

Planning Proposal  
SSLEP2015 Minor Amendments: Exempt  
and Complying Development 2018

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

The purpose of this Planning Proposal is to amend the Sutherland Shire Local Environmental Plan 2015 to address a range of issues identified in the operation of the local exempt and complying development provisions of the plan. (Council Resolutions: PLN028-18 & PLN037-18):

1. Correct a broad range of issues in Schedule 3 of the LEP relating to Complying Development in Zone E4 to improve the operation of the complying development provisions:
  - i. Correct the reference in Clause 4 (1)(j) to refer to Clause 6.1 Acid sulfate soils.
  - ii. Replace a reference to repealed Clause 5.9 resulting from the introduction of *State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017*.
  - iii. Resolve the conflicting controls in clauses 7(3) and 8(3) for fill associated with a dwelling by deleting 7(3).
  - iv. There is a conflict between the general boundary setbacks and the specific boundary setbacks in various parts of Schedule 3. This is to be resolved by clarifying that the general setbacks only apply where specific setbacks have not been defined.
  - v. Revise and rename section 8 to align the development standards for earthworks, retaining walls and structural supports with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
  - vi. Exempt swimming pools from the application of bushfire prone land controls.
  - vii. Expand Section 26 to apply development standards to balconies, terraces and verandahs.
  - viii. Expand section 28 to apply the controls to both swimming pools and spa pools.
  - ix. Apply the same development standards to rainwater tanks as would apply in Zone R2 under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* with flexibility to accommodate larger tanks where consistent with the requirements of bushfire advice.
  - x. Facilitate garden sheds, sheds and detached garages as complying development ancillary to a dwelling house in line with *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.
2. Facilitate boundary fences and pool fences on land in Zone E4 as exempt development under equivalent development standards to fences in Zone R2 under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*.

Council is willing to exercise an authorisation to delegate the plan making function for this planning proposal, should such a delegation 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)
<b>Schedule 2 – Exempt Development</b>	<p>Under the <i>Sutherland Shire Local Environmental Plan 2015</i>, the E4 Environmental Living Zone has been used as a low density residential zone for areas that are subject to significant risks such as bushfire. Many of the exempt development provisions of the <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> assume that zone E4 has a rural character. This means that boundary fences in zone E4 under the Codes SEPP are subject to development standards that are not appropriate in a suburban context. Similarly, the Codes SEPP controls for swimming pool fences as exempt development do not apply in zone E4.</p> <p>It is therefore proposed to add provisions to Schedule 2 Exempt Development of the <i>Sutherland Shire Local Environmental Plan 2015</i> so that boundary fences and swimming pool fences can be constructed in zone E4 with the same requirements as equivalent development in the R2 Low Density Residential zone under the Codes SEPP. An additional requirement has been added to the exempt development provision for swimming pool fences to ensure that they are not constructed of flammable materials in bush fire prone areas.</p> <p><b>Boundary Fences in Zone E4 Environmental Living</b></p> <p>1) <i>Boundary Fences in Zone E4 must not:</i></p> <ol style="list-style-type: none"> <li><i>be on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item, or</i></li> <li><i>be along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area, or</i></li> <li><i>be on lot in the flood planning area, or</i></li> <li><i>be on land that is identified as being in a foreshore area.</i></li> </ol> <p><i>Note. If the fence is a dividing fence, the Dividing Fences Act 1991 also applies.</i></p> <p>2) <i>Boundary Fences in Zone E4 must:</i></p> <ol style="list-style-type: none"> <li><i>Not be higher than 1.8m above ground level (existing), and</i></li> <li><i>Not be of masonry construction to a height that is more than 1.2m above ground level (existing), and</i></li> </ol>	Objective 2

	<ul style="list-style-type: none"> <li>c. <i>If it includes an entrance gate—not have a gate that opens outwards, and</i></li> <li>d. <i>If it is located in a core koala habitat or potential koala habitat within the meaning of State Environmental Planning Policy No 44—Koala Habitat Protection or in a movement corridor used by koalas—be constructed or installed in accordance with any relevant council policy or guideline under that Policy, and</i></li> <li>e. <i>If it is located on bush fire prone land—be constructed of non-combustible materials or hardwood, and</i></li> <li>f. <i>If it is constructed of metal components—be of low reflective, factory pre-coloured materials, and</i></li> <li>g. <i>Not be an electrical fence or use barbed wire.</i></li> </ul> <p>3) <i>Despite (2), any fence located along the boundary of, or within the setback area to, a primary or secondary road must:</i></p> <ul style="list-style-type: none"> <li>a. <i>Not be more than 1.2m above ground level (existing), and</i></li> <li>b. <i>Be open for at least 20% of the area of the fence that is more than 400mm above ground level (existing), with any individual solid element of the fence above this height being no more than 350mm in width with a minimum aperture of 25mm.</i></li> </ul> <p>4) <i>If the lot has a frontage to a secondary road or roads, subclause (3) only applies to 50% of the length of all contiguous secondary road boundaries, measured from the corner with the primary road boundary.</i></p> <p>5) <i>Subclause (3) (b.) does not apply to the part of the fence along the side boundary and within the setback area to the primary road.</i></p> <p>6) <i>Despite subclauses (2) and (3), if the fence is erected on a sloping site and stepped to accommodate the fall in the land:</i></p> <ul style="list-style-type: none"> <li>a. <i>a fence that is required to be not more than 1.2m above ground level (existing), must not be more than 1.5m above ground level (existing) at each step, and</i></li> <li>b. <i>a fence that is required to be not more than 1.8m above ground level (existing), must not be more than 2.2m above ground level (existing) at each step.</i></li> </ul> <p><b>Pool Fences in Zone E4 Environmental Living</b></p> <ul style="list-style-type: none"> <li>1) <i>The construction or installation of a fence on land within Zone E4 is development specified for this part if it forms a barrier to a swimming pool.</i></li> <li>2) <i>The fence must comply with the requirements of the Swimming Pools Act 1992.</i></li> <li>3) <i>If the pool fence is located on bush fire prone land it must be constructed of non-combustible materials.</i></li> </ul>	
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<b>Schedule 3 – Complying Development</b>	<p>Under the <i>Sutherland Shire Local Environmental Plan 2015</i>, the E4 Environmental Living Zone has been used as a low density residential zone for areas that are subject to significant risks such as bushfire. In recognition of the suburban character of this zone, Sutherland Shire Local Environmental Plans have historically provided local complying development provisions which allow residents to undertake low risk forms of development where the equivalent State Environmental Planning Policies would otherwise be excluded.</p> <p><i>Sutherland Shire Local Environmental Plan 2015 Amendment No. 1</i> re-established these local complying development provisions for the E4 zone in January 2016. Since that time a number of issues have been identified in the drafting and operation of these local complying development provisions that need to be addressed. Given the complexity of these matters, they are addressed separately below.</p>	<b>Objective 1</b>
<b>Schedule 3 – Complying Development Part 1 Types of development Division 1 Development that is complying development under this Part 4 Certain ancillary development 4(1)(j)</b>	<p>The local complying development provisions for the E4 zone were drafted before the final LEP instrument had been prepared. Consequently a minor clause reference was incorrectly numbered and now fails to operate correctly.</p> <p>Section 4(1) of Schedule 3 is intended to specify the ancillary development which can be undertaken as complying development under the local provisions. Subsection 4(1)(j) is intended to list swimming pools as ancillary development for the purposes of the part except where the development would trigger the Acid sulfate soils provisions in Clause 6.1 of the LEP. However, the reference in section 4(1)(j) is to clause 6.4 Stormwater management. This error does not address acid sulfate issues associated with large areas of excavation required for a pool. It is therefore necessary to amend this reference from clause “6.4” to clause “6.1”.</p> <p><i>(1) The erection, construction or installation of any of the following, or any alteration or addition to any of the following, is development specified for this Part if the development is ancillary to a dwelling house and is not otherwise exempt development:</i></p> <p>...</p> <p><i>(j) a swimming pool that is not part of development that requires development consent under clause 6.1 of this Plan,</i></p>	<b>Objective 1.i</b>
<b>Schedule 3 – Complying Development Part 1 Types of development Division 1 Development that is complying</b>	<p>Previous Sutherland Shire Local Environmental Plans allowed outbuildings ancillary to a dwelling house to be undertaken as complying development. However, the current drafting of the EPP and SSLEP2015 does not give this flexibility to the E4 zone. It is proposed to add to the complying development provisions in Schedule 3 of Sutherland Shire Local Environmental Plan 2015 to facilitate garden sheds, garages and sheds in zone E4 where they are ancillary to a dwelling house. To ensure that these forms of development are within the scope of schedule 3, they must be listed under Section 4(1).</p>	<b>Objective 1.x</b>

development under this Part <b>4 Certain ancillary development 4(1)</b>	<p><i>4(1) The erection, construction or installation of any of the following, or any alteration or addition to any of the following, is development specified for this Part if the development is ancillary to a dwelling house and is not otherwise exempt development:</i></p> <p>...</p> <p><i>(l) a garden shed,</i></p> <p><i>(m) a shed,</i></p> <p><i>(n) a garage.</i></p>	
<b>Schedule 3 – Complying Development Part 1 Types of development Division 1 Development that is complying development under this Part 5 General exclusions from this part</b>	<p>Under Sutherland Shire’s previous Local Environmental Plans outbuildings ancillary to a dwelling house could be undertaken via complying development. To ensure that these forms of development are within the scope of schedule 3, a slight modification is required to section 5 to clarify ambiguous wording which may currently be read as a prohibition on outbuildings.</p> <p><i>5 General exclusions from this Part</i></p> <p><i>The following development is not development specified for this Part:</i></p> <p><i>(a) the erection of a roof terrace on the topmost roof of any of the following:</i></p> <p><i>i. an existing or new dwelling house, or</i></p> <p><i>ii. an existing or new outbuilding,</i></p> <p>...</p>	Objective 1.x
<b>Schedule 3 – Complying Development Part 1 Types of development Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development 7 Setbacks 7(3)</b>	<p>There is a conflict between controls 7(3) and 8(3) in Division 2 of Schedule 3. 7(3) allows cut and fill for the purposes of a dwelling house to extend beyond the footprint of a dwelling house by up to 900mm. Whereas 8(3) requires that all fill for the purposes of a new dwelling house must be contained within the footprint of the dwelling.</p> <p>The preferred approach to resolve this conflict is to delete 7(3), therefore requiring all fill for the purposes of a new dwelling house be contained within the footprint of the dwelling house.</p>	Objective 1.iii
<b>Schedule 3 – Complying Development</b>	There is a conflict between the setbacks for all development under the part as defined in Section 7 of Division 2 of Schedule 3 and the various setbacks specified for types of development elsewhere in Division 2.	Objective 1.iv

<p><b>Part 1 Types of development</b>  <b>Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development</b>  <b>7 Setbacks</b></p>	<p>To provide for greater clarity, a new control should be added to Section 7 of Division 2 in Schedule 3. This control would state that the general setback requirements in Section 7 apply only where a specific setback for the development has not been defined elsewhere in the Part.</p> <p><i>(4) A setback defined in 7(1) should not be applied if a specific setback for the proposed type of development is defined elsewhere in this part.</i></p>	
<p><b>Schedule 3 – Complying Development</b>  <b>Part 1 Types of development</b>  <b>Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development</b>  <b>8 Earthworks and drainage</b></p>	<p>The present earthworks provisions require amendment to better reduce potential amenity impacts and potential risks from fill and retaining walls. At present there are no controls which ensure the quality of fill imported to sites for use in earthworks. Controls limit the extent of fill to the “ground floor level” which can only apply to the interior floor of a building. There are no provisions which prevent the cumulative filling of a site. There are no provisions which ensure that large retaining walls are engineered to an appropriate standard of safety.</p> <p>The provisions of <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> which relate to earthworks, retaining walls and structural supports are a tested set of standards which can be adapted to the requirements of earthworks in the E4 zone. A first change must be that section 8 of Division 2 is renamed “8 Earthworks, retaining walls and structural supports”.</p>	<p>Objective 1.v</p>
<p><b>Schedule 3 – Complying Development</b>  <b>Part 1 Types of development</b>  <b>Division 2 Development standards that apply to new dwelling houses, alterations or</b></p>	<p>Earthworks permitted as complying development will not necessarily have a “finished ground floor level” which is caught by the standard. In order to control the height of earthworks permitted as complying development, the wording of section 8 must be amended to add “...finished ground level..” to ensure that land surfaces outside of building footprints are regulated, as well as regulating the height of a ground floor above natural ground to a maximum of 0.6m.</p> <p>To ensure the clause applies to all complying development under the LEP, the clause should be further modified to read “A lot on which any development is carried out under this part...”</p>	<p>Objective 1.v</p>



<p><b>additions to dwelling houses and ancillary development</b>  <b>8 Earthworks and drainage</b>  <b>8 Earthworks, retaining walls and structural support</b>  <b>(1)</b></p>	<p><i>“(1) A lot on which any development is carried out must have a finished ground floor level that is within 0.6m of existing ground level and a finished ground level that is within 0.6m of the existing ground level.”</i></p>	
<p><b>Schedule 3 – Complying Development</b>  <b>Part 1 Types of development</b>  <b>Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development</b>  <b>8 Earthworks and drainage</b>  <b>8 Earthworks, retaining walls and structural support</b>  <b>(4)</b></p>	<p>The present controls do not impose any limits on intermediate cut and fill depths. This creates a risk that the controls could permit extensive removal of existing soil on the site, provided it is replaced by other fill to establish a finished ground level.</p> <p>To better mitigate risk, a control to limit maximum excavation depth should be created. This control should be designed to limit excavation depth, without imposing arbitrary limits on reasonable excavation required for development under this part such as building foundations or in ground swimming pools. It is suggested that deeper excavation should be limited to the footprint of the relevant structure.</p> <p><i>“(4) Excavation under this part is generally limited to 0.6m below existing ground level unless it is within the footprint of one of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) a new dwelling house, or</i></li> <li><i>(b) an existing dwelling house, or</i></li> <li><i>(c) ancillary development of a type listed in section 4 of this part.”</i></li> </ul>	
<p><b>Schedule 3 – Complying Development</b>  <b>Part 1 Types of development</b>  <b>Division 2 Development standards that apply to new dwelling houses,</b></p>	<p>The present controls limit the extent of fill to the footprint of a new dwelling house but do not address fill associated with ancillary development. <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> contains a control which limits the extent of filling of a site which should be used as a model at Part 2, Division 1, Subdivision 15 – 2.30 (g).</p> <p>A new control should be introduced into Section 8 to provide that earthworks which fill a site for the purposes of alterations to a dwelling house or ancillary development under this part must not fill to a depth beyond 150mm on more than 50% of the landscaped area of the site.</p>	<p>Objective 1.v</p>

<p>alterations or additions to dwelling houses and ancillary development</p> <p>8 Earthworks and drainage</p> <p>8 Earthworks, retaining walls and structural support</p> <p>(5)</p>	<p><i>“(5) Development for the purpose of alterations to a dwelling house or ancillary development under this part must not fill more than 150mm deep on more than 50% of the landscaped area of the lot.”</i></p>	
<p>Schedule 3 – Complying Development</p> <p>Part 1 Types of development</p> <p>Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development</p> <p>8 Earthworks and drainage</p> <p>8 Earthworks, retaining walls and structural support</p> <p>(6)</p>	<p>At present the part has no controls on the quality of fill which can be imported. This poses a potential risk that contaminated soils could be used which would pose a risk to human health and the environment. To avoid this risk, a control should be inserted to require that only the highest standard of fill is used under these complying development provisions as per <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> at Part 2, Division 1, Subdivision 15 – 2.30 (h).</p> <p><i>“(6) if fill is imported to the site, it must be free of building and other demolition waste, and only contain virgin excavated natural material (VENM) as defined in Part 3 of Schedule 1 to the Protection of the Environment Operations Act 1997.”</i></p>	Objective 1.v
<p>Schedule 3 – Complying Development</p> <p>Part 1 Types of development</p> <p>Division 2 Development standards that apply to new dwelling</p>	<p>At present the part has no controls to limit cumulative earthworks and prevent the use of filling to exceed height limits on other development. Therefore, a control should be implemented which specifically addresses these matters. A suggested wording is provided below.</p> <p><i>“(7) The existing ground level as it was prior to the start of the first development under this part must be used for the purposes of calculating the height of all subsequent development under this part.”</i></p>	Objective 1.v

<p>houses, alterations or additions to dwelling houses and ancillary development  <b>8 Earthworks and drainage</b>  <b>8 Earthworks, retaining walls and structural support</b>  <b>(7)</b></p>		
<p><b>Schedule 3 – Complying Development</b>  <b>Part 1 Types of development</b>  <b>Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development</b>  <b>8 Earthworks and drainage</b>  <b>8 Earthworks, retaining walls and structural support</b>  <b>(8)</b></p>	<p>Development standards are currently not specified for retaining walls and other types of structural supports. To ensure that retaining walls are constructed to appropriate safety standards, it is proposed to introduce a clause which applies development standards to retaining walls based on those in <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> at Part 2, Division 1, Subdivision 15 – 2.30 (f) with some modifications, such as a requirement that earthworks are supported by a retaining wall or structural support.</p> <p><i>(8) Earthworks under this part must be contained by a retaining wall or structural support which meets the following requirements:</i></p> <ul style="list-style-type: none"> <li><i>a) Must not have a height measured from the lowest to the uppermost portion of no more than 1.2m.</i></li> <li><i>b) Must be set back at least 1.5m from all property boundaries.</i></li> <li><i>c) Must be certified by a professional engineer as structurally sound including (but not limited to) the ability to withstand the forces of lateral soil load, if the height of the retaining wall measured vertically from the lowest portion of the retaining wall to its uppermost portion is more than 0.6m.</i></li> <li><i>d) Must have adequate drainage lines connected to the stormwater system for the site.</i></li> <li><i>e) Must be designed so as not to redirect the flow of any surface water or ground water, or cause sediment to be transported, onto an adjoining property.</i></li> <li><i>f) Must be separated from all other retaining walls, structural supports and existing building foundations on the site by at least 2m, measured horizontally.</i></li> <li><i>g) Must be installed in accordance with the manufacturer’s specifications.</i></li> <li><i>h) If the structural support is a sloping embankment or batter, the maximum slope of the surface must not exceed 20 degrees from horizontal and must include erosion protection and soil stabilisation measures to permanently hold the slope in place.</i></li> </ul>	<p>Objective 1.v</p>

<p><b>Schedule 3 – Complying Development Part 1 Types of development Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development 12 Additional development standards for bush fire prone land or bush interface property (4)</b></p>	<p>Certifiers who apply the complying development provisions note that swimming pools are not provided with detailed requirements by <i>Planning for Bushfire Protection</i>.</p> <p>At present, swimming pools in bushfire prone areas undertaken through these complying development controls must provide a bushfire consultant’s risk assessment to establish that bushfire standards have been satisfied. The expense of obtaining these assessments does not appear to be proportional to the controls that actually apply to swimming pools. It is therefore proposed that swimming pools be exempted from the bushfire controls, as is currently done in the equivalent provisions of <i>SEPP (Exempt and Complying Development Codes) 2008</i>. This can be achieved through an amendment to section 12 of Schedule 3.</p> <p><i>(4) This clause does not apply to the erection, construction or installation of any of the following, or any alteration or addition to any of the following:</i></p> <ul style="list-style-type: none"> <li><i>(a) a driveway,</i></li> <li><i>(b) a hard stand space,</i></li> <li><i>(c) a pathway or paving,</i></li> <li><i>(d) a swimming pool.</i></li> </ul>	<p>Objective 1.vi</p>
<p><b>Schedule 3 – Complying Development Part 1 Types of development Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development 26 Carports, gazebos, pergolas, decks and patios</b></p>	<p>At present the Complying Development provisions in schedule 3 allow the development of balconies, terraces and verandahs but do not provide any specific development standards. The most efficient way to apply standards is to extend section 26 of Schedule 3 to cover these development types.</p> <p><i>26 Carports, gazebos, pergolas, decks, balconies, terraces, verandahs and patios</i></p> <p><i>A new carport, gazebo, pergola, deck or patio, or a carport, gazebo, deck, balcony, terrace, verandah or patio that has been altered or added to: ...</i></p>	<p>Objective 1.vii</p>

<p><b>Schedule 3 – Complying Development Part 1 Types of development Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development 28 Swimming pools</b></p>	<p>At present the Complying Development provisions in schedule 3 allow the development of spa pools but do not provide any specific development standards. The most efficient way to apply standards is to extend section 28 of Schedule 3 to cover both swimming pools and spa pools. It is therefore proposed to amend the title of the clause and the content where applicable to apply the development standards to swimming pools and spa pools.</p> <p><i>28 Swimming pools and Spa pools</i></p> <p><i>(1) Any new swimming pool or spa pool, or any swimming pool or spa pool that has been altered or added to:</i></p> <ul style="list-style-type: none"> <li><i>(a) must be installed or erected in the rear or side yard, and</i></li> <li><i>(b) must be installed or erected behind the building line, and</i></li> <li><i>(c) must have a water line that has a setback of at least 1.5m from a side or rear boundary, and</i></li> <li><i>(d) must not be:</i> <ul style="list-style-type: none"> <li><i>(i) in the case of an in-ground pool—greater than 0.6m in height above ground level (existing), or</i></li> <li><i>(ii) in the case of an above ground pre-fabricated pool (where any coping width is no greater than 250mm wide)—greater than 1.2m in height above ground level (existing), and</i></li> </ul> </li> <li><i>(e) must meet the standards required under Environmental Specification Swimming Pools 2012 published by the Council on 23 April 2012, and</i></li> <li><i>(f) if the pool, its surrounds or decking stands are more than 500mm above ground level (existing)—must be screened by plants and must have its surrounds and decking screened by plants.</i></li> </ul> <p><i>Note.</i> <i>A child-resistant barrier must be constructed or installed in accordance with the requirements of the Swimming Pools Act 1992.</i></p> <p><i>(2) Any pool pump and equipment associated with the pump of a new swimming pool or spa pool, or a swimming pool or spa pool that has been altered or added to:</i></p> <ul style="list-style-type: none"> <li><i>(a) must be designed so as to be sound insulated, or</i></li> <li><i>(b) must be isolated so that the noise emitted does not exceed an LAeq of 5 dB (A) above background noise level in any octave band from 63 Hz centre frequencies inclusive, as measured at the property boundary in accordance with the Australian Standard AS 1055.1—1997, Acoustics—Description and measurement of environmental noise, Part 1: General procedures.</i></li> </ul>	<p>Objective 1.viii</p>
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<p><b>Schedule 3 – Complying Development</b>  <b>Part 1 Types of development</b>  <b>Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development</b>  <b>32 Rainwater tanks (above ground)</b></p>	<p>At present the Complying Development provisions in schedule 3 allow the development of rainwater tanks but do not provide any specific development standards. <i>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</i> at Part 2, Division 1, Subdivision 32 provides standards for water tanks but applies an impractical 10m setback from each lot boundary in zone E4. This setback can be substituted for the setbacks that would apply under the general provisions elsewhere in this part. Other development standards which would be covered by other general provisions of this part can be removed. Flexibility around capacity is recommended so that the controls do not contradict the requirements of bushfire advisories which may be issued in relation to a particular development for compliance with Planning for Bushfire Protection.</p> <p><i>32 Rainwater tanks (above ground)</i></p> <ol style="list-style-type: none"> <li>1. <i>The rainwater tank must:</i> <ol style="list-style-type: none"> <li>a) <i>Have a capacity of less than 10,000L unless a greater storage capacity is required for the development to comply with the requirements of Planning for Bushfire Protection.</i></li> <li>b) <i>be located at least 450mm from each lot boundary, and</i></li> <li>c) <i>be located behind the building line of any road frontage, and</i></li> <li>d) <i>not rest on the footings of an existing building for support, and</i></li> <li>e) <i>be fitted with a screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank, and</i></li> <li>f) <i>be fitted with a first-flush device incorporating an automatic resetting valve that causes initial run-off rainwater to bypass the tank, and</i></li> <li>g) <i>be constructed or installed with inlets and outlets designed to prevent mosquitoes breeding in it, and</i></li> <li>h) <i>have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property, or cause a nuisance to adjoining owners, and</i></li> <li>i) <i>have a sign affixed to it with a statement to the effect that the water in the tank is rainwater.</i></li> </ol> </li> <li>2. <i>Pumps attached to the rainwater tank must be housed in an enclosure that is soundproofed.</i></li> <li>3. <i>The rainwater tank must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.</i></li> </ol>	<p>Objective 1.ix</p>
<p><b>Schedule 3 – Complying Development</b></p>	<p>Previous Sutherland Shire Local Environmental Plans allowed outbuildings ancillary to a dwelling house to be undertaken as complying development. It is proposed to extend the complying</p>	<p>Objective 1.x</p>

<p><b>Part 1 Types of development</b></p> <p><b>Division 2 Development standards that apply to new dwelling houses, alterations or additions to dwelling houses and ancillary development</b></p> <p><b>33 Sheds, garden sheds and garages</b></p>	<p>development provisions in Schedule 3 of Sutherland Shire Local Environmental Plan 2015 to garden sheds, garages and sheds in zone E4 where they are ancillary to a dwelling house. The standards chosen are derived from standards in previous Local Environmental Plans and the standards for similar development in residential zones under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.</p> <p><i>33 Sheds, garden sheds and garages</i></p> <p><i>A shed, garden shed or garage must comply with the following requirements:</i></p> <ul style="list-style-type: none"> <li><i>(a) must not occupy an area greater than 45m<sup>2</sup>, and</i></li> <li><i>(b) must not be greater than 4m in height above ground level (existing), and</i></li> <li><i>(c) must be located behind the building line of any road frontage, and</i></li> <li><i>(d) must not have a finished ground floor level more than 0.6m in height above or below existing ground level, and</i></li> <li><i>(e) garages must be constructed with vehicle access via driveways that have sufficient manoeuvring space for vehicles to leave the site in a forward direction, and</i></li> <li><i>(f) garage doors facing a road must have a width less than or equal to:</i> <ul style="list-style-type: none"> <li><i>• 3.2m – if the lot is less than 12m wide (measured at the building line) and</i></li> <li><i>• 6m – if the lot is more than 12m wide (measured at the building line), and</i></li> </ul> </li> <li><i>(g) A detached garage on a lot that has a width of less than 8m at the building line may only be erected if the vehicular access to the lot is from a secondary road, a parallel road or a lane, and</i></li> <li><i>(h) garages must provide off-street car parking spaces and vehicle access which complies with AS 2890.1:2004, Parking facilities – Off-street car parking.</i></li> </ul>	
<p><b>Schedule 3 – Complying Development</b></p> <p><b>Part 2 Complying development certificate conditions</b></p> <p><b>Removal or pruning of trees or other protected vegetation (2)(a)</b></p>	<p>Removal or pruning of a trees as complying development was intended to be limited to trees which meet specific standards and were subject to clause 5.9 of the LEP. The introduction of <i>State Environmental Planning Policy (Vegetation in non-rural areas) 2017</i> and the <i>Biodiversity Conservation Act 2016</i> saw the repeal of clause 5.9 without any change to this clause reference. The consequences for the power of the complying development provisions to remove or prune trees are not clear.</p> <p>To restore clarity and the intended operation of these provisions, it is therefore requested that the reference to clause “...5.9 of this Plan..” be replaced with “..<i>State Environmental Planning Policy (Vegetation in non-rural areas) 2017...</i>” and an update be made to the note in the clause to reflect the new legislative context.</p> <p><i>(2) In this clause:</i></p>	<p>Objective 1.ii</p>



	<p><b><i>protected tree or other protected vegetation</i></b> means a tree or other vegetation:</p> <p>(a) <i>that requires a separate permit granted by the Council under State Environmental Planning Policy (Vegetation in non-rural areas) 2017 or development consent, and</i></p> <p>...</p> <p><i>Note. A permit for the removal or pruning of a tree or other vegetation may be granted under State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017. A development consent for the removal of native vegetation may be granted under the Biodiversity Conservation Act 2016.</i></p>	
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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 planning proposal is not a result of a strategic study or report. It responds to Council resolutions to address outstanding matters which have been identified by Council Officer's, Certifiers and members of the public which effect the efficient operation of *Sutherland Shire Local Environmental Plan 2015*.

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

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

### Section B – Relationship to strategic planning framework

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

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

#### **Assessment Criteria**

##### **a) Does the proposal have strategic merit? Is it:**

- *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 amendments are intended to improve the ability of the LEP to perform its basic functions. These matters are largely administrative and minor.

**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 proposed amendments are intended to better protect the environment by applying appropriate development standards to ancillary forms of complying development.

**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 priorities which this planning proposal seeks to pursue:

- *6.2.2 Develop and implement strategies to improve housing affordability.*  
By providing for boundary fences and pool fences to be undertaken as exempt development in the E4 Environmental Living zone, Council is reducing the administrative cost for residents to undertake basic property improvement work.
- *2.2.3 Encourage responsible urban planning which balances growth with environmental sustainability.*  
By improving the controls on complying development in the E4 zone, this planning proposal will allow greater flexibility for owners to develop their properties whilst also better protecting the environment by closing loopholes in the existing controls. This outcome balances the need for growth with the need to manage the environment in a more sustainable manner.

This planning proposal is therefore consistent with the Community Strategic Plan.

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

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

The planning proposal seeks to facilitate suburban residential boundary fences and pool fences as exempt development in the E4 zone which are matters that are presently regulated by State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. The Codes SEPP contains provisions which may be interpreted as deactivating LEP exempt provisions that directly conflict with it. However, it is considered that the proposed LEP exempt development provisions are targeted specifically and can coexist with the Codes SEPP provisions.

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
<b>State Environmental Planning Policy No 1—Development Standards</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy No 19—Bushland in Urban Areas</b>	None. No provisions of the Planning Proposal affect the protection of urban bushland.	N/A
<b>State Environmental Planning Policy No 21—Caravan Parks</b>	None. No provisions of the Planning Proposal affect development for the purposes of caravan parks.	N/A
<b>State Environmental Planning Policy No 30—Intensive Agriculture</b>	None. No provisions of the Planning Proposal affect development for the purposes of intensive agriculture.	N/A
<b>State Environmental Planning Policy No 33—Hazardous and Offensive Development</b>	None. No provisions of the Planning Proposal affect development for the purposes of hazardous or offensive development.	N/A
<b>State Environmental Planning Policy No 36—Manufactured Home Estates</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy No 44—Koala Habitat Protection</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy No 47—Moore Park Showground</b>	None - Does not apply to land under SSLEP2015	N/A

<b>State Environmental Planning Policy No 50—Canal Estate Development</b>	None. No provisions of the Planning Proposal affect development for the purposes of Canal Estates.	N/A
<b>State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy No 55—Remediation of Land</b>	Provides a State-wide approach to regulation of contaminated land and its remediation. The Planning Proposal does not seek to materially change the development potential of any land which is known to be contaminated.	N/A
<b>State Environmental Planning Policy No 62—Sustainable Aquaculture</b>	None. No provisions of the Planning Proposal affect development for the purposes of Sustainable Aquaculture.	N/A
<b>State Environmental Planning Policy No 64—Advertising and Signage</b>	None. No provisions of the Planning Proposal affect development for the purposes of Advertising and Signage.	N/A
<b>State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development</b>	None. No provisions of the Planning Proposal affect development for the purposes of Residential Apartments.	N/A
<b>State Environmental Planning Policy No 70—Affordable</b>	None. No provisions of the Planning Proposal affect development for the purposes of affordable housing.	N/A

<b>Housing (Revised Schemes)</b>		
<b>State Environmental Planning Policy (Affordable Rental Housing) 2009</b>	None. No provisions of the Planning Proposal affect development for the purposes of affordable rental housing.	N/A
<b>State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004</b>	None. No provisions of the Planning Proposal affect the environmental performance characteristics of residential dwellings.	N/A
<b>State Environmental Planning Policy (Coastal Management) 2018</b>	None. No provisions of the Planning Proposal seek to introduce controls which would conflict with the Coastal Management SEPP.	N/A
<b>State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017</b>	None. No provisions of the Planning Proposal affect development for the purposes of educational establishments or child care facilities.	N/A
<b>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</b>	SEPP Implements a State-wide approach to exempt and complying development. Planning Proposal seeks to implement supplementary local exempt and complying development changes.	Yes - LEPs are able to implement local exempt and complying development provisions which are not in direct conflict with the SEPP. It is considered that the proposed local exempt and complying development provisions are sufficiently specific that they do not conflict with the SEPP.
<b>State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004</b>	None. No provisions of the Planning Proposal affect development for the purposes of housing for seniors or people with a disability.	N/A
<b>State Environmental Planning Policy (Infrastructure) 2007</b>	None. No provisions of the Planning Proposal affect development for the purposes of infrastructure.	N/A

<b>State Environmental Planning Policy (Kosciuszko National Park—Alpine Resorts) 2007</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy (Kurnell Peninsula) 1989</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</b>	None. No provisions of the Planning Proposal affect development for the purposes of mining, petroleum production and extractive industries.	N/A
<b>State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007</b>	None. No provisions of the Planning Proposal affect development for the purposes regulated under this SEPP.	N/A
<b>State Environmental Planning Policy (Penrith Lakes Scheme) 1989</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy (Rural Lands) 2008</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy (State and Regional Development) 2011</b>	None. No provisions of the Planning Proposal affect development classed as State Significant Development or Regional Development.	N/A
<b>State Environmental Planning Policy (State Significant Precincts) 2005</b>	None. No provisions of the Planning Proposal affect projects or sites regulated under this SEPP.	N/A
<b>State Environmental Planning Policy</b>	None. No provisions of the Planning Proposal affect	N/A

<b>(Sydney Drinking Water Catchment) 2011</b>	projects or sites regulated under this SEPP.	
<b>State Environmental Planning Policy (Sydney Region Growth Centres) 2006</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy (Three Ports) 2013</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy (Urban Renewal) 2010</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017</b>	Creates a State-wide framework for assessing applications to remove and manage vegetation. The Planning Proposal seeks to make consequential amendments to LEP provisions which referred to the now repealed clauses 5.9 and 5.9AA of the Standard Instrument LEP.	Yes - The planning proposal simply seeks to implement the SEPP within the existing provisions of the LEP.
<b>State Environmental Planning Policy (Western Sydney Employment Area) 2009</b>	None - Does not apply to land under SSLEP2015	N/A
<b>State Environmental Planning Policy (Western Sydney Parklands) 2009</b>	None - Does not apply to land under SSLEP2015	N/A
<b>Sydney Regional Environmental Plan No 9— Extractive Industry (No 2— 1995)</b>	None. No provisions of the Planning Proposal affect development for the purposes of extractive industries.	N/A

<b>Greater Metropolitan Regional Environmental Plan No 2—Georges River Catchment</b>	Creates a set of principles to protect the environmental qualities of the Georges River Catchment. The Planning proposal proposes policy changes which will apply to some land within the Georges River Catchment.	Yes - The planning proposal does not seek to materially alter the development potential of land in the catchment area. Changes are minor and generally administrative in nature.
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**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 and s.9.1 directions)?**

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

**2.1 - Environment Protection Zones**

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

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

- Does not alter the existing protections for environmentally sensitive areas;
- Adds stricter safeguards to the local complying development provisions applying in the E4 Environmental Living zone; and
- Deals generally with minor administrative matters that have no significant environmental impact.

The proposal seeks to improve the protections built into the local exempt and complying development provisions in Schedules 2 & 3 of the Sutherland Shire Local Environmental Plan 2015. These proposed complying development changes only affect land within the E4 Environmental Living zone and generally have the effect of introducing more comprehensive requirements to ensure that development under the provisions has a more limited impact on the environment.

The proposed change to facilitate suburban style boundary fences as exempt development under zone E4 is intended to recognise the character of the zone and provide residents with fencing controls equivalent to those of a typical residential zone. Fences are generally already established in these areas and consequently this change has no additional environmental impact and simply recognises the reality on the ground.

Consequently this planning proposal is consistent with this direction.

**2.2 - Coastal Management**

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

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

- Does not seek to affect the management of coastal areas of NSW.



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

#### **4.4 - Planning for Bushfire Protection**

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

The following matters in the planning proposal will trigger this direction:

- Changes to Complying Development in Zone E4 Environmental Living
- Changes to Exempt Development in Zone E4 Environmental Living

Planning for Bushfire Protection is the Rural Fire Service's planning policy which sets standards and requirements for development on bushfire prone land. Complying development is a development assessment process by which applicants can be guaranteed approval if they meet specific standards. The Sutherland Shire Local Environmental Plan 2015 has a set of local exempt development and complying development provisions in Schedule 3 of the plan. These are intended to facilitate low risk and low impact development in appropriate locations within the Shire that would otherwise fall outside State level exempt development or complying development provisions.

Complying development in zone E4 under schedule 3 of the Sutherland Shire Local Environmental Plan 2015 complies with the requirements of Planning for Bushfire Protection through the application of section 12 of the schedule. The proposed change is intended to make it less expensive for applicants seeking a complying development consent for a swimming pool ancillary to a dwelling house by exempting them from schedule 12. The equivalent provisions in clause 3.4 of *SEPP (Exempt and Complying Development Codes) 2008* already exempt swimming pools. There are no requirements applied to swimming pools by Planning for Bushfire Protection and it seems reasonable to exempt swimming pools from needing a bushfire consultant's report. This change will not result in a degradation of bushfire safety, but will reduce the number minor of applications that require the services of bushfire consultants. It is in the interests of more streamlined planning processes.

The changes to Exempt Development are intended to facilitate suburban style boundary fences and pool fences in zone E4 without requiring development consent. In both cases, the proposed controls mirror existing controls in *SEPP (Exempt and Complying Development Codes) 2008* as they apply in the R2 low density residential zone. Both types of development require use of non-combustible materials on bushfire prone land. Consequently, the proposed changes will not reduce bushfire safety and are in the interests of simpler local planning.

### **5.10 - Implementation of Regional Plans**

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

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

### **7.1 - Implementation of a Plan for Growing Sydney**

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

The matters in this planning proposal are minor in nature and do not trigger or conflict with the provisions of A Plan for Growing Sydney or any of the subsequent strategic plans for Greater Sydney.

## **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. Most of the proposed changes are minor or administrative in nature.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

No. Most of the proposed changes are minor or administrative in nature and are unlikely to result in any environmental effects.

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

The planning proposal is not anticipated to have any negative social or economic impacts. The aim of the planning proposal is to ensure that SSLEP2015 local exempt and comply development provisions operate effectively and in a manner 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 sought as part of this planning proposal.

## 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.

### **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](http://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

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

## Conclusion

Planning Proposal SSLEP2015 Minor Amendments: Exempt and Complying Development 2018 seeks to rectify a number of anomalies and drafting issues that have been identified in the local exempt and complying development provisions of SSLEP2015 since it came into force. The Planning Proposal is generally consistent with relevant State and local legislation, directions, policies and strategic documents and will have a minimal environmental, social and economic impact.

## Appendix 1: Criteria for Delegation of Plan Making Functions

**Local Government Area:** Sutherland Shire

**Name of draft LEP:** SSLEP2015 Minor Amendments: Exempt and Complying Development 2018

**Address of Land (if applicable):** N/A

**Intent of draft LEP:** To address a range of issues identified in the operation of the exempt and complying development provisions of the plan.

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

Evaluation criteria for the Issuing of an Authorisation				
(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?		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			
<b>Minor Mapping Error Amendments</b>	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		
<b>Heritage LEPs</b>	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		
Section 73A matters				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>		N/A		