



Beth Morris (9710 0376)

27 May 2019



Andrew Watkins - Sydney Region East  
Planning Services  
NSW Planning & Environment  
GPO Box 39  
Sydney NSW 2001

Dear Mr Watkins

**RE: Planning Proposal SSLEP2015 Landscaped Area – Existing Non-compliances**

[In response, please quote File Ref: 2018/323444]

In August 2018 Council resolved to prepare a Planning Proposal to amend Sutherland Shire Local Environmental Plan 2015 to allow flexibility in the application of landscaped area standards, so that applications over properties where there are existing non-compliances can be determined more efficiently.

On 19<sup>th</sup> March 2019 the Sutherland Shire Local Planning Panel (SSLPP) considered the Planning Proposal. The Sutherland Shire Local Planning Panel provided the following advice to Council:

*The Panel supports the Planning Proposal proceeding to Gateway, noting the relatively minor nature of the proposed amendment, and that issues of detail are able to be considered and addressed during and following the gateway, public exhibition and detailed processes that will follow. However, Council and Council staff should consider:*

- *Adding the word “demonstrate” prior to “reasonable effort” in relation to improving the landscape outcome and also add reference to “tree cover” to criteria for flexibility, so the onus lies with the applicant to demonstrate reasonable effort and the landscaped tree character of the LGA and strategic directions of the Greater Sydney Commission are considered.*
- *Some wording to recognise the need to scrutinise closely the sites which are in Environmental Zones or subject to a Foreshore Building Line.*
- *Providing statistics on the number of Clause 4.6 Variations related to landscaped area and pre-existing landscaped area non-compliance when the matter is referred to DPE and the public.*

On the 20<sup>th</sup> May resolved (PLN015-19) to refer the Planning Proposal to NSW Planning for a Gateway determination. Council resolved:

1. *The advice of the Sutherland Shire Local Planning Panel in relation to this Planning Proposal be received and noted.*

2. *The Planning Proposal SSLEP2015 Landscaped Area – Existing Non-Compliances be submitted to NSW Planning and Industry for a Gateway Determination.*
3. *Council advise the Department that it is willing to exercise plan making functions pursuant to Section 3.31 of the Environmental Planning and Assessment Act 1979.*
4. *The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.*
5. *Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.*

In accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*, Council submits the attached planning proposal and seeks a Gateway Determination to allow the Planning Proposal to proceed to a public exhibition. Council requests authority to use its delegated plan-making functions for this amendment.

The following documents are provided in support of the submission:

- Planning Proposal – SSLEP2015 Landscaped Area – Existing Non-Compliances
- DPE Planning Proposal Information Checklist – Clauses, Zoning and Development Standards 2018
- Council and Local Planning Panel Business Papers and Minutes
  - PLN039-18 (Council and Planning Committee meeting business papers and minutes)
  - PLN015-19 (Council and Planning Committee meeting business papers and minutes)

Should you have any queries, please do not hesitate to contact me on 9710 0376 or by email at [bmorris@ssc.nsw.gov.au](mailto:bmorris@ssc.nsw.gov.au)

Yours sincerely,



Beth Morris  
Senior Policy Advisor & Planner