS**

1.a. Facilitate the ANSTO Innovation Precinct through changes to the mapped purpose of the special purpose zoning that applies to the site.
1.b. Give statutory effect to the Sutherland Shire Green Grid.
1.c. Protect water quality by applying the stormwater controls in Clause 6.4 *Stormwater management* to all land.
1.d. Retain more vegetation in suburban areas in E4 Environmental Living zone through amendment of the local complying development provisions.

**Minor Amendments**

2.a. Add provisions to facilitate subdivisions for the purpose of closing roads under the Roads Act 1993.
2.b. Remove Clause 4.1C *Minimum lot sizes for land containing secondary dwellings* as it is an unnecessary duplicate of Clause 2.6(2).
2.c. Add objectives to Clause 4.1E *Minimum lot sizes for dual occupancies and multi dwelling housing* to better describe Council's intent of limiting residential density and protecting local character in the zones to which this clause applies.
2.d. Remove flood mapping from the SSLEP2015, and amend the flooding provisions to refer to flooding maps on Council's website.
2.e. Remove Clause 6.10 *Development on the foreshores of Port Hacking, Georges River, Woronora River and Port Botany* and associated mapping in response to *State Environmental Planning Policy (Coastal Management) 2018* and the repeal of *State Environmental Planning Policy No. 71 – Coastal Protection*.
2.f. Rezone land to facilitate a land swap agreement at Geebung Lane in Engadine.
2.g. Introduce a minimum lot size requirement for boarding house developments.
2.h. Add a savings clause for applications lodged but not determined.
2.i. Rezoning to recognise a new Council reserve at 168 Oak Road, Kirrawee.
2.j. Amend Clause 5.6 *Architectural roof features* to focus the application of the clause to specified prescribed zones only.
2.k. Correct a zoning anomaly on a portion of the former church site at 1R Waterfall Road, Heathcote.
2.l. Clarify the drafting of clause 6.9 to confirm that rebuilding of existing dwellings must not extend further into the foreshore area than the existing dwelling.

Council is willing to exercise an authorisation to use delegated plan making function 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:

### 2.1 Instrument Amendments

| LEP Provision | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| **1.8A Savings Provision relating to development applications** | Add a savings provision to this clause to ensure that the commencement of this LEP amendment does not unreasonably impact on the determination of applications already lodged with Council. | 2.h. |
| **4.1 Minimum subdivision lot size**<br><br>**And**<br><br>**4.1A Minimum subdivision requirements in certain residential and environment protection zones** | Clauses 4.1 and 4.1A apply minimum lot area and lot dimension requirements for subdivision and are intended to prevent land fragmentation, preserve the character of suburban areas and achieve planned residential densities. These clauses apply to the subdivision of land, even for the closure of small portions of roads.<br><br>While the Infrastructure SEPP (Schedule1) contains provisions for the subdivision of land or adjustment of lot boundaries for public purposes, these provisions are limited by the requirement that they cannot change the area of any lot by more than 10% and also in the purposes for which the resulting lots can be used.<br><br>The Planning Proposal therefore requests exemptions be added to clauses 4.1 and 4.1A of SSLEP2015 that will facilitate subdivisions associated with the closure of a road, despite mapped minimum lot size or the minimum lot dimensions assigned to particular zones. The changes would assist the disposal of surplus land. | 2.a. |
| **4.1C Minimum lot sizes for land containing secondary dwellings** | It is proposed to remove clause 4.1C as the provisions are duplicated by clause 2.6(c). | 2.b. |
| **4.1E Minimum lot sizes for dual occupancies, manor houses, and multi dwelling housing** | Clause 4.1E sets the minimum lot sizes for dual occupancies and multi dwelling housing in the R2 Low density residential zone.<br><br>The objective in Clause 4.1E is: *"to achieve planned residential density in certain zones"*. This is a standard instrument settled model local provision objective for minimum lot size controls. It is considered that additional objectives are required to better understand Council's intent for the development standards.<br><br>The objectives for the R2 Low Density Residential zone include the following: *"to ensure the single dwelling character, neighbourhood character and streetscapes of the zone are maintained over time and* | 2.c. |

| LEP Provision | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| | *not diminished by the cumulative impact of multi-dwelling housing or seniors housing".*<br><br>Maintaining the single dwelling character and streetscape of a neighbourhood can be better achieved on larger lots where landscaping opportunities, parking, ancillary development and the increased bulk and scale of increased dwelling development, can be more easily accommodated.<br><br>It is therefore proposed to add the following objective to clarify the specific intention of Clause 4.1E:<br>*(b) to ensure that new development maintains residential amenity and complements the established scale and character of the streetscape and landscaped context in which the development is carried out.* | |
| **New Development Standard Provision**<br><br>**Minimum lot sizes for boarding houses** | Boarding Houses are a type of residential use permissible in zones R2, R3, R4, B1, B2, B3, B4 and SP3.<br><br>While a boarding house is a specialised land use, it is not characterised by a distinctive building form. Given its function, such development often results in greater bulk and scale than existing development in the zone. A larger lot size enables greater opportunities to ameliorate impacts and address neighbourhood amenity.<br><br>SSDCP2015 was amended in September 2019 (DCP Amendment 5) to include design guidance and assessment controls for boarding houses. Council also resolved to amend SSLEP2015 to require a minimum lot size of 800m$^2$ for the development of Boarding Houses in all zones (Minute No. 302, PLN037-19). | 2.g. |
| **5.6 Architectural roof features** | Clause 5.6 is based on an optional model clause designed to encourage architectural diversity and interest in buildings by providing flexibility in the height limits imposed on buildings. In the Sutherland Shire Local Environmental Plan 2015 this clause was introduced with the intent of limiting its application to higher density residential, commercial and industrial zones. However, the drafting of the clause does not achieve the intent of limiting its operation to the intended zones.<br><br>Instead the drafting of the clause limits the application of a single objective within the clause to the specified zones. It's also noted that the list of zones does not include the B4 Mixed Use zone despite this being a higher density zone where design excellence in buildings should be encouraged. Consequently amendments to this | 2.j. |

| LEP Provision | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| | clause are sought to apply the clause to the prescribed zones only and add B4 mixed use as a prescribed zone. | |
| **6.3 Flood planning** | Clause 6.3 Flood Planning identifies applies to land at or below the flood planning level as identified in the Flood Planning Map.<br><br>Flood planning information is subject to regular review - as new studies, development or environmental changes evolve, and Council's understanding of flood affected land improves. Because the flood planning maps are in the LEP, a Planning Proposal is required to update information. This results in there being delays in the maps reflecting the latest and most accurate information. More up to date flood studies and flood hazard risk mapping is provided on Council's website.<br><br>It is therefore recommended that clause 6.3 be amended to remove the reference at 2(a) to land identified on the flood planning map, remove the Flood Planning Map from the suite of LEP maps, and remove the definition of 'Flood Planning Map' in the Dictionary.<br><br>Development on land at or below the flood planning level will still need to satisfy the provisions of Clause 6.3 Flood Planning in the SSLEP2015.<br><br>See section 4.3 for maps showing the existing flood planning area. | 2.d. |
| **6.4 Stormwater management** | Clause 6.4 Stormwater Management aims to minimise the impacts of urban stormwater on land adjoining development, native bushland and receiving waters. This clause only applies to residential, business and industrial zones and land zoned E3 Environmental Management and Zone E4 Environmental Living.<br><br>Council's LSPS promotes water efficiency and stormwater management across all areas of the Sutherland Shire. Water NSW has requested that Clause 6.4 of the SSLEP2015 be amended to expand its application to all land in the LGA.<br><br>Expanding the provisions of Clause 6.4 to include all land will apply these provisions to all development. | 1.c. |
| **6.9 Limited development on foreshore area** | SSLEP2015 limits development through clause 6.9 in order to protect the natural and aesthetic qualities of the foreshore area. The clause recognises that in the past some homes were constructed in the foreshore area and provides exceptions to allow them to be rebuilt, altered and extended provided that they do not intrude further into the foreshore area as a result. | 2.l. |

| LEP Provision | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| | The current drafting of the clause is problematic because it directly limits the expansion of dwellings in the foreshore area by extension or alteration, but does not limit the expansion of these dwellings when they are rebuilt.<br><br>To address this inconsistency it is recommended that the clause be amended slightly at (2)(a) to apply the existing limitation on the footprint of development in the foreshore area to the rebuilding of an existing dwelling. A potential solution is shown below:<br><br>*(2) Development consent must not be granted for development on the foreshore area except for the following—*<br><br>*(a) the alteration, extension or rebuilding of an existing dwelling wholly or partly on the foreshore area if the footprint of the rebuilding, extension or alteration will not extend any further forward of the foreshore building line than the footprint of the existing dwelling,* | |
| **6.10 Development on the foreshores of Port Hacking, Georges River, Woronora River and port Botany** | Clause 6.10 aims to regulate development on foreshores which were outside the coastal zone previously established by SEPP 71 Coastal Protection.<br><br>With the introduction of the Coastal Management Act 2016 and SEPP Coastal Management 2018, the coastal zone has been greatly expanded to cover every foreshore in the Sutherland Shire, including the foreshores to which Clause 6.10 applies. See section 4.4 for coverage maps which demonstrate the spatial overlap.<br><br>The objectives and requirements raised by the Coastal Management Act and Coastal Management SEPP duplicate those contained in Clause 6.10. See Appendix 5 for tables which demonstrate the duplication of provisions.<br><br>Accordingly Clause 6.10 Development on the foreshores of Port Hacking, Georges River, Woronora River and Port Botany and its associated maps is superfluous and should be removed from the SSLEP2015.<br><br>See section 4.4 for an overview of the mapping associated with this change. | 2.e. |
| **New Local Provision**<br><br>**Sutherland Shire Green Grid** | On 20th May 2019 (PLN012-19), Council endorsed a Green Grid Strategy Map for the Sutherland Shire. The Green Grid strategy seeks to meet Council's obligations under the Greater Sydney Commission's Metropolis of Three Cities and South District Plan by delivering 'Green Grid' connections (Planning Priority S15). | 1.b. |

| LEP Provision | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| | Sutherland Shire's Green Grid is an overarching scheme which builds on Council's cycleway and footpath program and detailed public domain manual to facilitate a co-ordinated network of high quality green spaces, tree-lined streets and corridors. This grid will support walking, cycling and community access to:<br>- Centres and public transport hubs<br>- Schools, shops and community facilities<br>- Natural destinations (e.g. beaches, waterways, bushland)<br>- Bush trails through the National Parks<br>- Greenweb biodiversity corridors<br>- Hydrological and drainage corridors.<br>The Green Grid local provision will give the Green Grid Strategy statutory weight in the determination of applications. The provision will facilitate conditions of consent related to landscaping and frontage works to ensure the development will contribute to the realisation of the Green Grid.<br><br>The Green Grid map will be subject to ongoing refinement as specific projects are completed and new projects are identified for inclusion. In order to give effect to the Green Grid Strategy a Green Grid enabling clause and map is to be introduced as a local provision.<br><br>An example provision is included below:<br>*(1) The objective of this clause is to create a network of tree-lined active transport connections between and through open spaces and along waterways.*<br>*(2) This clause applies to land identified on the Green Grid Map.*<br>*(3) In deciding whether to grant development consent for development on land to which this clause applies, the consent authority must consider the extent to which the development:*<br>*i. retains and enhances canopy cover, and*<br>*ii. facilitates and prioritises safe active transport connections*<br><br>See section 4.2 for mapping to show the Sutherland Shire Green Grid map. | |
| **Schedule 3 Complying development**<br><br>**Part 2 Complying development certificate conditions** | The plan's complying development provisions applying in zone E4 Environmental Living allow for a development of dwelling houses and ancillary development on land in that zone. At present, vegetation removal or pruning undertaken for development under this Schedule requires a separate permit under SEPP (Vegetation in non-rural areas) 2017. However, trees and vegetation are exempted from the permit where it satisfies one of the following criteria:<br>• the tree or vegetation is within 3m of the development; or<br>• the tree or vegetation is less than 6m high. | 1.d. |

| LEP Provision | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| **Removal or pruning of trees or other protected vegetation** | Council's original intent in making this provision was to require both criteria be satisfied to exempt a tree or vegetation from the need for a permit. This was to ensure that only minor vegetation close to the development could be removed as complying development.<br><br>In contrast, the current drafting allows small trees to be removed anywhere on the site even if they bear no relation to the development being undertaken. Council is therefore seeking to amend the drafting of this provision so that trees and vegetation must satisfy both the height and proximity tests in order to qualify for removal without a separate permit or consent. | |
| **Dictionary** | The term "Flood Planning Map" was added to the Dictionary of SSLEP2015 to support the operation of clause 6.3 Flood Planning. With the proposed repeal of the flood planning maps and modification of clause 6.3, the term is redundant. Therefore the definition must be removed from the Dictionary. | 2.d. |

## 2.2 Map Amendments

SSLEP2015's maps are to be amended as follows:

| LEP Map & Map Sheet | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| **LZN - Land Zoning Map** | | |
| LZN_001A & LZN_003 | The ANSTO Campus comprises 21 lots. The zoning applied to these lots under SSLEP2015 is SP1 Special Activities, with 'Research and Technology' identified in red lettering as the special activities permissible.<br><br>The ANSTO Precinct is identified in the South District Plan and the Sutherland Shire Local Strategic Planning Statement as an Innovation Precinct. This reflects the intention of ANSTO to develop a research and innovation precinct, containing a graduate institute, innovation and incubator and technology park. These will be based around the unique research facilities provided on the ANSTO Campus. The ANSTO Collaboration Area Place Strategy was approved by the Greater Sydney Commission in December 2019 facilitating its transition to a research and technology hub.<br><br>The LSPS Planning Priority 14 aims to *Support employment growth at ANSTO Innovation Precinct to allow for more highly skilled local employment opportunities.* Action 14.5 states *Apply broad land use permissibility to the ANSTO precinct to support a wide and flexible range of uses, including opportunities for short to medium-term visitor accommodation and employment and tourism opportunities for the local Aboriginal community*<br><br>To better reflect the intent of the ANSTO Collaboration Area Place Strategy it is recommended that the SP1 Special Activities zoning be retained, and the red lettering be amended to 'Innovation Precinct'. This would theoretically broaden the permissibility of uses for the campus. However, it is noted that as the campus falls under section 7A of the *Australian Nuclear Science and Technology Organisation Act 1987* and therefore Council has no role as a consent authority. | 1.a. |
| LZN_001A | The property at 1 Rosebery Street, Heathcote was used as a church from the 1980s. In 2000 the church property was extended through the purchase of a small (44m$^2$) portion of adjacent land to the rear of the property (Lot 10 DP 1014211) which has the separate address 1R Waterfall Road, Heathcote. This new parcel was developed for the purpose of expanding the church carpark in the same year.<br><br>Under the Sutherland Shire Local Environmental Plan 2000, the lot was zoned "7(b) Environment protection" in line with the adjacent crown land. At the introduction of the Sutherland Shire | 2.k. |

| LEP Map & Map Sheet | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| | Local Environmental Plan 2015 the zone of this lot was transferred to the equivalent zone "E2 Environmental Conservation" along with most land in the former 7(b) zone. The zone change occurred despite this parcel being entirely used as a bitumen car park with no remaining vegetation. The rest of the former church site is zoned R2 Low Density Residential.<br><br>The site is now in different ownership and a development application (DA20/0430) has been submitted for "*Demolition of existing structures, construction of a multi-dwelling housing complex comprising of twelve (12) dwellings and strata subdivision*". The proposed use is prohibited in the E2 Zone and this has prompted the applicant to request the zoning anomaly be corrected.<br><br>It is therefore proposed that the zoning anomaly be corrected by changing the zone of Lot 10 DP 1014211 from E2 Environmental Conservation to R2 Low Density Residential and applying development standards consistent with the rest of the former church site.<br><br>See section 4.8 for maps of the site and the LEP mapping changes required. | |
| LZN_001D | Council has agreed (SER033-18 October 2018) to a land swap with the owners of 5 Preston Avenue Engadine, (Engadine Tavern Project Pty Ltd). A portion of the privately owned car park (approximately 160m$^2$) is to be exchanged for a portion of public road (143.5 m$^2$) along Geebung Lane, adjacent to 5 Preston Avenue Engadine (Lot 6 DP 232490). The land exchange results in the extension of Engadine Town Park, located at 1058-1062 Old Princes Highway Engadine and the formal closure of the portion of road.<br><br>Consequently the Planning Proposal seeks to amend the Sutherland Shire Local Environmental Plan 2015 by:<br><br>• The park extension (5 Preston Avenue) will be rezoned from B3 Commercial to RE1 Pubic Recreation with removal of the mapped building height and FSR limit.<br><br>• The road closure portion will retain the B3 commercial core zoning, but have a Floor Space Ratio limit of 2:1 and height limit of 20m applied.<br><br>See section 4.5 for maps of the land exchange and LEP mapping changes required. | 2.f. |

| LEP Map & Map Sheet | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| LZN_005A | Council has purchased the property at 168 Oak Road, Kirrawee (Lot 33 in DP 590492) for the purpose of augmenting local public open space and to support future active transport connections.<br><br>The property is currently zoned R2 Low Density Residential and this should be changed to RE1 Public Recreation in recognition of its intended purpose.<br><br>See section 4.6 for maps of the site and the required zone changes. | 2.i. |
| **HOB – Height of Buildings** | | |
| HOB_001A | It is proposed that the zoning anomaly on part of the former Church at 1 Rosebery Street, Heathcote be corrected by changing the zone of Lot 10 DP 1014211 (at 1R Waterfall Road, Heathcote) to R2 Low Density Residential and applying a height limit of 8.5m consistent with the rest of the former church site.<br><br>See section 4.8 for maps of the site and the LEP mapping changes required. | 2.k. |
| HOB_001D | To facilitate the land exchange (SER033-18) the Planning Proposal seeks to amend the Sutherland Shire height of buildings map.<br><br>• The park extension (5 Preston Avenue) to have the mapped building height removed.<br><br>• The road closure portion to have a height limit of 20m applied.<br><br>See section 4.5 for maps of the land swap, and LEP mapping changes required. | 2.f. |
| HOB_005A | Council has purchased the property at 168 Oak Road, Kirrawee (Lot 33 in DP 590492) for the purpose of augmenting local public open space and to support future transport connections.<br><br>The property is currently mapped with a height limit of 8.5m and is included in “Area 6” which relates to a bonus provision for single storey multi dwelling housing. The height limit and “Area 6” should be removed from the property to reflect its new purpose.<br><br>See section 4.6 for maps of the site and the required height map changes. | 2.i. |

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| LEP Map & Map Sheet | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| **FSR – Floor Space Ratio** | | |
| FSR_001A | It is proposed that the zoning anomaly on part of the former Church at 1 Rosebery Street, Heathcote be corrected by changing the zone of Lot 10 DP 1014211 (at 1R Waterfall Road, Heathcote) to R2 Low Density Residential and applying a Floor Space Ratio limit of 0.55:1 consistent with the rest of the former church site.<br><br>See section 4.8 for maps of the site and the LEP mapping changes required. | 2.k. |
| FSR_001D | To facilitate the land swap agreement sought by Council (SER033-18) the planning proposal seeks to amend the Sutherland Shire floor space ratio map.<br><br>• The park extension (5 Preston Avenue) to have the floor space ratio removed.<br><br>• The road closure portion to have a floor space ratio of 2:1 applied.<br><br>See section 4.5 for maps of the land swap, and LEP mapping changes required. | 2.f. |
| FSR_005A | Council has purchased the property at 168 Oak Road, Kirrawee (Lot 33 in DP 590492) for the purpose of augmenting local public open space and to support future transport connections.<br><br>The property is currently mapped with a floor space ratio limit of 0.55:1 and is included in "Area 6" which relates to a bonus provision for single storey multi dwelling housing. The floor space ratio and "Area 6" should be removed from the property to reflect its new purpose.<br><br>See section 4.6 for maps of the site and the required floor space ratio map changes. | 2.i. |
| **LSZ – Lot Size** | | |
| LSZ_001A | It is proposed that the zoning anomaly on part of the former Church at 1 Rosebery Street, Heathcote be corrected by changing the zone of Lot 10 DP 1014211 (at 1R Waterfall Road, Heathcote) to R2 Low Density Residential and applying a minimum lot size requirement of 550m$^2$ consistent with the rest of the former church site.<br><br>See section 4.8 for maps of the site and the LEP mapping changes required. | 2.k. |

| LEP Map & Map Sheet | Amendment | Relevant Objective (from Part 1) |
|---|---|---|
| LSZ_005A | Council has purchased the property at 168 Oak Road, Kirrawee (Lot 33 in DP 590492) for the purpose of augmenting local public open space and to support future transport connections.<br><br>The property is currently mapped with a minimum lot size of 550m$^2$. The minimum lot size should be removed from the property to reflect its new purpose.<br><br>See section 4.6 for maps of the site and the required minimum lot size map changes. | 2.i. |
| **LSA – Landscape Area** | | |
| LSA_001A | It is proposed that the zoning anomaly on part of the former Church at 1 Rosebery Street, Heathcote be corrected by changing the zone of Lot 10 DP 1014211 (at 1R Waterfall Road, Heathcote) to R2 Low Density Residential and applying a landscaped area requirement of 35% consistent with the rest of the former church site.<br><br>See section 4.8 for maps of the site and the LEP mapping changes required. | 2.k. |
| LSA_005A | Council has purchased the property at 168 Oak Road, Kirrawee (Lot 33 in DP 590492) for the purpose of augmenting local public open space and to support future transport connections.<br><br>The property is currently mapped with a landscape area of 35% and is included in "Area 6" which relates to a bonus provision for single storey multi dwelling housing. The landscaped area requirement and "Area 6" should be removed from the property to reflect its new purpose.<br><br>See section 4.6 for maps of the site and the required landscape area map changes. | 2.i. |
| **FDV – Foreshores of Port Hacking, Georges River, Woronora River and Botany Bay Map** | | |
| All map sheets | Removal of the mapped area and repeal of all maps in this set as a consequence of the repeal of Clause 6.10 Development on the foreshores of Port Hacking, Georges River, Woronora River and Port Botany.<br><br>See section 4.4 for maps describing this change. | 2.e. |
| **FLD - Flood Planning Map** | | |
| All map sheets | Removal of all maps in this set as a consequence of the transfer of flood planning mapping to Council's website.<br><br>See section 4.3 for maps describing this change. | 2.d. |

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# 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 matters of strategic alignment are the result of the Sutherland Shire Local Strategic Planning Statement (LSPS). The Planning Proposal is required to bring the Sutherland Shire Local Environmental Plan 2015 into alignment with the LSPS.

The minor matters are the result of issues encountered through the operation of SSLEP2015. These are not the result of a strategic study or report.

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

The scope of the proposed changes is beyond the scope of section 3.22 of the Environmental Planning and Assessment Act. Therefore, a Planning Proposal is the only acceptable means to achieve the required amendments to SSLEP2015.

## Section B – Relationship to strategic planning framework

### 3.B.1 Strategic or Site Specific Merit

**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)?**

The proposed planning proposal is consistent with the broad policy objectives and actions contained within *The Greater Sydney Region Plan: A Metropolis of Three Cities* and the *South District Plan*. The Planning Proposal aims to ensure alignment between SSLEP2015 and the broader strategic planning framework detailed in the Sutherland Shire Local Strategic Planning Statement. Strategic alignment is detailed in Appendix 2.

**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.*

The Planning Proposal has strategic merit because it ensures alignment between SSLEP2015, the *South District Plan* and the Sutherland Shire Local Strategic Planning Statement (an adopted local

Council strategy that has been endorsed by the Department). Strategic alignment is detailed in Appendix 2.

**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.*

The planning proposal has site specific merit in relation to the following matters:

- The ANSTO Innovation Precinct at New Illawarra Road, Lucas Heights

This Planning Proposal is advancing action in relation to the ANSTO Innovation Precinct. The precinct was identified in the *Greater Sydney Region Plan* as one of the first Collaboration Areas in Greater Sydney. Through working with ANSTO and other stakeholders, Council has identified that in order to facilitate development, existing planning controls applied to the precinct under SSLEP2015 require change. In particular, the variety and diversity of uses envisaged for the precinct is far broader than Council expected when SSLEP2015 was prepared. The Planning Proposal will facilitate capacity for the precinct to incorporate diverse businesses and housing for students and workers.

- Rezoning to recognise a new Council reserve at 168 Oak Road, Kirrawee

The new public reserve at Kirrawee will augment the open space available to local residents and is well located to support the needs of growing communities and possible future active transport infrastructure located adjacent to Kirrawee railway station. Transport for NSW is currently evaluating corridors for future stages of the Sutherland to Cronulla Active Transport Link (SCATL) which may take advantage of this land either for the route or for supporting facilities like bicycle parking. Furthermore, the site provides new public open space in an area where high density housing has recently been developed. Zoning this land for RE1 Public Recreation and removing development standards mapping will help to ensure it is retained for these public purposes.

- Correct a zoning anomaly on a portion of the former church site at 1R Waterfall Road, Heathcote

Correcting the zoning anomaly will remove an unnecessary barrier to the use of the broader site for the purposes for which it is zoned. The current E2 Environmental Conservation zoning on the portion of the site is not appropriate because the land has been used as a bitumen carpark for 20 years. The objectives of the E2 zone including to *"..protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values."* are not appropriate for this lot which only contains a section of the former church's bitumen carpark. Changing the zoning of this parcel to match the rest of the former church site will provide a consistent set of planning requirements for development of the site.

### 3.B.2 Consistency with a Local Strategy or Local Strategic Plan

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

The planning proposal implements the following actions from the Sutherland Shire Local Strategic Planning Statement (LSPS) to ensure alignment with the strategic planning framework:

- **LSPS Action 14.5: "Apply broad land use permissibility to the ANSTO precinct to support a wide and flexible range of uses, including opportunities for short to medium-term visitor accommodation and employment and tourism opportunities for the local aboriginal community"** in relation to the zoning of the ANSTO innovation precinct.
- **LSPS Action 19.1: "Incorporate Green Grid into LEP and DCP provisions"** in relation to implementation of the Green Grid as an LEP provision.
- **LSPS Action 18.6: "Facilitate greater waterway access while protecting the environment"** in relation to the application of stormwater provisions to more zones.
- **LSPS Action 20.4: "Retain LEP and DCP provisions to ensure sufficient space for canopy trees and indigenous local planting"** in relation to the amendment of the E4 complying development provisions for trees and vegetation.

Further, the Planning Proposal is consistent with the intent of planning priorities set out in the LSPS as detailed in Appendix 2.

### 3.B.3 Consistency with State Environmental Planning Policies

**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. See the table at Appendix 3.

### 3.B.4 Consistency with Ministerial Directions

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

Yes, the Planning Proposal is substantially consistent with all applicable s9.1 Ministerial Directions. Some minor inconsistencies have been identified in relation to components of the planning proposal and some requirements of specific directions. These are evaluated in Appendix 4.

## 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 relate only to matters of strategic alignment, or are minor changes that have minimal effect on the development of land. No significant environmental impacts are expected as a result of changes contained in this Planning Proposal.

**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 relate only to matters of strategic alignment, or minor changes that have minimal effect on the development of land. No significant environmental effects are expected as a result of changes contained in this Planning Proposal.

**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 the broader strategic policy framework.

## Section D – State and Commonwealth interests

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

This proposal is unlikely to affect the demand for infrastructure.

**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 ANSTO Innovation Precinct

**Objective 1.a.**

Mapped Outline with Aerial and Streets


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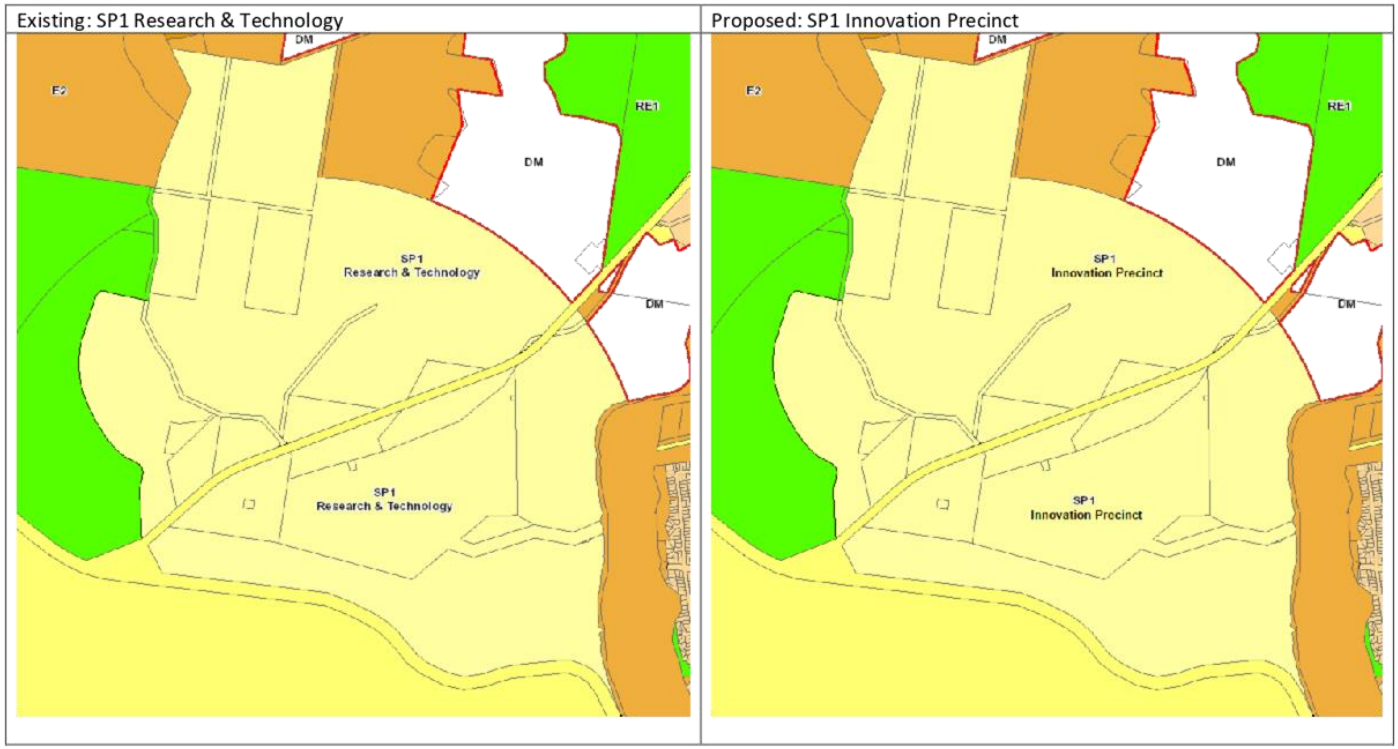
**Land Zoning (Map Sheets: LZN_001A & LZN_003)**

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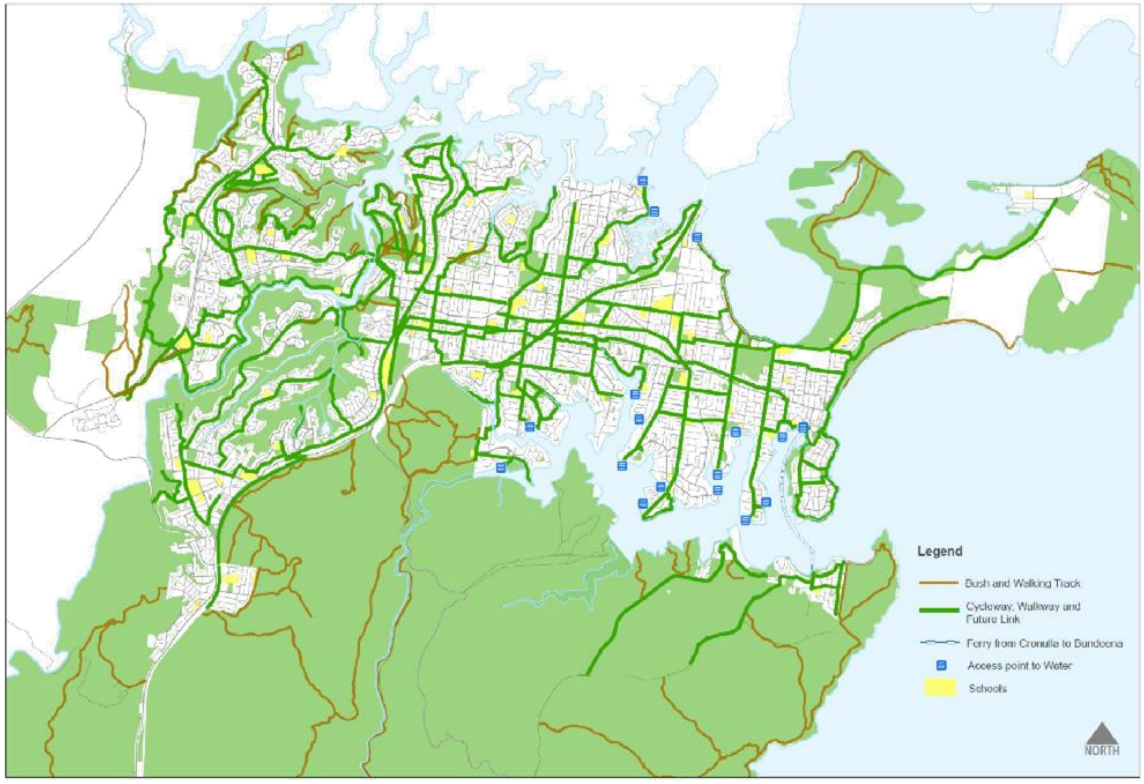
## 4.2 Sutherland Shire Green Grid

**Objective 1.b.**

**The Sutherland Shire Green Grid map showing "Future Links" proposed to be mapped within the LEP.**

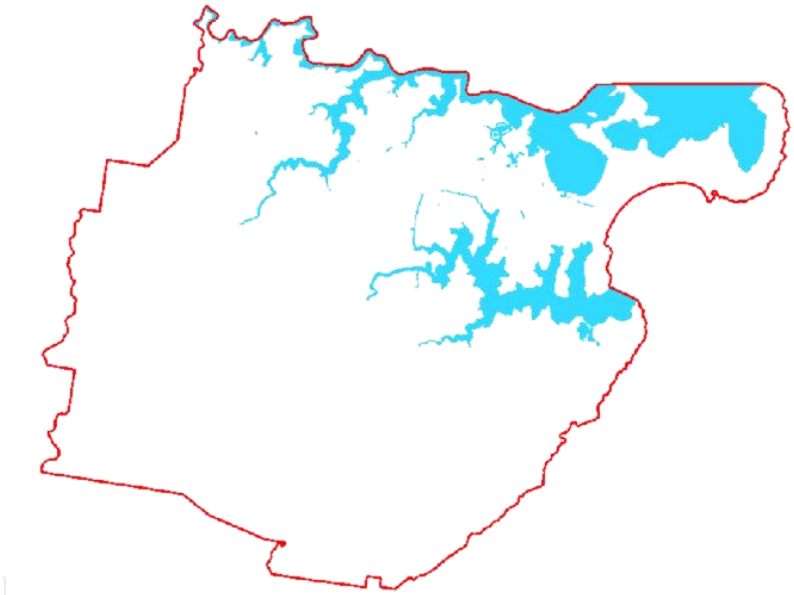



22

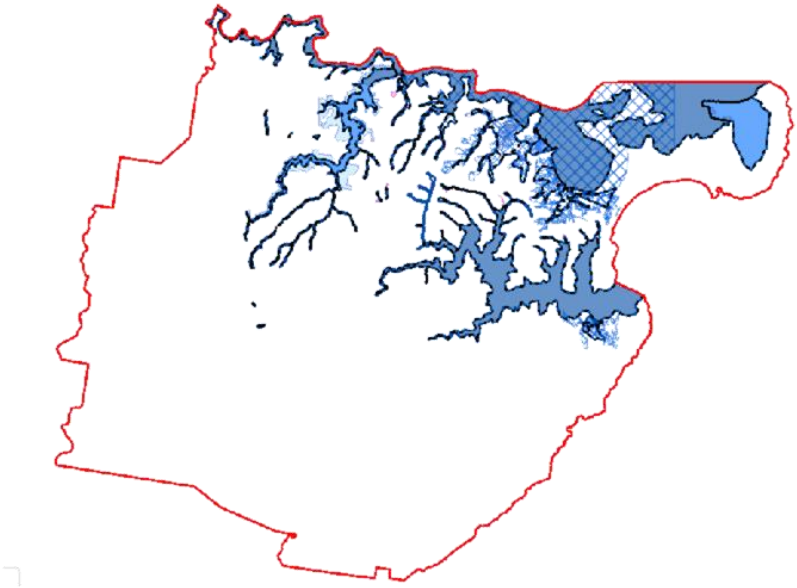
### 4.3 Move Flood Mapping from the LEP Maps to Council Maps

Objective 2.d.

LEP Flood Planning Area (Existing, to be repealed)



Consolidated Flood Risk Mapping External to the LEP (Proposed)



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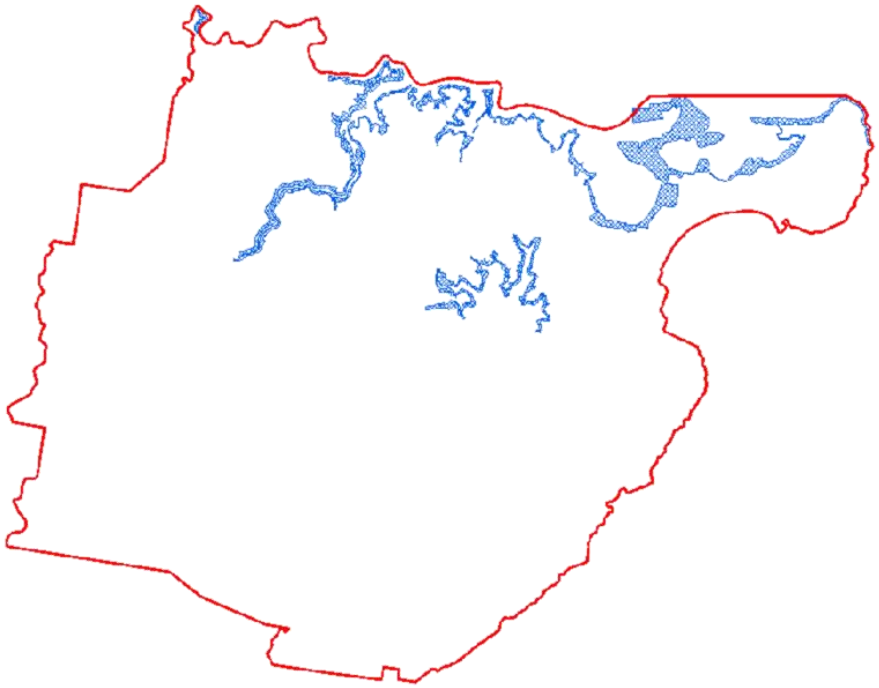
## 4.4 Remove Clause 6.10 Development on the foreshores of Port Hacking, Georges River, Woronora River and Botany Bay Map and Associated Mapping

Objective 2.e.

**Foreshores of Port Hacking, Georges River, Woronora River and Botany Bay Map (Map Sheet: All FDV Maps)**

Existing: Mapped Area (Proposed for Repeal)



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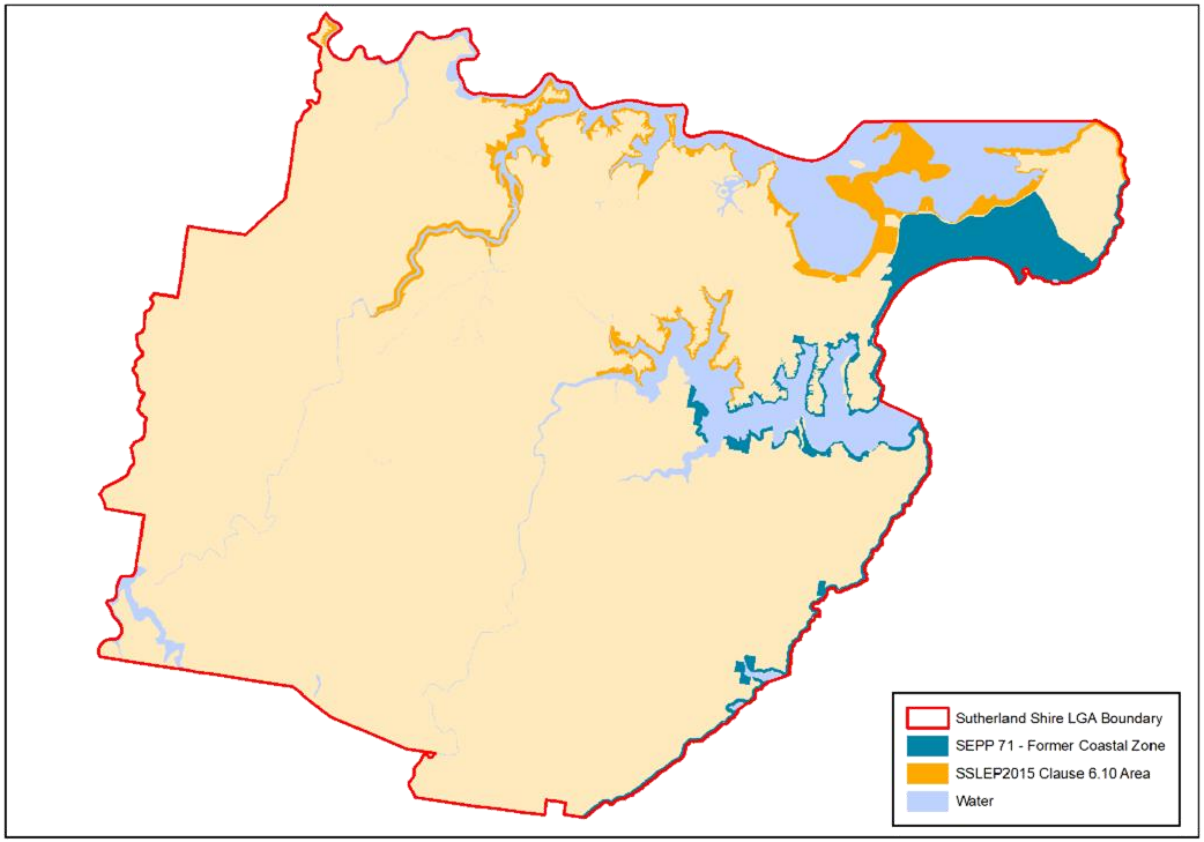
**Map: Comparison of SEPP 71 Coastal Zone and Application Area of SSLEP2015 Clause 6.10**

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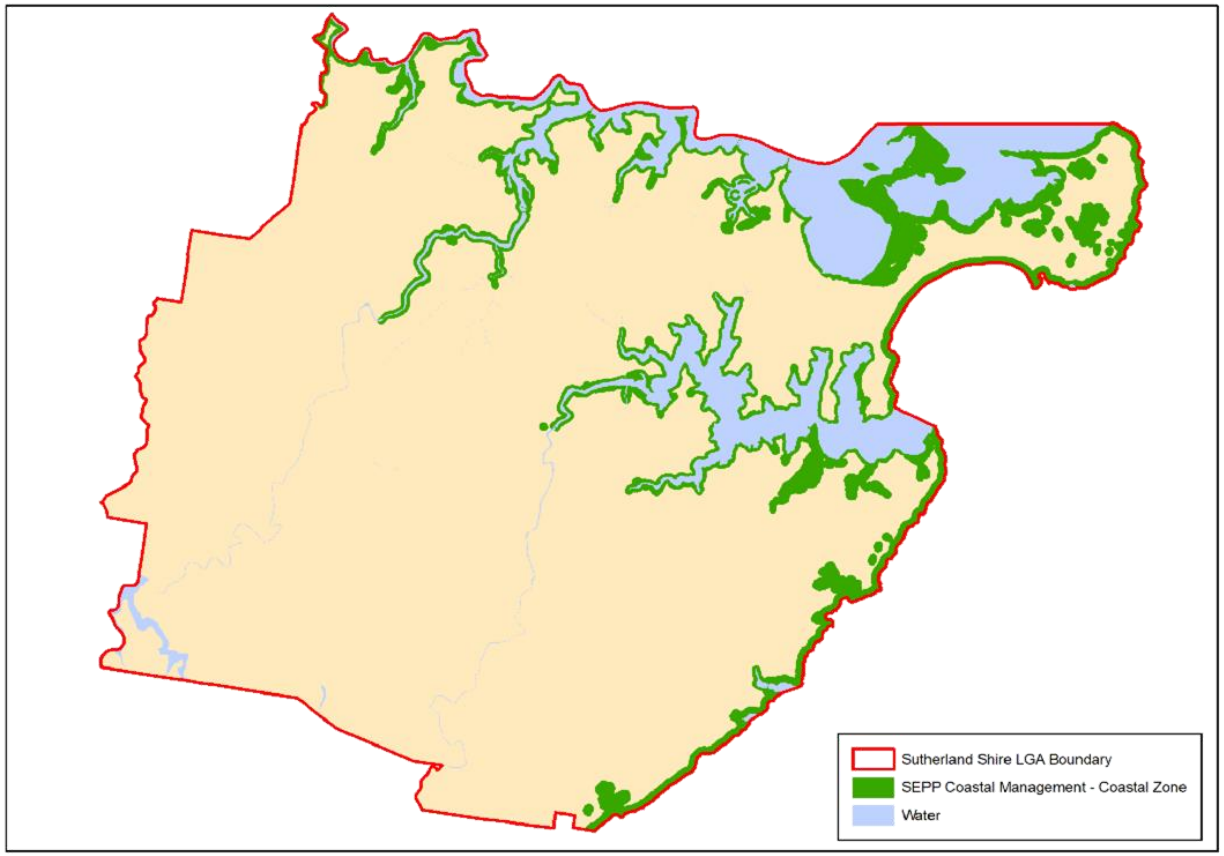
**Map: Existing Coastal Zone under the Coastal Management SEPP**

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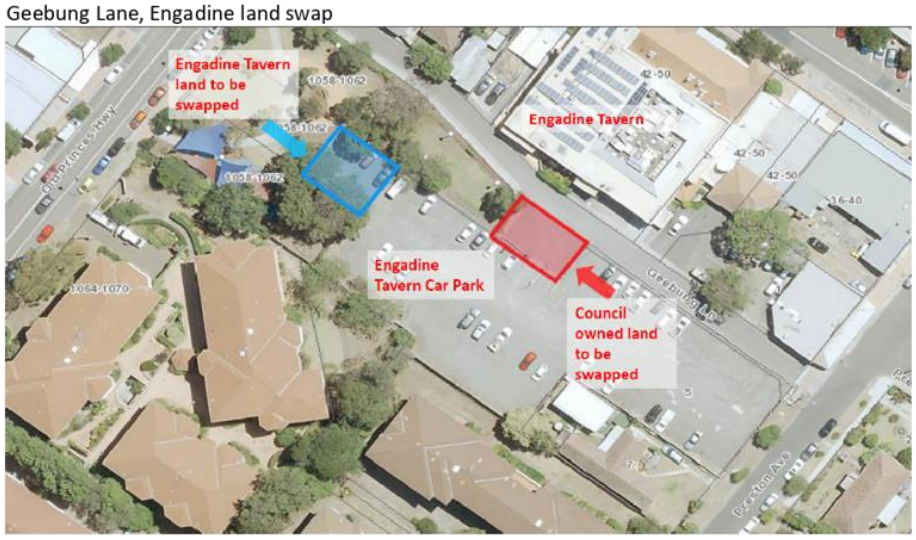
## 4.5 Land Swap at Geebung Lane, Engadine

**Objective 2.f.**

Geebung Lane, Engadine land swap

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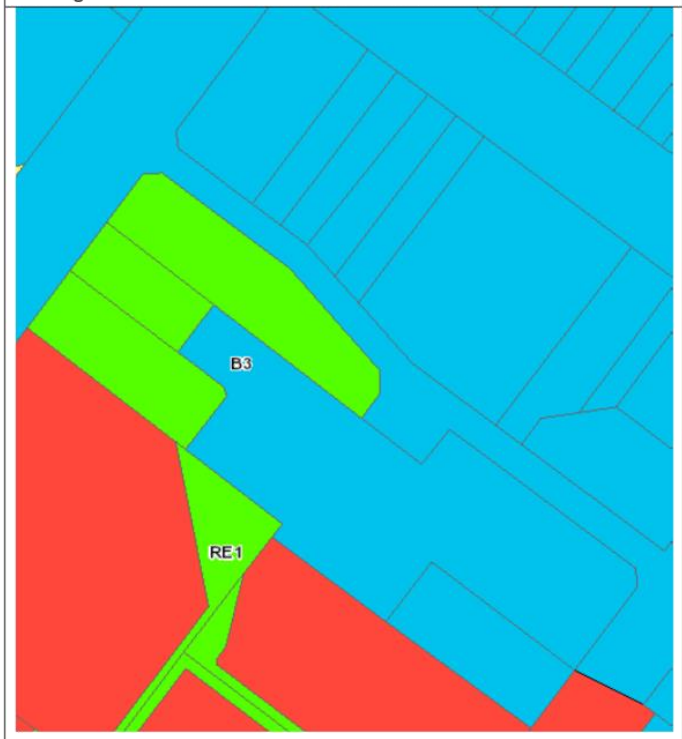
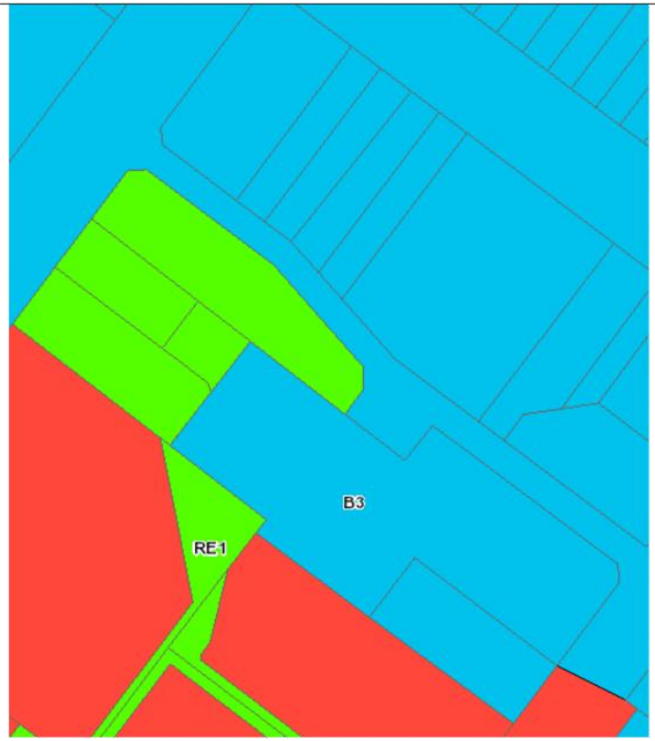
**Land Zoning (Map Sheets: LZN_001D)**

| Existing: RE1 Public Recreation & B3 Commercial Core | Proposed: RE1 Public Recreation (extended) & B3 Commercial Core |
|---|---|
|  |  |



28

**Height of Buildings (Map Sheets: HOB_001D)**


29

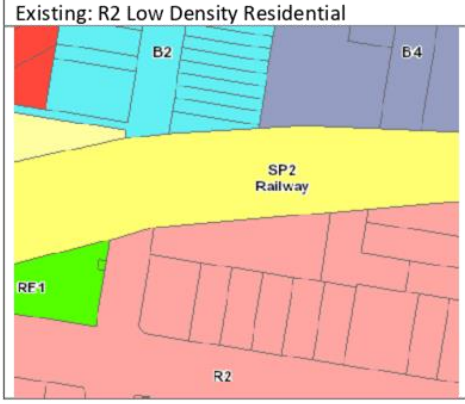
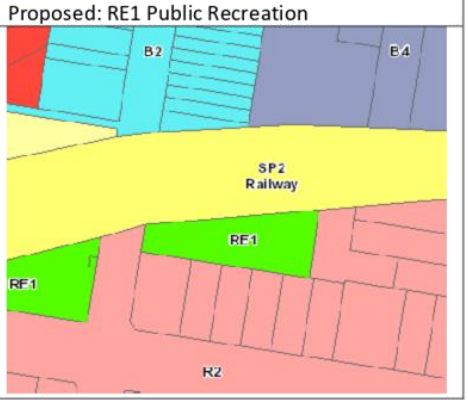
**Floor Space Ratio (Map Sheets: FSR_001D)**


30

## 4.6 Rezone 168 Oak Road, Kirrawee as a Public Reserve

**Objective 2.i.**


**Land Zoning (Map Sheets: LZN_005A)**

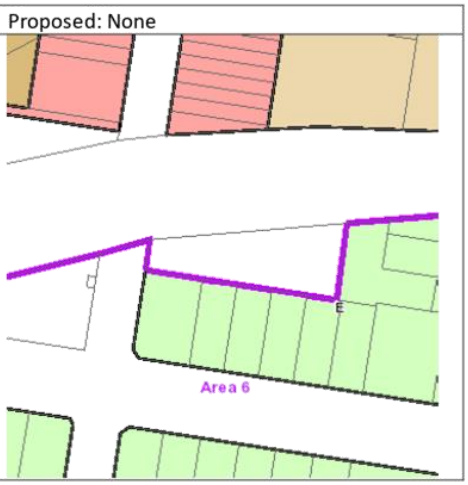
| Existing: R2 Low Density Residential | Proposed: RE1 Public Recreation |
|---|---|
|  |  |

**Height of Buildings (Map Sheets: HOB_005A)**

| Existing: 8.5m & "Area 6" | Proposed: None |
|---|---|
|  |  |



**Floor Space Ratio (Map Sheets: FSR_005A)**

| Existing: 0.55:1 & "Area 6" | Proposed: None |
|---|---|
|  |  |



32

**Lot Size (Map Sheets: LSZ_005A)**

| Existing: 550m$^2$ | Proposed: None |
|---|---|
|  |  |

**Landscape Area (Map Sheets: LSA_005A)**

| Existing: 35% & "Area 6" | Proposed: None |
|---|---|
|   |   |

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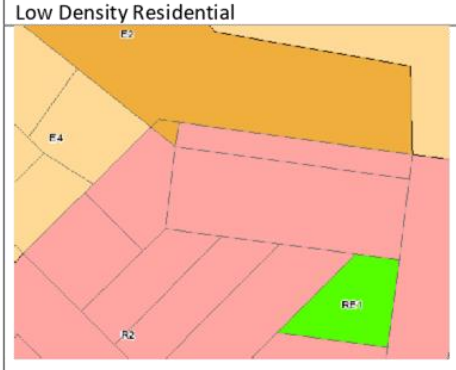
## 4.8 Correct a Zoning Anomaly on a Portion of the Former Church Site at 1R Waterfall Road, Heathcote.

Objective 2.k.

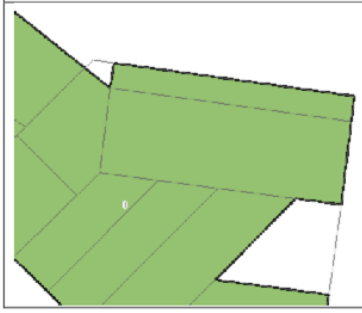
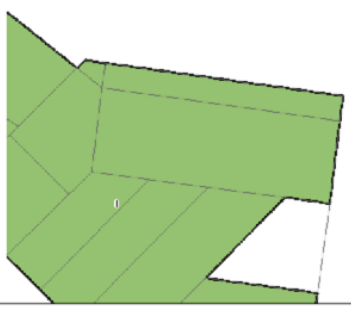

**Land Zoning (Map Sheets: LZN_005A)**

| Existing: E2 Environmental Conservation & R2 Low Density Residential | Proposed: R2 Low Density Residential |
|---|---|
|  |  |

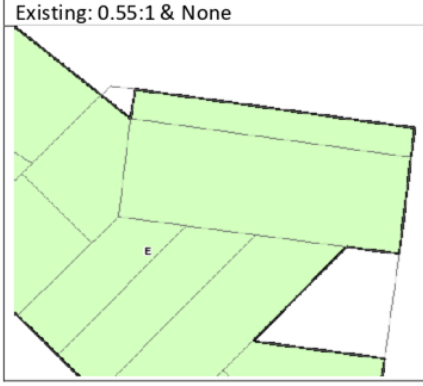
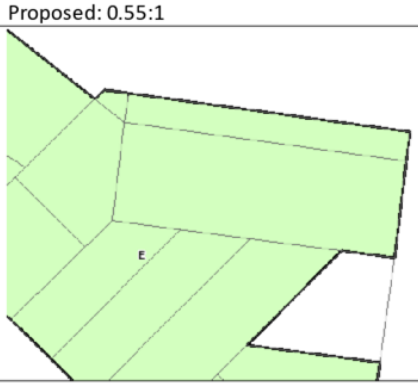


34

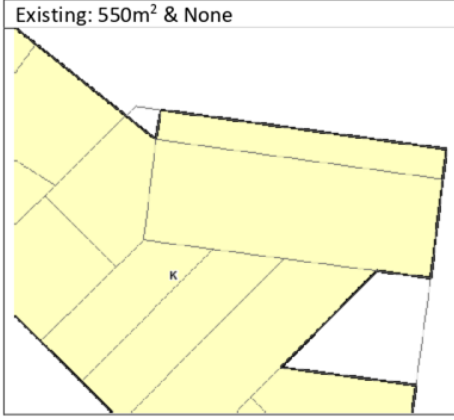
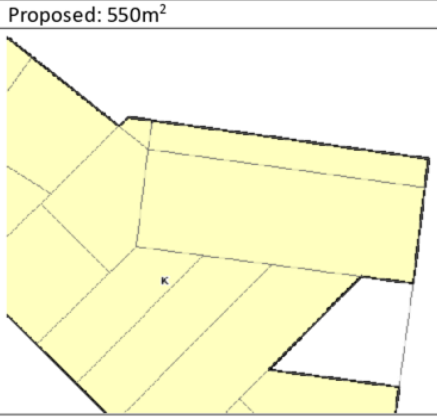
**Height of Buildings (Map Sheets: HOB_005A)**

| Existing: 8.5m & None | Proposed: 8.5m |
|---|---|
|  |  |

**Floor Space Ratio (Map Sheets: FSR_005A)**

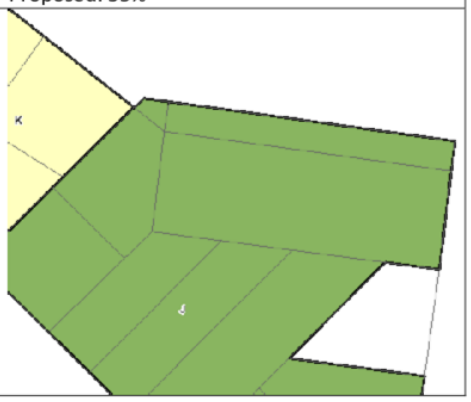
| Existing: 0.55:1 & None | Proposed: 0.55:1 |
|---|---|
|  |  |

**Lot Size (Map Sheets: LSZ_005A)**

| Existing: 550m$^2$ & None | Proposed: 550m$^2$ |
|---|---|
|  |  |

35

**Landscape Area (Map Sheets: LSA_005A)**

| Existing: 35% & None | Proposed: 35% |
| --- | --- |
|  |  |

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## 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 sent to landowners whose land is specifically affected by the Planning Proposal, and adjoining landowners in accordance with Council's adopted Community Engagement Policy. 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 | TBC |
| Exhibition Start | 1 month after gateway |
| End Exhibition | 2 months after gateway |
| Review and Consideration of Submissions | 3-4 months after gateway |
| Report to Committee on Submissions | 6 months after gateway |
| Council Meeting | 7 months after gateway |
| Request for Draft Instrument to be Prepared | 7 months after gateway |

## Conclusion

The purpose of this Planning Proposal is to amend the *Sutherland Shire Local Environmental Plan 2015* to align with policy decisions of the Sutherland Shire Local Strategic Planning Statement and make other minor amendments. The Planning Proposal is demonstrated to be 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 - Refresh

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

**Intent of draft LEP:** to amend the *Sutherland Shire Local Environmental Plan 2015* to align with policy decisions of the Sutherland Shire Local Strategic Planning Statement and make other minor amendments.

**Additional Supporting Points/Information:** N/A

| (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 / Disagree |
| 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 | | |
| Does the planning proposal give effect to an endorsed regional or sub-regional planning strategy or a local strategy including the LSPS endorsed by the Planning Secretary? | Y | | |
| Does the planning proposal adequately address any consistency with all relevant s. 9.1 Planning Directions? | Y | | |
| Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)? | Y | | |
| **Minor Mapping Error Amendments** | | | |
| 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? | | N/A | |

| Heritage LEPs | | | |
|---|---|---|---|
| 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 | | | |
|---|---|---|---|
| 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 | |
| Has Council confirmed whether there are any trusts, estates, interests, dedications, conditions, restrictions or covenants on the public land and included a copy of the title with the planning proposal? | | N/A | |
| Has council confirmed that there will be no change or extinguishment of interests and that the proposal does not require the Governor's approval? | | N/A | |
| Has the council identified that it will exhibit the planning proposal in accordance with the Department's Practice Note regarding classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land? | | 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 | | | |
|---|---|---|---|
| Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy? | N | | |
| Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format? | N | | |
| Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed? | N | | |
| If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed? | | N/A | |
| Does the planning proposal create an exception to a mapped development standard? | Y | | |

| Section 3.22 matters | | | |
|---|---|---|---|
| Does the proposed instrument<br>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?;<br>b) address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or<br>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?<br>(**Note** – the Minister (or Delegate) will need to form an Opinion under section 3.22(1)(c) of the Act in order for a matter in this category to proceed). | N | | |

***Notes***

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the council will be authorised to make the plan, as a matter of local planning significance
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Planning Secretary of the Department.

Matters that will be routinely delegated to a Council under administration are confirmed on the Department's website
*www.planning.nsw.gov.au/Plans-for-Your-Area/Local-Planning-and-Zoning/*

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## Appendix 2: Strategic Alignment

| Planning Proposal Objectives | Sutherland Shire Local Strategic Planning Statement | South District Plan | Greater Sydney Region Plan: A Metropolis of Three Cities |
|---|---|---|---|
| **1.a. Facilitate the ANSTO Innovation Precinct through changes to the mapped purpose of the special purpose zoning that applies to the site..**<br>The innovation precinct was identified in the *Greater Sydney Region Plan* as one of the first Collaboration Areas in Greater Sydney. Through working with ANSTO and other stakeholders, Council has identified that the existing planning controls applying to the site under SSLEP2015 should change to facilitate development of the precinct. The Planning Proposal been prepared in part to facilitate those changes to planning controls to help deliver the precinct. | **Infrastructure and Collaboration**<br>**Planning Priority 6. Collaborative Partnerships**<br><br>**Productivity**<br>**Planning Priority 14. ANSTO Innovation Precinct** | **Infrastructure and Collaboration**<br>**Action 7. Identify, prioritise and deliver Collaboration Areas**<br><br>**Liveability**<br>**Action 19. In Collaboration Areas, Planned Precincts and planning for centres:**<br>**c. consider the capacity for places to change and evolve, and accommodate diverse activities over time**<br><br>**Productivity**<br>**Action 23. Facilitate an innovation precinct that:**<br>**a. attracts associated businesses, industries and commercialisation of research**<br>**b. delivers high levels of accessibility, walkability and amenity**<br>**c. includes housing opportunities for students and workers within 30 minutes of the precinct.** | **A collaborative city**<br>**Objective 5: Benefits of growth realised by collaboration of governments, community and business**<br><br>**Jobs and skills for the city**<br>**Objective 21: Internationally competitive health, education, research and innovation precincts** |
| **1.b. Give statutory effect to the Sutherland Shire Green Grid.**<br>This Planning Proposal implements the Sutherland Shire Green Grid as a consideration for development assessment. Developments which are adjacent to or within a Green Grid link will be subject to enhanced landscaping, tree planting and public domain requirements that will contribute to extension of urban canopy. An expanded urban canopy will help to moderate urban heat. This will also contribute to new active transport infrastructure to better connect people to open space and recreational opportunities.<br><br>Increased use of active transport and a reduction in greenhouse gas emissions, as well as mitigation of some effects of climate change. | **Infrastructure and Collaboration**<br>**Planning Priority 5. SCATL and Active Transport Infrastructure**<br><br>**Productivity**<br>**Planning Priority 16. Connected Transport Networks**<br><br>**Sustainability**<br>**Planning Priority 20. Urban Tree Canopy**<br><br>**Planning Priority 21. Green Grid Connections** | **Sustainability**<br>**Action 69. Expand urban tree canopy in the public realm.**<br><br>**Action 80. Mitigate the urban heat island effect and reduce vulnerability to extreme heat.** | **A city in its landscape**<br>**Objective 30: Urban tree canopy cover is increased**<br><br>**Objective 31: Public open space is accessible, protected and enhanced**<br><br>**Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths**<br><br>**An efficient city**<br>**Objective 35: A low carbon city contributes to net-zero emissions by 2050 and mitigates climate change**<br><br>**A resilient city**<br>**Objective 38: Heatwaves and extreme heat are managed** |
| **1.c. Protect water quality by applying the stormwater controls in Clause 6.4 to all special purpose zones, recreation zones and the E2 environmental conservation zone.**<br>Following this amendment, the clause will apply to development in all zones. This will ensure that stormwater impacts are minimised or avoided by more development in the Sutherland Shire, and in the long term contribute to the health of catchments and waterways. | **Infrastructure and Collaboration**<br>**Planning Priority 6. Collaborative Partnerships**<br><br>**Sustainability**<br>**Planning Priority 18. Waterways and beaches Quality** | **Sustainability**<br>**Action 60. Protect environmentally sensitive areas of waterways and the coastal environment area.**<br><br>**Action 62. Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes.** | **A city in its landscape**<br>**Objective 25: The coast and waterways are protected and healthier** |

| Planning Proposal Objectives | Sutherland Shire Local Strategic Planning Statement | South District Plan | Greater Sydney Region Plan: A Metropolis of Three Cities |
|---|---|---|---|
| **1.d. Retain more vegetation in suburban areas in E4 Environmental Living zone through amendment of the local complying development provisions.**<br>Council is seeking to amend the drafting of the vegetation management provisions of Schedule 3 of the LEP so that trees and vegetation must satisfy both the height and proximity tests in order to qualify for removal without a separate permit or consent. | **Sustainability**<br>**Planning Priority 20. Urban Tree Canopy** | **Sustainability**<br>**Action 64. Protect and enhance biodiversity by:**<br>**a. supporting landscape-scale biodiversity conservation and the restoration of bushland corridors**<br>**b. managing urban bushland and remnant vegetation as green infrastructure**<br>**c. managing urban development and urban bushland to reduce edge-effect impacts.** | **A city in its landscape**<br>**Objective 30: Urban tree canopy cover is increased** |
| **2.a. Add exemptions to subdivision clauses to facilitate subdivisions for the purpose of closing roads under the Roads Act 1993.**<br>This change is intended to overcome some limits on subdivision in Environmental zones. Council has found itself unable to grant consent to road closure subdivisions for the purpose of land swaps and open space extensions. This change will ensure greater flexibility provide open space and other community infrastructure. | **Liveability**<br>**Planning Priority 8. Open Space and Sporting Needs** | **Sustainability**<br>**Action 71. Maximise the use of existing open space and protect, enhance and expand public open space by:**<br>**a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow**<br>**b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space** | **A city in its landscape**<br>**Objective 31: Public open space is accessible, protected and enhanced** |
| **2.b. Remove Clause 4.1C as an unnecessary duplicate of Clause 2.6(2).**<br>This is a simple drafting change with no policy impact. Consequently there is no strategic alignment for this part of the planning proposal. | N/A | N/A | N/A |
| **2.c. Add objectives to Clause 4.1E to better describe Council's intent of limiting residential density and protecting local character in the zones to which this clause applies.**<br>The change to clause 4.1E makes clear Council's intent regarding the clause. This will help ensure that decisions regarding clause 4.6 variations and appeals in the LEC are more consistent. The net effect should be that local character is better protected by development decisions.<br><br>This change will not compromise Council's capacity to deliver on housing targets and strategic objectives around affordable housing. These matters will be addressed in greater details in the comprehensive housing strategy to be developed in 2021. | **Liveability**<br>**Planning Priority 7. Respect Local Character**<br><br>**Planning Priority 10. Housing Choice** | **Liveability**<br>**Action 16. Prepare local or district housing strategies that address the following:...**<br><br>**Action 17. Prepare Affordable Rental Housing Target Schemes following development of implementation arrangements.**<br><br>**Action 18. Using a place-based and collaborative approach throughout planning, design, development and management, deliver great places by:**<br>**e. recognising and celebrating the character of a place and its people.**<br><br>**Action 20. Identify, conserve and enhance environmental heritage by:**<br>**c. managing and monitoring the cumulative impact of development on the heritage values and character of places.** | **Housing the city**<br>**Objective 10: Greater housing supply**<br><br>**Objective 11: Housing is more diverse and affordable** |
| **2.d. Remove flood mapping from the SSLEP2015, and amend the flooding provisions to refer to flooding maps on Council's website.**<br>This change ensures that the most accurate and current floor information is provided to the public. It will therefore improve the planning system's responsiveness to flood risk. | **Sustainability**<br>**Planning Priority 23. Manage Risks from Hazards** | **Sustainability**<br>**Action 79. Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.** | **A resilient city**<br>**Objective 37: Exposure to natural and urban hazards is reduced** |

| Planning Proposal Objectives | Sutherland Shire Local Strategic Planning Statement | South District Plan | Greater Sydney Region Plan: A Metropolis of Three Cities |
|---|---|---|---|
| **2.e. Remove Clause 6.10 and associated mapping in response to *State Environmental Planning Policy (Coastal Management) 2018* and the repeal of *State Environmental Planning Policy No. 71 – Coastal Protection*.**<br>This element of the planning proposal is consistent with the strategic planning framework in that it removes an element of SSLEP2015 which unnecessarily duplicates the policy impact of the Coastal Management SEPP. | **Sustainability**<br>**Planning Priority 18. Waterways and beaches Quality**<br><br>**Planning Priority 23. Manage Risks from Hazards** | **Sustainability**<br>**Action 61. Enhance sustainability and liveability by improving and managing access to waterways, foreshores and the coast for recreation, tourism, cultural events and water-based transport.**<br><br>**Action 62. Improve the health of catchments and waterways through a risk-based approach to managing the cumulative impacts of development including coordinated monitoring of outcomes.**<br><br>**Action 79. Avoid locating new urban development in areas exposed to natural and urban hazards and consider options to limit the intensification of development in existing urban areas most exposed to hazards.** | **A city in its landscape**<br>**Objective 25: The coast and waterways are protected and healthier**<br><br>**Objective 28: Scenic and cultural landscapes are protected**<br><br>**A resilient city**<br>**Objective 37: Exposure to natural and urban hazards is reduced** |
| **2.f. Rezone land to facilitate a land swap agreement at Geebung Lane in Engadine.**<br>The land swap at Geebung Lane, Engadine will result in the expansion of the Engadine Town Park, providing more open space for residents and workers in this centre. | **Liveability**<br>**Planning Priority 8. Open Space and Sporting Needs**<br><br>**Planning Priority 11. Attractive and Distinctive Centres and Public Places** | **Sustainability**<br>**Action 71. Maximise the use of existing open space and protect, enhance and expand public open space by:**<br>**a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow**<br>**b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space**<br>**c. requiring large urban renewal initiatives to demonstrate how the quantity of, or access to, high quality and diverse local open space is maintained or improved** | **A city of great places**<br>**Objective 12: Great places that bring people together**<br><br>**A city in its landscape**<br>**Objective 31: Public open space is accessible, protected and enhanced** |
| **2.g. Introduce a minimum lot size requirement for boarding house developments.**<br>Boarding houses represent a very small contribution to housing supply. This change will not compromise Council's capacity to deliver on housing targets and strategic objectives around affordable housing. These matters will be addressed in greater details in the comprehensive housing strategy to be developed in 2021. | **Infrastructure and Collaboration**<br>**Planning Priority 1. Align Planning to Existing Infrastructure**<br><br>**Liveability**<br>**Planning Priority 7. Respect Local Character**<br><br>**Planning Priority 10. Housing Choice** | **Infrastructure and Collaboration**<br>**Action 3. Align forecast growth with infrastructure.**<br><br>**Liveability**<br>**Action 16. Prepare local or district housing strategies that address the following:…**<br><br>**Action 17. Prepare Affordable Rental Housing Target Schemes following development of implementation arrangements.**<br><br>**Productivity**<br>**Action 51. Integrate land use and transport plans to deliver the 30-minute city.** | **A city supported by infrastructure**<br>**Objective 4: Infrastructure use is optimised**<br><br>**Housing the City**<br>**Objective 10: Greater housing supply**<br>**Objective 11: Housing is more diverse and affordable**<br><br>**A Well Connected City**<br>**Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities** |
| **2.h. Add a savings clause for applications lodged but not determined.**<br>This matter is intended to ensure that these plan amendments are not applied retrospectively in a way which might affect existing development applications. | N/A | N/A | N/A |

| Planning Proposal Objectives | Sutherland Shire Local Strategic Planning Statement | South District Plan | Greater Sydney Region Plan: A Metropolis of Three Cities |
|---|---|---|---|
| **2.i. Rezoning to recognise a new Council reserve at 168 Oak Road, Kirrawee.**<br>This matter will ensure the preservation of open space in Kirrawee for local residents, and may facilitate future transport infrastructure particularly the Sutherland – Cronulla Active Transport Link. | **Infrastructure and Collaboration**<br>**Planning Priority 5. SCATL and Active Transport Infrastructure**<br><br>**Liveability**<br>**Planning Priority 8. Open Space and Sporting Needs**<br><br>**Productivity**<br>**Planning Priority 16. Connected Transport Networks** | **Sustainability**<br>**Action 71. Maximise the use of existing open space and protect, enhance and expand public open space by:**<br>**a. providing opportunities to expand a network of diverse, accessible, high quality open spaces that respond to the needs and values of communities as populations grow**<br>**b. investigating opportunities to provide new open space so that all residential areas are within 400 metres of open space and all high density residential areas (over 60 dwellings per hectare) are within 200 metres of open space**<br><br>**Productivity**<br>**Action 51. Integrate land use and transport plans to deliver the 30-minute city.** | **A city supported by infrastructure**<br>**Objective 4: Infrastructure use is optimised**<br><br>**A Well Connected City**<br>**Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities**<br><br>**A city in its landscape**<br>**Objective 31: Public open space is accessible, protected and enhanced** |
| **2.j. Amending Clause 5.6 *Architectural roof features* to limit the application of the clause to specified prescribed zones only.** | **Liveability**<br>**Planning Priority 7. Respect Local Character** | **Liveability**<br>**Action 16. Prepare local or district housing strategies that address the following:...** | **A city of great places**<br>**Objective 12: Great places that bring people together** |
| **2.k. Correct a zoning anomaly on a portion of the former church site at 1R Waterfall Road, Heathcote.** | **Liveability**<br>**Planning Priority 10. Housing Choice** | **Liveability**<br>**Action 16. Prepare local or district housing strategies that address the following:...** | **Housing the city**<br>**Objective 10: Greater housing supply**<br><br>**Objective 11: Housing is more diverse and affordable** |
| **2.l. Clarify the drafting of clause 6.9 to confirm that rebuilding of existing dwellings must not extend further into the foreshore area than the existing dwelling.** | **Sustainability**<br>**Planning Priority 18. Waterways and beaches Quality** | **Sustainability**<br>**Action 60. Protect environmentally sensitive areas of waterways and the coastal environment area.** | **A city in its landscape**<br>**Objective 25: The coast and waterways are protected and healthier**<br><br>**Objective 28: Scenic and cultural landscapes are protected** |

## Appendix 3: Table of Consistency with SEPPs

| SEPP | Relevance to Planning Proposal? | Planning Proposal Consistency with SEPP? |
|---|---|---|
| **Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment** | Yes - This deemed SEPP implements planning principles for Councils to consider in preparing LEPs and development controls for assessing specific development types within the applicable area.<br><br>The planning proposal deals with changes to foreshore area planning controls, applies stormwater controls to more zones within the catchment and makes other changes which affect land uses that may occur within the catchment area. | Yes – The planning proposal is consistent with the Georges River REP. Relevant components of the planning proposal are considered below in relation to the plan.<br><br>**Policy Changes:**<br>***Protect water quality by applying the stormwater controls in Clause 6.4 to all special purpose, recreation and the E2 environmental conservation zone.***<br>This change applies stormwater controls to more of the zones under SSLEP2015 including the E2, SP1, SP2, SP3, RE1 and RE2 zones. This will ensure development in more of the Georges River catchment is assessed against requirements for stormwater management. This change aligns with Principle 9 Urban/stormwater runoff which requires that the impacts of stormwater runoff be minimised and mitigated.<br>This change should also help to achieve principle 12 Water quality and river flows by ensuring developments through applying measures to development that improve the quality of stormwater runoff.<br><br>***Clarify the drafting of clause 6.9 to confirm that rebuilding of existing dwellings must not extend further into the foreshore area than the existing dwelling.***<br>This minor change is designed to ensure that the footprint of buildings within the foreshore area are not further expanded. This is consistent the principles of the plan around limiting the impacts of development on foreshore areas.<br><br>***Remove Clause 6.10 and associated mapping in response to State Environmental Planning Policy (Coastal Management) 2018 and the repeal of State Environmental Planning Policy No. 71 – Coastal Protection.***<br>This change removes clause 6.10 which applies objectives and heads of consideration for development on the foreshore which is outside the former coastal zone applied by the former SEPP 71 Coastal Protection. Clause 6.10 is no longer required because the area it covers is entirely covered by the coastal zones and mapping applied by SEPP (Coastal Management) 2018. This means that Clause 6.10 can be repealed without any impact on achieving the objectives and principles of the Georges River REP.<br><br>***Remove flood mapping from SSLEP2015, and amend the flooding provisions to refer to flood risk maps on Council's website.***<br>This change is purely administrative and will see the relocation of flood maps from the LEP where they are difficult to update to Council's website.<br><br>**Planning For Specific Sites in Catchment:**<br>***Facilitate the ANSTO Collaboration Area through changes to the mapped purpose of the special purpose zoning which applies to the site.***<br>The ANSTO innovation precinct will introduce a new graduate institute, innovation incubator and technology park to their site at Lucas Heights which sits within the catchment of the Georges River. The precinct is regulated under the commonwealth Australian Nuclear Science and Technology Organisation Act 1987, leaving no role for SSLEP2015 in regulating the development. The change is intended to recognise the future development of the site and will not have any bearing on the impact of the precinct on the Georges River. |
| **State Environmental Planning Policy No 33— Hazardous and Offensive Development** | Yes – SEPP 33 regulates the planning of potentially hazardous development in New South Wales.<br><br>The Planning Proposal will introduce changes to facilitate the ANSTO innovation precinct, which will feature a new graduate institute, innovation incubator and technology park at their site at Lucas Heights. | Yes – The planning proposal is consistent with the SEPP. The relevant component of the planning proposal is considered below in relation to the policy.<br><br>***Facilitate the ANSTO Innovation Precinct through changes to the mapped purpose of the special purpose zoning which applies to the site.***<br>The change is intended to recognise the future development of the site and does not affect the approval process on the site which is handled entirely under commonwealth legislation. SEPP 33 does not apply to development on the site as excluded by Section 7A of the Australian Nuclear Science and Technology Organisation Act 1987. |
| **State Environmental Planning Policy (Coastal** | Yes – The Coastal Management SEPP regulates development in the coastal areas of NSW, with a focus on protecting coastal | Yes – The planning proposal is consistent with the Coastal Management SEPP. Individual matters of relevance are addressed below:<br><br>***Remove Clause 6.10 and associated mapping in response to State Environmental Planning Policy (Coastal Management) 2018 and the repeal of State Environmental Planning Policy No. 71 – Coastal Protection.*** |

| SEPP | Relevance to Planning Proposal? | Planning Proposal Consistency with SEPP? |
|---|---|---|
| **Management) 2018** | wetlands and littoral rainforest, managing coastal hazards, protecting the coastal environment and regulating the impacts of development on the cultural and aesthetic values of the coast.<br><br>The Planning Proposal includes matters relating to the foreshore area, water quality and management of flood risk. | Clause 6.10 was introduced in SSLEP2015 to extend heads of consideration and objectives which were applied by SEPP 71 to major foreshores outside of that former coastal zone.<br><br>SEPP 71 was replaced by the Coastal Management SEPP with a much more extensive coastal zone. The new coastal zone entirely encompasses the mapped areas to which clause 6.10 applies. The provisions of the clause duplicate matters covered by the SEPP. Removal of the clause is therefore possible without any environmental impact. Therefore, this change is consistent with the SEPP.<br><br>***Clarify the drafting of clause 6.9 to confirm that rebuilding of existing dwellings must not extend further into the foreshore area than the existing dwelling.***<br>This minor change is designed to ensure that the footprint of buildings within the foreshore area are not further expanded. This is consistent the provisions of the SEPP around limiting the impact of development on the natural, aesthetic and ecological qualities of the foreshore environment.<br><br>***Protect water quality by applying the stormwater controls in Clause 6.4 to all special purpose zones, recreation zones and the E2 environmental conservation zone.***<br>This change applies stormwater controls to more of the zones under SSLEP2015 including the E2, SP1, SP2, SP3, RE1 and RE2 zones. This will ensure development in more of the coastal zone is assessed against requirements for stormwater management.<br>This change will help to achieve the intent of the Coastal Environment area in Clause 13 of the SEPP by minimising impacts on the water quality of the marine estate.<br><br>***Remove flood mapping from SSLEP2015, and amend the flooding provisions to refer to flood risk maps on Council's website.***<br>This change is purely administrative and will see the relocation of flood maps from the LEP where they are difficult to update to Council's website. |
| **State Environmental Planning Policy (Infrastructure) 2007** | Yes – This policy provides pathways for public authorities (including Councils) to manage their land and infrastructure, including subdivision of land. The planning proposal includes a change to SSLEP2015 which would facilitate subdivisions for the purpose of closing roads, despite non-compliances with minimum lot size and lot dimension requirements of the LEP. | Yes – The planning proposal is consistent with the Infrastructure SEPP. The matter of relevance is addressed below:<br><br>**Add exemptions to subdivision clauses to facilitate subdivisions for the purpose of closing roads under the Roads Act 1993.**<br>The Infrastructure SEPP contains provisions for the subdivision of land or adjustment of lot boundaries for public purposes at Schedule 1. These provisions are limited by the requirement that they cannot change the area of any lot by more than 10% and also in the purposes for which the resulting lots can be used.<br><br>The Planning Proposal includes a change to SSLEP2015 intended to facilitate subdivisions associated with the closure of a road. Such subdivisions often fall outside the limits of the Infrastructure SEPP provisions, and due to the small parcels involved are obstructed by SSLEP2015 development standards designed to limit fragmentation of land and achieve a planned residential density. The change would assist these subdivisions to proceed via a Council development application.<br><br>The proposed change is consistent with the Infrastructure SEPP in that it complements the subdivision provisions of the SEPP to address a conflict with local provisions in SSLEP2015. |
| **State Environmental Planning Policy (Exempt and Complying Development Codes) 2008** | Yes – This SEPP contains provisions which will apply the Low Rise Medium Density Housing Code to the Sutherland Shire.<br><br>The Planning Proposal contains an amendment to Clause 4.1E to add objectives to the clause. The clause sets the minimum lot size for dual occupancy and multi dwellings housing development in the R2 low density residential zone, including under the Low | Yes – The planning proposal is consistent with the Codes SEPP. The matter of relevance is addressed below:<br><br>***Add objectives to Clause 4.1E to better describe Council's intent of limiting residential density and protecting local character in the zones to which this clause applies.***<br>The Low Rise Medium Density Housing Code is intended to provide a faster pathway for approval of medium density housing types. The Code specifies minimum lot size requirements for classes of development which can refer to the provisions in the applicable LEP.<br><br>In response to the introduction of the Code, Council sought to amend SSLEP2015 to introduce minimum lot size requirements for dual occupancies and multi dwelling housing. The resulting Clause 4.1E implements the minimum lot size requirements for complying development and development applications. The clause was drafted without any objectives which has led to uncertainty about Council's intent. Objectives are part of the tests used in the assessment of variations under Clause 4.6. This makes it difficult to assess applications to vary the minimum lot size and may give rise to inconsistent decisions.<br><br>Introducing objectives to this clause will better articulate Council's intent in selecting these minimum lot sizes, ensuring that variations to these standards are assessed consistently. This is entirely consistent with the intention of the Code, and the broader Codes SEPP. |

| SEPP | Relevance to Planning Proposal? | Planning Proposal Consistency with SEPP? |
|---|---|---|
| | Rise Medium Density Housing Code. | |
| **State Environmental Planning Policy (Affordable Rental Housing) 2009** | Yes – This SEPP contains provisions which permit the development of boarding houses.<br><br>The Planning Proposal requests a new provision to apply a minimum lot size requirement to boarding houses, including those made permissible by the SEPP. | Yes – the planning proposal is consistent with the Affordable Rental Housing SEPP. The matter of relevance is addressed below:<br><br>**Introduce a minimum lot size requirement for boarding house developments.**<br>The SEPP is intended to provide a pathway for development of affordable housing, including boarding houses. Boarding houses often result in residential density in excess of existing norms in the subject zone. Boarding Houses have the potential to be incompatible with the local character, and have amenity impacts on neighbouring properties and public safety concerns.<br><br>In response to these issues, Sutherland Shire Development Control Plan 2015 was amended in September 2019 (DCP Amendment 5) to include design guidance and assessment controls for boarding houses. Council also resolved to amend SSLEP2015 to require a minimum lot size of 800m$^2$ for the development of Boarding Houses in all zones (Minute No. 302, PLN037-19).<br><br>The SEPP specifies certain development standards for boarding houses, which if met cannot be used as justification for refusal of a development application (clause 29). Minimum lot size requirements are not one of the development standards specified for which development consent cannot be refused. Therefore the proposed change is consistent with the SEPP. |
| **State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017** | Yes – This SEPP regulates the removal of vegetation via a Council issued permit or an authority from the Native Vegetation Panel in relation to larger or more impactful clearing proposals.<br><br>The Planning Proposals seeks to amend the vegetation provisions of the E4 Exempt and Complying Development provisions in the Plan. | Yes – the Planning Proposal is consistent with the Vegetation SEPP. The matter of relevance is addressed below:<br><br>**Retain more vegetation in suburban areas in E4 Environmental Living zone through amendment of the local complying development provisions.**<br>The Vegetation SEPP does not require a permit for removal of vegetation if it is authorised of a kind set out in section 60O of the *Local Land Services Act 2013* such as a development consent. Schedule 2 of SSLEP2015 provides a complying development pathway for low impact residential development in the E4 Environmental Living zone. As such, it can facilitate Complying Development Certificates (as a type of development consent) that allow the removal of vegetation.<br><br>The proposed amendments to schedule 2 attempt to retain more vegetation on sites in the E4 Environmental Living zone by requiring that any vegetation removed is both minor and directly relevant to the development. Other vegetation may still be removed, but this must be approved through a permit or authority under the Vegetation SEPP. This is compatible with the approach to vegetation management established by the Vegetation SEPP. Therefore the proposed change is consistent with the SEPP. |
| **State Environmental Planning Policy No 19—Bushland in Urban Areas** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy No 21—Caravan Parks** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy No 50—Canal Estate Development** | The planning proposal does not affect policy matters regulated by this SEPP | |

| SEPP | Relevance to Planning Proposal? | Planning Proposal Consistency with SEPP? |
|---|---|---|
| **State Environmental Planning Policy No 55—Remediation of Land** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy No 64—Advertising and Signage** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy (Concurrences and Consents) 2018** | The planning proposal does not affect policy matters regulated by this SEPP | |

| SEPP | Relevance to Planning Proposal? | Planning Proposal Consistency with SEPP? |
|---|---|---|
| **State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy (Primary Production and Rural Development) 2019** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy (State and Regional Development) 2011** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy (State** | The planning proposal does not affect policy matters regulated by this SEPP | |

| SEPP | Relevance to Planning Proposal? | Planning Proposal Consistency with SEPP? |
|---|---|---|
| **Significant Precincts) 2005** | | |
| **State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **Sydney Regional Environmental Plan No 9—Extractive Industry (No 2—1995)** | The planning proposal does not affect policy matters regulated by this SEPP | |
| **State Environmental Planning Policy (Kurnell Peninsula) 1989** | Does not apply to land under SSLEP2015 | |
| **Darling Harbour Development Plan No 1** | Does not apply to the Sutherland Shire | |
| **Murray Regional Environmental Plan No 2—Riverine Land** | Does not apply to the Sutherland Shire | |
| **State Environmental Planning Policy No 36—Manufactured Home Estates** | Does not apply to the Sutherland Shire | |
| **State Environmental Planning Policy No 44—Koala** | Does not apply to the Sutherland Shire | |

| SEPP | Relevance to Planning Proposal? | Planning Proposal Consistency with SEPP? |
|---|---|---|
| **Habitat Protection** | | |
| **State Environmental Planning Policy No 47—Moore Park Showground** | Does not apply to the Sutherland Shire | |
| **State Environmental Planning Policy (Aboriginal Land) 2019** | Does not apply to the Sutherland Shire | |
| **State Environmental Planning Policy (Gosford City Centre) 2018** | Does not apply to the Sutherland Shire | |
| **State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007** | Does not apply to the Sutherland Shire | |
| **State Environmental Planning Policy (Penrith Lakes Scheme) 1989** | Does not apply to the Sutherland Shire | |
| **State Environmental Planning Policy (Sydney Region Growth Centres) 2006** | Does not apply to the Sutherland Shire | |
| **State Environmental Planning Policy (Three Ports) 2013** | Does not apply to the Sutherland Shire | |

| SEPP | Relevance to Planning Proposal? | Planning Proposal Consistency with SEPP? |
|---|---|---|
| **State Environmental Planning Policy (Urban Renewal) 2010** | Does not apply to the Sutherland Shire | |
| **State Environmental Planning Policy (Western Sydney Employment Area) 2009** | Does not apply to the Sutherland Shire | |
| **State Environmental Planning Policy (Western Sydney Parklands) 2009** | Does not apply to the Sutherland Shire | |
| **Sydney Regional Environmental Plan No 8 (Central Coast Plateau Areas)** | Does not apply to the Sutherland Shire | |
| **Sydney Regional Environmental Plan No 16—Walsh Bay** | Does not apply to the Sutherland Shire | |
| **Sydney Regional Environmental Plan No 20—Hawkesbury-Nepean River (No 2—1997)** | Does not apply to the Sutherland Shire | |
| **Sydney Regional Environmental Plan No 24—** | Does not apply to the Sutherland Shire | |

| SEPP | Relevance to Planning Proposal? | Planning Proposal Consistency with SEPP? |
|---|---|---|
| **Homebush Bay Area** | | |
| **Sydney Regional Environmental Plan No 26—City West** | Does not apply to the Sutherland Shire | |
| **Sydney Regional Environmental Plan No 30—St Marys** | Does not apply to the Sutherland Shire | |
| **Sydney Regional Environmental Plan No 33—Cooks Cove** | Does not apply to the Sutherland Shire | |
| **Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005** | Does not apply to the Sutherland Shire | |
| **Willandra Lakes Regional Environmental Plan No 1—World Heritage Property** | Does not apply to the Sutherland Shire | |

## Appendix 4: Evaluation against Ministerial Directions

*Direction 1.1 Business and Industrial Zones*

**Geebung Lane, Engadine Land Swap**

This Planning Proposal directly affects the area of the B3 Commercial Core zone through the Geebung Lane land exchange matter. Council's intent in this matter is to expand the Engadine Town Park by acquiring part of the Engadine Tavern's private carpark at 5 Preston Avenue which is currently zoned B3 Commercial Core. This land will be rezoned to RE1 Public Recreation. Council will close a surplus section of Geebung Lane which is adjacent to the Engadine Tavern's car park and provide this land in return. The net result of this exchange is that the Engadine Town Park will be larger, and the Engadine Tavern will be able to redevelop their land to provide more employment and housing in the Engadine town centre.

This element of the Planning Proposal achieves the objectives of the direction by encouraging the growth of employment at Engadine and supporting the viability of this centre. Hence it is consistent with section 4(a) of the direction.

This change to the zone boundary will reduce the net developable area of the B3 zone by 21.5m$^2$, largely offset by the closure of part of Geebung Lane to provide additional developable land within the zone. Therefore, even though the area of the B3 zone will slightly decrease, the potential floor space that can be developed within the zone will not significantly change. Through the land swap, Council can ensure that the development potential of the Engadine Tavern car park can be practically achieved, while at the same time the community can benefit from additional public open space.

Therefore, even though this element of the planning proposal is superficially not consistent with section 4(b) of this direction, it is consistent with 4(c).

**Other Matters**

The Planning Proposal also makes changes to LEP provisions which apply in business or industrial zones, specifically:

- Give statutory effect to the Sutherland Shire Green Grid.
- Remove flood mapping from the SSLEP, and amend the flooding provisions to refer to flooding maps on Council's website.
- Remove Clause 6.10 and associated mapping in response to State Environmental Planning Policy (Coastal Management) 2018 and the repeal of State Environmental Planning Policy No. 71 – Coastal Protection.

These changes do not affect the development potential of land in the business or industrial zones.

The Green Grid provision will be used to provide enhanced public domain and landscaping to facilitate construction of the Green Grid, but does not otherwise affect the use of land.

The change to flood map location will not change the impact on development potential from flood risk, but will ensure that published flood risk information is more up to date.

The removal of clause 6.10 will not change the development potential of land because it is duplicating matters already covered in the Coastal Management SEPP.

**Consistency with this Direction**

The Planning Proposal is fully consistent with the objectives of the direction as required at section 4(a). The Planning Proposal is compliant with section 4(c) in that it enhances the developable floor space of Engadine Tavern car park by reconfiguring the land and zoning boundary to a more feasible arrangement.

As noted above, the rezoning of a portion of the Engadine Tavern car park to RE1 Public recreation will result in a reduction of the area of the B3 Commercial core zone of approximately 160m$^2$, to be offset by the closure of a similar area of land within the Geebung Lane road reserve. Therefore the planning proposal is consistent with this direction.

*Direction 2.1 Environment Protection Zones*

The planning proposal makes changes to LEP provisions which can apply in environment protection zones and other changes to sites within these zones, specifically:

- Give statutory effect to the Sutherland Shire Green Grid.
- Remove flood mapping from the SSLEP, and amend the flooding provisions to refer to flooding maps on Council's website.
- Remove Clause 6.10 and associated mapping in response to State Environmental Planning Policy (Coastal Management) 2018 and the repeal of State Environmental Planning Policy No. 71 – Coastal Protection.
- Correct a zoning anomaly on a portion of the former church site at 1R Waterfall Road, Heathcote.

Other than correcting the zoning anomaly, these changes do not reduce the protection of land in environment protection zones. The Green Grid provision will be used to provide enhanced public domain and landscaping to facilitate construction of the Green Grid, but does not otherwise affect protection of land.

The change to flood map location will not reduce the protection of land in environment protection zones, but will ensure that published flood risk information is more up to date.

The removal of clause 6.10 will not change the environmental protection of land because it is duplicating matters protected through the Coastal Management SEPP which applies regardless of Council's LEP.

Correcting the zoning anomaly on part of the former church site at Heathcote involves rezoning a portion of land zoned E2 Environmental Conservation to R2 Low Density Residential. This is would reduce the level of environmental protection applying to this site and is therefore inconsistent with this direction. The significance of this inconsistency is minor for the following reasons:

- The land within the zoning anomaly has negligible environmental significance. The site has been used as a bitumen car park for 20 years and has no vegetation or habitat which justifies protection by the E2 Environmental Conservation zone.
- The land within the zoning anomaly is a minor component of the property of which it is a part. The area to be rezoned is approximately 40m$^2$ within a property of more than 3,300m$^2$ that is not zoned for environmental protection purposes. The proposed zone change represents less than 2% of the property.

**Consistency with this Direction**

Most of the changes in this Planning Proposal will not reduce the standards of environmental protection applying to environment protection zones, and are consistent with this direction. Correcting the zoning anomaly at 1R Waterfall Road, Heathcote is not consistent with this direction but can justified as a minor inconsistency.

*Direction 2.2 Coastal Management*

The planning proposal makes changes to LEP provisions which can relate to the coastal zone defined by the Coastal Management SEPP and other changes to sites within the coastal zone, specifically:

**Removal of Clause 6.10 "Development on the foreshores of Port Hacking, Georges River, Woronora River and Port Botany"**

This clause was introduced into SSLEP2015 to apply to mapped foreshore land which sat outside the coastal zone specified by the former SEPP 71 Coastal Protection. It replicated many objectives and heads of consideration raised by SEPP 71, acting like an annexe to that SEPP's coastal zone.

The Coastal Management SEPP implements the Coastal Management Act 2016 providing a framework for protecting the foreshore more comprehensive than clause 6.10. A comparison of the objectives and heads of consideration in Clause 6.10 and the Coastal Management Act & Coastal Management SEPP are provided in Appendix 5. This comparison demonstrates that the provisions of Clause 6.10 are substantially duplicating the policy provisions of the Coastal Management Act and Coastal Management SEPP.

With the introduction of the Coastal Management SEPP, the coastal zone has expanded to cover far more of the Sutherland Shire's foreshores and adjacent land. The new coastal zone now extends beyond the mapped area to which clause 6.10 applies. See section 4.4 for maps which compare the land to which the SSLEP2015 Clause 6.10 Clause applies, the Coastal Management SEPP Coastal Zone and the former SEPP 71 Coastal Zone. This demonstrates that the coastal zone under the Coastal Management SEPP covers all of the foreshore areas to which Clause 6.10 currently applies and beyond.

Given the spatial and policy overlap, the removal of clause 6.10 will not change the range or intensity of development permissible on land in the coastal zone. Coastal policy matters will remain protected through the Coastal Management SEPP.

This element of the Planning Proposal is therefore consistent with the objects of the Coastal Management Act and relevant coastal management areas, NSW Coastal Management Manual and the NSW Coastal Guidelines 2003.

**Other Matters**

- Remove flood mapping from the SSLEP, and amend the flooding provisions to refer to flooding maps on Council's website.
- Give statutory effect to the Sutherland Shire Green Grid.
- Clarify the drafting of clause 6.9 to confirm that rebuilding of existing dwellings must not extend further into the foreshore area than the existing dwelling.

These changes do not increase the development potential of land in the coastal zone. The Green Grid provision will be used to provide enhanced public domain and landscaping to facilitate construction of the Green Grid, but does not otherwise affect development of land.

The drafting change to clause 6.9 is intended to limit development in a more consistent way in foreshore areas. This is consistent with the coastal management SEPP and Act.

The change to flood map location will not change the development potential of land in the coastal zone, but will ensure that published flood risk information is provided in a timely manner.

*Direction 2.6 Remediation of Land*

The Planning Proposal makes changes to zoning on land which is or may be contaminated, specifically:

**Facilitate the ANSTO Innovation Precinct through changes to the mapped purpose of the special purpose zoning which applies to the site.**

The land that now comprises the ANSTO site has been used for a variety of purposes. Checking EPA records has identified the following current declarations under the Contaminated Land Management Act 1997 which apply to part of the ANSTO site:

- 14 Jan 2003 - Declaration Number 21036: Former IWC landfill, Lucas Heights, comprising those parts of Lot 2 DP 605076 and Lot 2 DP1032102. It is noted that as at May 2012, the Australian Government – Department of Finance and Deregulation has developed and will implement a remedial action plan for the site and that long term groundwater monitoring is required.
- 19 Jan 1993 – An order under section 35 of the Environmentally Hazardous Chemicals Act 1985 relating to the IWC site at part lot 2 DP 605076. The order declares that the site is contaminated, unfit for human occupation, and instructs the owner (the Australian Government) to remediate the site.

Direction 2.6 requires that Council must not include land in a zone unless:

a) It has considered whether the land is contaminated, and
b) If the land is contaminated, is it satisfied that the land is or will be suitable for its permitted uses after remediation, and
c) If the land requires remediation to be made suitable for the proposed use, Council must be satisfied that the land will be remediated before that use commences.

It must also be acknowledged that this planning proposal doesn't propose to change the zoning of the site, beyond altering the specific purpose to which it is dedicated from SP1 "Research & Technology" to SP1 "Innovation Precinct" which reflects the changed strategic intent for the site. It is likely that land uses which are particularly sensitive to land contamination are already permissible on this site, and therefore it is not clear that the planning proposal reaches the threshold at which this direction would even apply.

Given the known history of contamination on parts of the ANSTO site, it appears likely that at least some of the subject land is still contaminated. As noted on the 2003 declaration, the Australian Government has pursued remediation of the site. The Australian Government and ANSTO are responsible authorities that can manage these issues appropriately. It is therefore not considered necessary to impose any specific provisions.

This element of the Planning Proposal is therefore consistent with the direction.

*Direction 3.1 Residential Zones*

The Planning Proposal makes changes to LEP provisions or mapping which relate to residentially zoned land, specifically:

**Rezoning to recognise a new Council reserve at 168 Oak Road, Kirrawee.**

Council has purchased the property at 168 Oak Road, Kirrawee (Lot 33 in DP 590492) for the purpose of augmenting local public open space and to support future transport connections. The land's existing zoning is R2 Low Density Residential but its intended future uses align more closely with the RE1 Public Recreation zone, hence the planning proposal is seeking to rezone this land.

To comply with this direction, the Planning Proposal must (as relevant to this matter):

- Broaden the choice of building types and locations available in the housing market, and
- Make more efficient use of existing infrastructure and services, and

This element of the planning proposal is consistent with the efficient use of existing infrastructure and services because will enable the efficient augmentation of transport infrastructure and provide more public open space "green infrastructure" for the residents of Kirrawee. The planning proposal does effectively remove a single residential lot from the pool of residential zoned land available for development or occupation and therefore does not contribute to greater choice in the housing market. The benefits of providing better transport infrastructure are considered to be significant to the entire community, whereas the loss of a single residential lot is of minor significance. Therefore, any inconsistency with this direction in relation to this matter is minor.

**Introduce a minimum lot size requirement for boarding house developments.**

This change seeks to implement a minimum lot size requirement for boarding houses of 800m$^2$ in all zones to which SSLEP2015 applies. Boarding house developments are planned using provisions of SSLEP2015 and the Affordable Rental Housing SEPP. Permissibility is controlled through the SEPP in some zones and SSLEP2015 in others. Development standards such as minimum lot sizes, building heights and floor space ratios are regulated through the SSLEP2015.

To comply with this direction, the Planning Proposal must (as relevant to this matter):

- Broaden the choice of building types and locations available in the housing market, and
- Make more efficient use of existing infrastructure and services, and
- Reduce the consumption of land for housing and associated urban development on the urban fringe, and
- Ensure housing is of good design, and
- Must not contain provisions which will reduce the permissible residential density of land.

The Planning Proposal is inconsistent with parts of the Direction. In this instance, Boarding Houses will remain permissible, albeit some sites will not meet the minimum lot size. Larger lots allow more space for landscaping and design measures that protect the amenity and privacy of occupants and neighbours. Boarding houses, by their nature, have more separate living spaces, more bathrooms and more occupants than a typical dwelling house, or indeed other development types permissible in this zone. This means that the effect of design quality on privacy and amenity can be much greater for boarding houses. The minimum lot size is therefore necessary to ensure that boarding houses are of good design in the low density zones.

The minimum lot size for boarding houses also encourages the development of larger sites in medium to high density residential zones or mixed use zones. These zones are generally more centrally located with better access to services and transport infrastructure to support increasing density. This change will therefore encourage the efficient use of existing infrastructure and services in central areas, while reducing the consumption of land in low density zones on the fringes of the Sutherland Shire.

Boarding houses are providing a minor contribution to housing supply and housing choice in the Sutherland Shire. This policy change will not drastically affect the degree of choice in the local housing market. Therefore, although this element of the proposal is not fully consistent with all parts of this direction, the inconsistency is of minor significance.

**Remove Clause 4.1C as an unnecessary duplicate of Clause 2.6(2).**

Clause 4.1C was included in SSLEP2015 as a local provision despite duplicating the effect of clause 2.6(2) which is a mandatory provision of the Standard Instrument Local Environmental Plan. Both provisions prevent the subdivision of a secondary dwelling from the primary dwelling unless both resulting lots will comply with the minimum subdivision lot size required by clause 4.1 Minimum subdivision lot size. Removing clause 4.1C reduces the complexity of SSLEP2015. This element of the Planning Proposal is therefore consistent with the direction.

**Add objectives to Clause 4.1E to better describe Council's intent of limiting residential density and protecting local character in the zones to which this clause applies.**

Clause 4.1E sets the minimum lot size requirements for dual occupancies and multi dwelling housing in the R2 low density residential zone. Following the introduction of the clause, a number of LEC decisions in other local government areas have highlighted the need for comprehensive objectives to demonstrate the full intent of Council in making the clause.

Introducing further objectives will not affect the requirements for dual occupancies or multi dwelling housing, but will better articulate the objectives of the control. Therefore, this element of the Planning Proposal is consistent with this direction.

**Other Matters**

- Give statutory effect to the Sutherland Shire Green Grid.
- Remove flood mapping from the SSLEP, and amend the flooding provisions to refer to flooding maps on Council's website.
- Remove Clause 6.10 and associated mapping in response to *State Environmental Planning Policy (Coastal Management) 2018* and the repeal of *State Environmental Planning Policy No. 71 – Coastal Protection*.
- Amending Clause 5.6 Architectural roof features to limit the application of the clause to specified prescribed zones only.

These changes do not affect the residential development potential of land. The Green Grid provision will be used to provide enhanced public domain and landscaping to facilitate construction of the Green Grid, but does not otherwise affect development potential of land.

The change to flood map location will not change the development potential of land in residential zones, but will ensure that published flood risk information is more up to date.

The removal of clause 6.10 will not change the residential development potential of land because it is duplicating matters protected through the Coastal Management SEPP which applies regardless of Council's LEP.

The amendment of clause 5.6 to exclude zones other than high density residential, commercial and industrial zones will not reduce the development potential of other zones because the clause does explicitly does not provide additional floorspace.

These other matters which apply to residential land in this planning proposal will change its residential development or permissible density. Therefore, they are consistent with this direction.

*Direction 3.4 Integrating Land Use and Transport*

**Facilitate the ANSTO Innovation Precinct through changes to the mapped purpose of the special purpose zoning which applies to the site.**

The ANSTO site has been identified as an innovation precinct. Presently accessibility by public transport or active transport is constrained. The strategic decision to develop it for the purposes of the research and innovation precinct has already been made at a State and Commonwealth level. Regardless of present conditions, it is expected that public transport and active transport infrastructure will be significantly improved. The proposed changes in this element of the planning proposal are matters of strategic alignment and do not have a bearing on the intensity or use to which the land will be put in future. Therefore, the direction is of minimal relevance to this element of the planning proposal.

**Introduce a minimum lot size requirement for boarding house developments.**

Making more efficient use of infrastructure and services requires an orderly and coordinated approach to increasing residential density. Boarding houses with up to 12 rooms in the R2 Low density residential zone, with two people per room represent a much higher level of population density than other development types permissible in that zone on a small lot. Implementing a minimum lot size will create a ceiling on the residential density of this zone, allowing for infrastructure and services in these communities to be planned more effectively.

The minimum lot size for boarding houses also encourages the development of larger sites in medium to high density residential zones or mixed use zones. These zones are generally more centrally located with better access to services and transport infrastructure to support increasing density. This change will therefore encourage the efficient use of existing infrastructure and services in central areas, while reducing the consumption of land in low density zones on the fringes of the Sutherland Shire. Therefore this element of the planning proposal is consistent with the direction.

*Direction 4.3 Flood Prone land*

Remove flood mapping from the SSLEP, and amend the flooding provisions to refer to flooding maps on Council's website. The change to flood map location will not change the development potential of

land in residential zones, but will ensure that published flood risk information is more up to date. Therefore this element of the planning proposal is consistent with the direction.

*Direction 4.3 Planning for Bushfire Protection*

It is acknowledged that the ANSTO site is very bush fire prone, but the strategic decision to develop it for the purposes of the research and innovation precinct has already been made at a State and Commonwealth level. Regardless of present conditions, it is expected detailed bush fire mitigation measures will be designed as part of the master planning process for the site. The proposed changes in this element of the planning proposal are matters of strategic alignment and do not have a bearing on the intensity or use to which the land will be put in future. Therefore, the direction is of minimal relevance to this element of the planning proposal.

*Direction 5.10 Implementation of Regional Plans / 7.1 Implementation of A Plan for Growing Sydney*

This proposal makes a range of changes that align with and are consistent with the aims or intent of the *Greater Sydney Region Plan* and the *South District Plan*. Alignment with these plans is addressed in detail at Section B, Question 3 using Appendix 2. Therefore the planning proposal is consistent with these directions.

*Direction 6.3 Site Specific Provisions*

The planning proposal is adjusting the permissibility of uses at the following site, but in doing so does not seek to impose restrictive provisions or inflexible development standards.

- Facilitate the ANSTO Innovation Precinct through changes to the mapped purpose of the special purpose zoning which applies to the site.

Therefore, the planning proposal is consistent with this direction.

## Appendix 5: Comparison of SSLEP2015 Clause 6.10 Provisions with the Coastal Management Act and Coastal Management SEPP

A comparison of the objectives of clause 6.10 and the Coastal Management Act:

| Objectives of SSLEP2015 Clause 6.10 | Objectives raised by the Coastal Management Act |
|---|---|
| **(a) to provide for the protection of the foreshore environment of the Georges River, Woronora River, Port Botany and those areas of Port Hacking that are not part of the coastal zone for the benefit of both present and future generations,** | **Section 3**<br>The objects of this Act are to manage the coastal environment of New South Wales in a manner consistent with the principles of ecologically sustainable development for the social, cultural and economic well-being of the people of the State, and in particular: |
| **(b) to protect, enhance, maintain and restore the foreshore environment, its associated ecosystems, ecological processes and biological diversity and its water quality,** | **Section 3**<br>(a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and |
| **(c) to protect and preserve the natural, cultural, recreational and economic attributes of the foreshores,** | **Section 3**<br>(a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and<br>(b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and<br>(c) to acknowledge Aboriginal peoples' spiritual, social, customary and economic use of the coastal zone, and<br>(d) to recognise the coastal zone as a vital economic zone and to support sustainable coastal economies, and |
| **(d) to provide opportunities for public pedestrian access to and along the foreshores,** | **Section 3**<br>(b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and |
| **(e) to recognise and accommodate ecological processes and climate change,** | **Section 3**<br>(f) to mitigate current and future risks from coastal hazards, taking into account the effects of climate change, and |
| **(f) to protect amenity and scenic quality,** | **Section 3**<br>(a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and<br>(b) to support the social and cultural values of the coastal zone and maintain public access, amenity, use and safety, and |

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| Objectives of SSLEP2015 Clause 6.10 | Objectives raised by the Coastal Management Act |
|---|---|
| **(g) to protect and preserve rock platforms, beach environments and beach amenity,** | **Section 8**<br>(e) to maintain the presence of beaches, dunes and the natural features of foreshores, taking into account the beach system operating at the relevant place,<br>(f) to maintain and, where practicable, improve public access, amenity and use of beaches, foreshores, headlands and rock platforms. |
| **(h) to protect and preserve native foreshore vegetation,** | **Section 3**<br>(a) to protect and enhance natural coastal processes and coastal environmental values including natural character, scenic value, biological diversity and ecosystem integrity and resilience, and |
| **(i) to protect and preserve the aquatic environment,** | **Section 8**<br>(a) to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity,<br>(b) to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change,<br>(c) to maintain and improve water quality and estuary health, |
| **(j) to ensure that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area,** | **Section 9**<br>(a) to protect and enhance the scenic, social and cultural values of the coast by ensuring that:<br>(i) the type, bulk, scale and size of development is appropriate for the location and natural scenic quality of the coast, and<br>(ii) adverse impacts of development on cultural and built environment heritage are avoided or mitigated, and<br>(iii) urban design, including water sensitive urban design, is supported and incorporated into development activities, and |
| **(k) to ensure that decisions in relation to development involve consideration of the broader and cumulative adverse impacts of the development on the catchment.** | **Section 8**<br>(a) to protect and enhance the coastal environmental values and natural processes of coastal waters, estuaries, coastal lakes and coastal lagoons, and enhance natural character, scenic value, biological diversity and ecosystem integrity,<br>(b) to reduce threats to and improve the resilience of coastal waters, estuaries, coastal lakes and coastal lagoons, including in response to climate change,<br>(c) to maintain and improve water quality and estuary health, |

A comparison of the Heads of Consideration raised by clause 6.10 and the Coastal Management SEPP:

| Clause 6.10 Heads of Consideration | Coastal Management SEPP Heads of Consideration |
|---|---|
| **(a) existing public access to and along the foreshore for pedestrians (including persons with a disability) with a view to—**<br>**(i) maintaining existing public access and, where possible, improving that access, and**<br>**(ii) identifying opportunities for new public access,** | **Clause 13**<br>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—<br>(e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,<br><br>**Clause 14**<br>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—<br>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—<br>(i) existing, safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability, |
| **(b) the suitability of the development, its relationship with the surrounding area and its impact on the natural scenic quality, taking into account—**<br>**(i) the type of development concerned and any associated land uses or activities (including compatibility of any land-based and water-based activities), and**<br>**(ii) the location, and**<br>**(iii) the bulk, scale, size and overall built form design of any building or work involved,** | **Clause 12**<br>Development consent must not be granted to development on land that is within the area identified as "coastal vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that—<br>(b) the proposed development—<br>(ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and<br><br>**Clause 13**<br>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—<br>(g) the use of the surf zone.<br><br>**Clause 14**<br>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority— |

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| Clause 6.10 Heads of Consideration | Coastal Management SEPP Heads of Consideration |
|---|---|
| | ...<br>(c) has taken into account the surrounding coastal and built environment, and the bulk, scale and size of the proposed development. |
| **(c) the impact of the development on the amenity of the foreshore, including—**<br>**(i) any significant overshadowing of the foreshore, and**<br>**(ii) any loss of views from a public place to the foreshore,** | **Clause 14**<br>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—<br>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—<br>(ii) overshadowing, wind funnelling and the loss of views from public places to foreshores,<br><br>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands, |
| **(d) how the visual amenity and scenic qualities of the foreshores can be protected,** | **Clause 14**<br>(1) Development consent must not be granted to development on land that is within the coastal use area unless the consent authority—<br>(a) has considered whether the proposed development is likely to cause an adverse impact on the following—<br>(iii) the visual amenity and scenic qualities of the coast, including coastal headlands, |
| **(e) how biodiversity and ecosystems, including the following, can be conserved—**<br>**(i) native vegetation and existing wildlife corridors,**<br>**(ii) rock platforms,**<br>**(iii) water quality of waterbodies,**<br>**(iv) native fauna and native flora, and their habitats,** | **Clause 13**<br>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—<br><br>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,<br><br>(b) coastal environmental values and natural coastal processes,<br><br>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,<br><br>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, |
| **(f) the effect of ecological processes and ecological hazards and potential impacts, including sea level rise—** | **Clause 12**<br>Development consent must not be granted to development on land that is within the area identified as "coastal |

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| Clause 6.10 Heads of Consideration | Coastal Management SEPP Heads of Consideration |
|---|---|
| **(i) on the development, and**<br>**(ii) arising from the development,** | vulnerability area" on the Coastal Vulnerability Area Map unless the consent authority is satisfied that—<br><br>(a) if the proposed development comprises the erection of a building or works—the building or works are engineered to withstand current and projected coastal hazards for the design life of the building or works, and<br><br>(b) the proposed development—<br>(i) is not likely to alter coastal processes to the detriment of the natural environment or other land, and<br><br>(ii) is not likely to reduce the public amenity, access to and use of any beach, foreshore, rock platform or headland adjacent to the proposed development, and<br><br>(iii) incorporates appropriate measures to manage risk to life and public safety from coastal hazards, and<br><br>(c) measures are in place to ensure that there are appropriate responses to, and management of, anticipated coastal processes and current and future coastal hazards.<br><br>**Clause 13**<br>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—<br><br>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,<br><br>(b) coastal environmental values and natural coastal processes, |
| **(g) the cumulative impacts of the development and other development on the catchment.** | **Clause 13**<br>(1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—<br><br>(a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment, |

| Clause 6.10 Heads of Consideration | Coastal Management SEPP Heads of Consideration |
|---|---|
| | (b) coastal environmental values and natural coastal processes,<br><br>(c) the water quality of the marine estate (within the meaning of the Marine Estate Management Act 2014), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,<br><br>(d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms, |