

Draft Sutherland Shire Local Environmental Plan 2013 - Amendments to Waterways Zoning

Proposal Title : **Draft Sutherland Shire Local Environmental Plan 2013 - Amendments to Waterways Zoning**

Proposal Summary : **The Planning Proposal seeks to include a wider range of development in the waterways zones and includes:**

- extension of boundaries of zone W2 Recreational Waterways
- addition of uses 'mooring pens' and 'boatsheds' as permissible uses under the W1 Natural Waterways zone
- replacement of the final objective under W1 Natural Waterways zone with a new objective
- addition of new objectives to W1 Natural Waterways and W2 Recreational Waterways zones.

PP Number : **PP_2013_SUTHE_004_00** Dop File No : **13/07641**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions :
- 2.1 Environment Protection Zones**
 - 2.2 Coastal Protection**
 - 2.3 Heritage Conservation**
 - 4.1 Acid Sulfate Soils**
 - 4.3 Flood Prone Land**
 - 6.1 Approval and Referral Requirements**
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the Planning Proposal proceed subject to the following conditions:**

- 1. The Planning Proposal is exhibited for 28 days; and**
- 2. The Planning Proposal is completed in 9 months time.**
- 3. Council be given delegation for this Planning Proposal, but Council should be made aware that it cannot be made before the draft SSLEP 2013 is notified.**
- 4. Council should clearly explain in its exhibition material that this Planning Proposal is seeking to amend the controls in the exhibited draft SSLEP 2013.**

The RPA should be advised that:

- 1. Consultation with the Department of Primary Industries - Fisheries is required.**
- 2. No further studies are required.**
- 3. As the Planning Proposal is making a significant post exhibition change it may not be appropriate to incorporate these changes into the draft SSLEP 2013 before it is made. It would be appropriate for this Planning Proposal to be made as an Amendment to SSLEP 2013.**

Supporting Reasons : **The Planning Proposal provides for a wider range of development in the waterways zones subject to locality and site specific characteristics. The proposed rezoning reinstates control for marinas under SSLEP 2006 and meet demands for suitable moorings in the Shire.**

Panel Recommendation

Recommendation Date : **16-May-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The planning proposal should proceed subject to the following conditions:**

- 1. Prior to undertaking public exhibition, Council is to update the planning proposal to clearly advise the public that the proposal will amend controls within the exhibited draft Sutherland Shire LEP 2013.**

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

3. Consultation is required with the Department of Primary Industries - Fisheries under section 56(2)(d) of the EP&A Act. Fisheries is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:



Date:

