

Planning Proposal
SSLEP2015 Landscaped Area – Existing
Non-Compliances

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

The purpose of this Planning Proposal is to amend the *Sutherland Shire Local Environmental Plan 2015* to address an issue identified in the operation of the landscaped area provisions of the plan:

Policy Changes (Council resolution to be sought after SSLPP advice is provided)

1. Introduce flexibility into the landscaped area provisions of the Plan to allow consent to be granted despite an existing non-compliant landscape area for specific types of development.

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:

LEP Provision	Amendment	Relevant Objective (from Part 1)
Clause 6.14 Landscaped areas in certain residential, business, industrial and environment protection zones	<p>Clause 6.14 implements a minimum landscaped area requirement in specific residential and employment zones across the Sutherland Shire. Subclause 4 provides flexibility for variations to the minimum landscape area requirement if a significant tree on the site would be preserved.</p> <p>Since the commencement of this plan a large number of applications have required clause 4.6 variations be granted as a result of existing non-compliances with the landscaped area. This adds complexity to the affected applications. Council is seeking to amend Clause 6.14 so that existing non-compliances with the landscaped area controls can be assessed without requiring a variation to the development standard.</p> <p>A more efficient method for addressing these variations is to amend Clause 6.14 of the plan to provide for exemptions to the landscaped area development standard for the following types of development:</p> <ul style="list-style-type: none"> • alterations or additions to a dwelling house, or • development ancillary to a dwelling house, <p>and in zones IN1 General Industrial, IN2 Light Industrial, IN3 Heavy Industrial, IN4 Working Waterfront, B5 Business Development, B6 Enterprise Corridor and B7 Business Park:</p> <ul style="list-style-type: none"> • Internal alterations, or • Signage, or • a change of use. <p>Further, to be exempt from the mapped landscaped area requirement development proposals must meet the following tests:</p> <ul style="list-style-type: none"> • The non-compliance with the landscaped area must be both justifiable and pre-existing. • Granting consent to the proposed development must result in a landscaped area on the site which is at least the same size as the pre-existing landscaped area on the site. • Reasonable effort must have been demonstrated to improve the landscape outcome and tree canopy coverage on the site. • The development proposal must achieve all of the related objectives of the following that apply to the site: 	Objective 1.

	<ul style="list-style-type: none"> ○ Clause 6.14 Landscaped areas in certain residential, business, industrial and environment protection zones; ○ Clause 6.9 Limited development on foreshore area; ○ Zone E3 Environmental Management; and ○ Zone E4 Environmental Living. <p>This approach is expected to yield better landscape outcomes while recognising that the landscaped area development standard needs greater flexibility to accommodate the circumstances of sites developed prior to the introduction of landscaped area controls and other situations where it is unreasonable to expect full provision of landscaped area.</p> <p>Examples of possible amended provisions are provided below:</p> <p><i>(4A) Despite subclause (3), development consent may be granted to a proposal for alterations or additions to a dwelling house or development ancillary to a dwelling house which has less landscaped area than the percentage shown on the Landscape Area Map if the Consent authority is satisfied that:</i></p> <ul style="list-style-type: none"> • <i>the amount of landscaped area is a justifiable existing non-compliance, and</i> • <i>the amount of landscaped area is not being further reduced, and</i> • <i>demonstrate reasonable effort has been made to improve the landscape outcome and tree canopy coverage on the site, and</i> • <i>demonstrate that the development proposal achieves the objectives of the following that apply to the site:</i> <ul style="list-style-type: none"> ○ <i>Clause 6.14 Landscaped areas in certain residential, business, industrial and environment protection zones;</i> ○ <i>Clause 6.9 Limited development on foreshore area;</i> ○ <i>Zone E3 Environmental Management; and</i> ○ <i>Zone E4 Environmental Living.</i> <p><i>(4B) Despite subclause (3), development consent may be granted for internal alterations, signage or a change of use in zones IN1, IN2, IN3, IN4, B5, B6, B7 on a site which has less landscaped area than the percentage shown on the Landscape Area Map if the Consent authority is satisfied that:</i></p> <ul style="list-style-type: none"> • <i>the amount of landscaped area is a justifiable existing non-compliance, and</i> • <i>the amount of landscaped area is not being further reduced, and</i> 	
--	---	--

	<ul style="list-style-type: none"> • <i>demonstrate reasonable effort has been made to improve the landscape outcome and tree canopy coverage on the site, and</i> • <i>demonstrate that the development proposal achieves the objectives of the following that apply to the site:</i> <ul style="list-style-type: none"> ○ <i>Clause 6.14 Landscaped areas in certain residential, and vegetation related objectives of the following that apply to the site business, industrial and environment protection zones;</i> ○ <i>Clause 6.9 Limited development on foreshore area;</i> 	
--	--	--

No maps are to be amended.

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

Section A - Need for the planning proposal

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

The planning proposal is not a result of a single strategic study or report. It responds to Council resolutions (PLN039-18) to address an issue with the operation of the Landscaped Area provisions of the *Sutherland Shire Local Environmental Plan 2015*. The planning proposal is required to resolve the identified issue.

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

An alternative to amending SSLEP2015 would be to continue to rely on clause 4.6 variations. In calendar year 2018 150 clause 4.6 variations were recorded by Sutherland Shire Council. 89 of the 150 variations related to the SSLEP2015 landscaped area development standard. 58 of the landscaped area variations were greater than 10%. This demonstrates that the landscaped area development standard accounts for a disproportionately large number of variations and that the existing clause creates a significant administrative burden on applicants and Council.

Continuing to rely on Clause 4.6 variations is not considered acceptable when the alternative of introducing greater flexibility into the LEP provisions is available.

The scope of the proposed changes are likely to be beyond the scope of section 3.22 of the Environmental Planning and Assessment Act, meaning that an expedited change to correct this as a minor matter or an obvious error or mistake is out of the question. Therefore, a planning proposal is the only acceptable means to achieve the intended outcome as amendments to SSLEP2015 are required.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Although the proposed amendment is predominantly administrative or minor in nature, it is consistent with the broad policy directions contained within *The Greater Sydney Region Plan: A Metropolis of Three Cities* and the *South District Plan*. The Planning Proposal aims to ensure quality outcomes for the long term benefit of the Sutherland Shire through reducing the administrative burden of the landscaped area planning controls while facilitating improvements to the aesthetic and ecological qualities of the Shire's private landscaped areas. The relevant specific objectives and actions of the plans are:

The Greater Sydney Region Plan: A Metropolis of Three Cities

A city in its landscape

- **Objective 25: The coast and waterways are protected and healthier**
 - This planning proposal will work towards this objective by requiring that development proposals seeking to be exempted from an existing landscaped area non-compliance on land to which the SSLEP2015 mapped foreshore area applies, must achieve the objectives of SSLEP2015 clause 6.9. The clause 6.9 objectives form a comprehensive set of requirements to protect the foreshore which for reference are listed below
 - (a) to ensure that development on the foreshore area will not adversely impact on natural foreshore processes or affect the significance and amenity of the area,*
 - (b) to maintain and improve public access to the intertidal area of waterfronts if that access will cause minimal adverse environmental impact,*
 - (c) to avoid adverse ecological effects on waterways by minimising any adverse impact from development on water quality and, so far as is practicable, to improve the quality of urban run-off entering waterways,*
 - (d) to protect and enhance significant natural features and vegetation on the foreshore area,*
 - (e) to retain endemic vegetation along foreshore areas,*
 - (f) to restore and revegetate foreshore areas to improve estuarine flora and fauna habitat,*
 - (g) to minimise any adverse visual impact of development when viewed from adjacent land and waterways by using a design and materials that complement the natural landscape of the foreshore area,*
 - (h) to minimise any adverse impact of development on the natural landform of the foreshore area and waterways by integrating the development with minimal change to the natural topography of the foreshore area,*
 - (i) to achieve a balance between private development and the public use of waterways,*
 - (j) to minimise the obstruction of water views from public land.*
- **Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced**
 - This planning proposal will work towards this objective by requiring that development proposals seeking to be exempted from an existing landscaped area non-compliance on land zoned E3 Environmental Management or E4 Environmental Living, must achieve the objectives of the zone, specifically:

SSLEP2015 E3 Environmental Management Zone Objectives

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*
- *To allow development of a scale and nature that maintains the predominantly natural landscape setting of the locality and protects and conserves existing vegetation and other natural features of the locality.*
- *To limit development in the vicinity of the waterfront so that the locality's natural qualities can dominate.*
- *To allow the subdivision of land only if the size of the resulting lots makes them capable of development that will not compromise the sensitive nature of the environment.*
- *To share views between new and existing development and also from public space.*

SSLEP2015 E4 Environmental Living Zone Objectives

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To allow for development that preserves and enhances the natural landscape setting of the locality.*
- *To protect and restore trees, bushland and scenic values particularly along ridgelines and in other areas of high visual significance.*
- *To ensure the character of the locality is not diminished by the cumulative impacts of development.*
- *To minimise the risk to life, property and the environment by restricting the type or level and intensity of development on land that is subject to natural or man-made hazards.*
- *To allow the subdivision of land only if the size of the resulting lots makes them capable of development that retains or restores natural features while allowing a sufficient area for development.*
- *To share views between new and existing development and also from public space.*

- **Objective 28: Scenic and cultural landscapes are protected**
 - This planning proposal will work towards this objective by requiring that development proposals seeking to be exempted from an existing landscaped area non-compliance, must achieve zone and clause objectives which relate to landscape and scenic character. This will ensure that scenic and cultural landscapes are considered and protected in the operation of this amended clause.
- **Objective 30: Urban tree canopy cover is increased**
 - This planning proposal will work towards this objective by requiring that development proposals seeking to be exempted from an existing landscaped area non-compliance, must demonstrate reasonable effort to improve the tree canopy coverage on the site.

A resilient city

- **Objective 38: Heatwaves and extreme heat are managed**
 - This planning proposal will work towards this objective by requiring that development proposals seeking to be exempted from an existing landscaped area non-compliance, must demonstrate reasonable effort to improve the tree canopy coverage on the site and landscape outcomes. This should lead to improved landscaping and tree canopy coverage which will contribute to mitigating the urban heat island effect.

The South District Plan

Sustainability

- **Action 65. Identify and protect scenic and cultural landscapes.**
 - This planning proposal will work towards this action by requiring that development proposals seeking to be exempted from an existing landscaped area non-compliance, must achieve zone and clause objectives which relate to landscape and scenic character. This will ensure that scenic and cultural landscapes are considered and protected in the operation of this amended clause.
- **Action 69. Expand urban tree canopy in the public realm.**
 - This planning proposal will work towards this objective by requiring that development proposals seeking to be exempted from an existing landscaped area non-compliance, must demonstrate reasonable effort to improve the tree canopy coverage on the site.
- **Action 80. Mitigate the urban heat island effect and reduce vulnerability to extreme heat.**
 - This planning proposal will work towards this action by requiring that development proposals seeking to be exempted from an existing landscaped area non-compliance, must demonstrate reasonable effort to improve the tree canopy coverage on the site and landscape outcomes. This should lead to improved landscaping and tree canopy coverage which will contribute to mitigating the urban heat island effect.

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 proposed amendment is intended to respond to the complexities of existing land within the Sutherland Shire without imposing a significant administrative burden. The proposal will have benefits for protection of landscaped character and urban canopy (as discussed above) which align with objectives and priorities of *The Greater Sydney Region Plan: A Metropolis of Three Cities* and the *South District Plan*.

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 proposal does not relate to any specific sites.

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

Council's Community Strategic Plan: *Our Community Plan* endorses the following outcomes and strategies which this planning proposal will advance:

Outcome 2: Sutherland Shire: A Beautiful, protected and healthy natural environment

Strategy 2.2 Enhance and protect diverse natural habitats.

2.2.1 Enhance and protect our diverse flora, fauna and ecological communities.

2.2.2 Manage, promote and enhance our tree canopy in urban and natural areas.

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

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

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

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 1—Development Standards	None. Does not apply to land under SSLEP2015	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 19—Bushland in Urban Areas	None. Protects bushland in urban areas. The planning proposal relates only to developed urban land which is deficient in the provision of landscaped area.	
State Environmental Planning Policy No 21—Caravan Parks	None. No specific relevance to the landscaped area proposal.	
State Environmental Planning Policy No 33—Hazardous and Offensive Development	None – No specific relevance to hazardous and offensive development.	
State Environmental Planning Policy No 36—Manufactured Home Estates	None. Does not apply to land under SSLEP2015	
State Environmental Planning Policy No 44—Koala Habitat Protection	None. Does not apply to land under SSLEP2015	
State Environmental Planning Policy No 47—Moore Park Showground	None. Does not apply to land under SSLEP2015	
State Environmental Planning Policy No 50—Canal Estate Development	None. No provisions of the Planning Proposal affect development for the purposes of Canal Estates.	
State Environmental Planning Policy No 55—Remediation of Land	The Planning Proposal does not seek to materially change the development potential of any land which is known to be contaminated.	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 64—Advertising and Signage	This planning proposal allows for signage development in industrial and business zones to be granted consent despite an existing noncompliance with the landscaped area requirements.	Consistent. Adding greater flexibility to the SSLEP2015 landscaped area provisions around signage does not conflict with any provisions of the SEPP.
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	None. No provisions of the Planning Proposal affect development for the purposes of Residential Apartments.	
State Environmental Planning Policy No 70—Affordable Housing (Revised Schemes)	None. No provisions of the Planning Proposal affect development for the purposes of affordable housing.	
State Environmental Planning Policy (Affordable Rental Housing) 2009	None. No provisions of the Planning Proposal affect development for the purposes of affordable rental housing.	
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	None. No provisions of the Planning Proposal affect the environmental performance characteristics of residential dwellings.	
State Environmental Planning Policy (Coastal Management) 2018	None. No provisions of the Planning Proposal seek to introduce controls which would conflict with the Coastal Management SEPP.	
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	None. No provisions of the Planning Proposal affect development for the purposes of educational establishments or child care facilities.	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	None. No provisions of the Planning Proposal affect exempt and complying development policy.	
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	None. No provisions of the Planning Proposal affect development for the purposes of housing for seniors or people with a disability.	
State Environmental Planning Policy (Infrastructure) 2007	None. No provisions of the Planning Proposal affect development for the purposes of infrastructure.	
State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007	None. Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Kurnell Peninsula) 1989	None. Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	None. No provisions of the Planning Proposal affect development for the purposes of mining, petroleum production and extractive industries.	
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	None. No provisions of the Planning Proposal affect development for the purposes regulated under this SEPP.	
State Environmental Planning Policy	None. Does not apply to land under SSLEP2015	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
(Penrith Lakes Scheme) 1989		
State Environmental Planning Policy (Primary Production and Rural Development) 2019	None. The planning proposal does not relate to aquaculture or primary production.	
State Environmental Planning Policy (State and Regional Development) 2011	None. No provisions of the Planning Proposal affect development classed as State Significant Development or Regional Development.	
State Environmental Planning Policy (State Significant Precincts) 2005	None. No provisions of the Planning Proposal affect projects or sites regulated under this SEPP.	
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	None. No provisions of the Planning Proposal affect projects or sites regulated under this SEPP.	
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	None. Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Three Ports) 2013	None. Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Urban Renewal) 2010	None. Does not apply to land under SSLEP2015	

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	None. The planning proposal does not relate to tree removal.	
State Environmental Planning Policy (Western Sydney Employment Area) 2009	None. Does not apply to land under SSLEP2015	
State Environmental Planning Policy (Western Sydney Parklands) 2009	None. Does not apply to land under SSLEP2015	
Sydney Regional Environmental Plan No 9— Extractive Industry (No 2— 1995)	None. No provisions of the Planning Proposal affect development for the purposes of extractive industries.	
Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment	The Planning proposal has relevance to some development types which may occur within the area where this SEPP applies.	Consistent. Adding greater flexibility to the SSLEP2015 landscaped area provisions around will not materially alter the environmental impact of development in the Georges River catchment area.

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

Yes the planning proposal is consistent with all applicable s9.1 Ministerial Directions.

1.1 Business and Industrial Zones

This planning proposal seeks to add flexibility for development consent to be granted to some types of development in industrial and commercial zones despite existing landscaped area non-compliances.

This change does not affect the development potential of business and industrial zones, but it does simplify the planning process for affected sites undertaking minor development. Therefore, the proposal is consistent with this direction.

2.1 Environment Protection Zones

This planning proposal seeks to add flexibility for development consent to be granted to limited types of residential development despite existing landscaped area non-compliances.

This change does not affect the standard of environmental protection applied to environment protection zones, but it does simplify the planning process for affected sites undertaking minor works to existing residential developments. Therefore, the proposal is consistent with this direction.

2.2 Coastal Management

This planning proposal seeks to add flexibility for development consent to be granted to limited types of development despite existing landscaped area non-compliances and will be applicable to zoned areas which are at least partly in the coastal zone.

This change does not increase the development potential of land in coastal areas, but it does simplify the planning process for affected sites undertaking minor works. Therefore, the proposal is consistent with this direction.

3.1 Residential Zones

This planning proposal seeks to add flexibility for development consent to be granted to limited types of residential development despite existing landscaped area non-compliances.

This change does not affect the residential density of residential zones, but it does simplify the planning process for affected sites undertaking minor works to existing residential developments. Therefore, the proposal is consistent with this direction.

4.4 Planning for Bushfire Protection

This planning proposal seeks to add flexibility for development consent to be granted to limited types of development despite existing landscaped area non-compliances.

This change does not affect the bushfire protection and planning requirements, but it does simplify the planning process for affected sites undertaking minor works to existing developments. Therefore, the proposal is consistent with this direction.

7.1 Implementation of A Plan for Growing Sydney

This planning proposal seeks to add flexibility for development consent to be granted to limited types of development despite existing landscaped area non-compliances.

This proposal simply seeks to make an administrative changes and does not conflict with the aims or intent of the *Greater Sydney Region Plan* or the *South District Plan*. Alignment with these plans is addressed in detail at Section B, Question 3.

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. The proposed change relates only to pre-existing landscaped area non-compliances in the specific residential zones where clause 6.14 applies. These variations are currently being facilitated through clause 4.6 variations. As a result of this change it is expected that few clause 4.6 variations will be required, but the development outcome will be the same or better.

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 change is minor or administrative in nature and is unlikely to result in any environmental effects.

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

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

Section D – State and Commonwealth interests

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

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

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

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

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

No mapping changes are required.

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

Displays at the Council Administration Building and local libraries

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

Advertisement on the Council website

The planning proposal will be exhibited on the Council consultation website (jointheconversation.sutherlandshire.nsw.gov.au) with links from the home page. It is anticipated that the mapping changes will be available through Shire Maps (Council’s interactive online mapping system) which will be especially beneficial for the public to compare the existing and proposed changes for any property.

Direct contact

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

Part 6 – Project Timeline

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

Conclusion

The Planning Proposal seeks to resolve an issue that has arisen in the operation of the landscaped area development standards in the Sutherland Shire Local Environmental Plan 2015, ensuring a more efficient planning process in the Sutherland Shire. The Planning Proposal is generally consistent with relevant State and local legislation, directions, policies and strategic documents and will have a minimal environmental, social and economic impact.

Appendix 1: Criteria for Delegation of Plan Making Functions

Local Government Area: Sutherland Shire

Name of draft LEP: SSLEP2015 Landscaped Area – Existing Non-Compliances

Address of Land (if applicable): N/A

Intent of draft LEP: To allow flexibility in the operation of the landscaped area development standards in the plan so that existing landscaped area non-compliances do not prohibit unrelated minor development.

Additional Supporting Points/Information: N/A

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

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		N/A		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		N/A		
Is the planning proposal proposed to rectify an anomaly in a classification?		N/A		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		N/A		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		N/A		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		N/A		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land</i> ?		N/A		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		N/A		
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		N/A		
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/A		
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/A		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		N/A		
Does the planning proposal create an exception to a mapped development standard?		N/A		