

Planning Proposal - Amend the tree preservation clause in Pittwater LEP 1993

Proposal Title : **Planning Proposal - Amend the tree preservation clause in Pittwater LEP 1993**

Proposal Summary : **The planning proposal seeks to replace the tree preservation clause in Pittwater LEP 1993 with the tree preservation clause from the Standard Instrument LEP template.**

PP Number : **PP_2012_PITTW_001_00** Dop File No : **PP**

Proposal Details

Date Planning Proposal Received : **23-Mar-2012** LGA covered : **Pittwater**

Region : **Sydney Region East** RPA : **Pittwater Council**

State Electorate : **PITTWATER** Section of the Act : **55 - Planning Proposal**

LEP Type : **Policy**

Location Details

Street :

Suburb : City : **Pittwater** Postcode :

Land Parcel : **The proposed change will apply across the Pittwater local government area.**

DoP Planning Officer Contact Details

Contact Name : **Margaret Kirton**

Contact Number : **0292286289**

Contact Email : **margaret.kirton@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Kelly Wilkinson**

Contact Number : **0299701283**

Contact Email : **kelly_wilkinson@pittwater.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name :

Regional / Sub Regional Strategy : **Metro North East subregion** Consistent with Strategy : **Yes**

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MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

Pittwater Council has resolved not to progress individual planning proposals whilst it is preparing its SI LEP. However, Council considers that the subject planning proposal should be progressed at this time as its intended outcome (the protection of trees and bushland vegetation) will result in a public benefit.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

The objective of the planning proposal is to strengthen the controls relating to the protection of trees and vegetation. Council has advised that the planning proposal is being prepared ahead of Council's Standard Instrument LEP in response to incidences of illegal clearing of bushland.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment :

**It is intended that the current tree preservation clause in Pittwater LEP 1993 will be replaced by Clause 5.9 of the Standard Instrument LEP.
The current Clause 41 of Pittwater LEP 1993 makes reference to Council's Tree Preservation and Management Order, which does not protect bushland from illegal clearing.
Council wants to use Clause 5.9 of the Standard Instrument LEP which, in addition to having a broader objective, includes a reference to Council's DCP where the term 'bushland' is prescribed.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

* May need the Director General's agreement

1.2 Rural Zones

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- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 3.5 Development Near Licensed Aerodromes
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 14—Coastal Wetlands
SEPP No 26—Littoral Rainforests
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 44—Koala Habitat Protection
SEPP No 71—Coastal Protection
SEPP (Rural Lands) 2008
SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **There are no inconsistencies with the s117 directions or any state planning policy.**

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **Not needed as the proposed clause applies to the whole LGA.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council would like to exhibit the planning proposal for a minimum of 28 days in accordance with its Community Engagement Policy.
It is recommended that the planning proposal be exhibited for a minimum of 14 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

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Proposal Assessment

Principal LEP:

Due Date : **December 2012**

Comments in relation to Principal LEP : **Under a LEPAF agreement, Council is required to exhibit its draft SILEP by June 2012. However, Council officers have indicated that Council may seek an extension to this deadline.**

Assessment Criteria

Need for planning proposal : **Council's proposal to strengthen the controls relating to tree preservation is supported.**

Consistency with strategic planning framework : **The planning proposal is consistent with the strategic planning framework.**

Environmental social economic impacts : **The environmental and social impacts of this planning proposal are positive as the planning controls relating to the protection of trees, vegetation and bushland in the LGA will be strengthened.**

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority
Consultation - 56(2)(d)
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

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Document File Name	DocumentType Name	Is Public

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 1.2 Rural Zones
- 1.5 Rural Lands
- 2.1 Environment Protection Zones
- 2.2 Coastal Protection
- 2.3 Heritage Conservation
- 2.4 Recreation Vehicle Areas
- 3.1 Residential Zones
- 3.2 Caravan Parks and Manufactured Home Estates
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Additional Information :

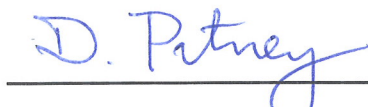
It is recommended the planning proposal proceed subject to the following conditions:

- a) The planning proposal be exhibited for at least 14 days.
- b) The planning proposal be completed within nine months of the Gateway Determination.
- c) No consultation with government agencies is required.
- d) No studies are required to be carried out.

Supporting Reasons :

Council would like to incorporate the Standard Instrument Tree Preservation Clause into its existing principal LEP, so as to strengthen the planning controls relating to the protection of vegetation and bushland.

Signature:



Printed Name:

DAVID PITNEY

Date:

28/3/12