



IRF25/1042

## Gateway determination report – PP-2025-245

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Review C3 Environmental Management and C4  
Environmental Living land in Sutherland Shire.

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# Acknowledgment of Country

The Department of Planning, Housing and Infrastructure acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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**Table 1 Reports and plans supporting the proposal**

Relevant reports and plans
Planning Proposal, March 2025
Council meeting and minutes, February 2025
Foreshore Study 2025
Matrix of all precincts and final precincts, February 2025
Scenic quality assessment, October 2024
Advice from DCCEEW- CPHR, January 2025

# 1 Planning proposal

## 1.1 Overview

**Table 2 Planning proposal details**

<b>LGA</b>	<b>Sutherland Shire</b>
<b>PPA</b>	<b>Sutherland Shire Council</b>
<b>NAME</b>	<b>Review of C3 Environmental Management and C4 Environmental Living land in Sutherland Shire (273 Dwellings)</b>
<b>NUMBER</b>	<b>PP-2025-245</b>
<b>LEP TO BE AMENDED</b>	<b>Sutherland Shire Local Environmental Plan 2015</b>
<b>ADDRESS</b>	<b>Various sites and LGA wide</b>
<b>RECEIVED</b>	<b>24/03/2025</b>
<b>FILE NO.</b>	<b>IRF25/1042</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal</b>

## 1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to Review C3 Environmental Management and C4 Environmental Living land in Sutherland Shire.

The intended outcomes of the proposal are to allow for greater residential density in certain areas by rezoning six C3 Environmental Management and C4 Environmental Living precincts to R2 Low Density Residential and to improve housing diversity by allowing greater flexibility in delivering dual occupancy dwellings.

The objectives of this planning proposal are clear and adequate.

## 1.3 Explanation of provisions

The planning proposal seeks to amend the Sutherland Shire LEP 2015 per the changes below:

- allow Torrens title dual occupancy subdivision in the C4 Environmental Living zone (on land where strata subdivided dual occupancies are already permitted) by:
  - allowing Torrens title dual occupancies in the C4 Environmental zones, as is permissible in other residential zones

- allowing Torrens title subdivision for dual occupancies on smaller lots in the C4 Environmental Living zone
- including semi-detached dwellings as an additional permitted use for C4 Environmental Living zoned land where dual occupancies are permitted
- increase opportunities for dual occupancy development by removing the 5.4m height restrictions for internal lots and rear dwellings in a dual occupancy development in the R2 Low Density zone, R3 Medium Density zone, C3 Environmental Management zone and C4 Environmental Living zone (maximum permissible building heights will not be changed)
- rezone some C3 Environmental Management and C4 Environmental Living zoned land to R2 Low Density Residential. This includes amendments to other associated controls (height floor space ratio, landscaped area and lot size) which apply to the land.

A more detailed description of the changes to the instrument and maps is provided below.

### 1.3.1 Instrument changes

The planning proposal intends to amend certain provisions in the LEP as below:

#### **Amendment to Clause 4.1(3C) Minimum subdivision size**

Clause 4.1 sets standards for subdivision of land within Sutherland Shire LGA, including subdivision where an internal lot (e.g. battleaxe) lot is created. Clause 4.1(3C) provides exemption for subdivision of dual occupancy within certain zones, which means for any dual occupancy in certain C4 Environmental living zone (permissible by using additional permitted use provision under schedule 1 of the SSLEP 2015), only strata subdivision is available. This planning proposal intends to include the C4 Environmental Living zone which will enable Torrens Title subdivision for dual occupancies on C4 Environmental Living zoned land. This amendment does not directly increase density for the affected lands.

#### **Amendment to Clause 4.1A(3)(a) Minimum subdivision requirements in certain residential and conservation zones**

Clause 4.1A sets standards for the minimum lot depth and width where land subdivision is proposed. Under the current provision, any subdivision in C4 Environmental zoned land is required to result in minimum 18m frontage and 27m depth for each lot. However, clause 4.1A(3) (a) provides exemptions for dual occupancy subdivision development in certain zones. The planning proposal intends to include zone C4 Environmental under clause 4.1A (3) (a) to provide flexibility for dual occupancy subdivision in C4 zoned land. Any future development will still have to demonstrate compliance with the minimum lot size, which is not proposed to be amended, however, compliance with minimum frontage and depth will not be required. Essentially, this amendment does not result in intensification of the residential use, rather removes a restriction which is frequently varied as the requirement is deemed unnecessary by Council.

#### **Amendment to Clause 4.3(2B) Height of buildings**

Clause 4.3 relates to maximum height of building provisions. While the maximum height of building (HOB) is generally set out by the HOB mapping, clause 4.3 (2B) restricts height of buildings for internal lot and rear dwelling in a dual occupancy development in the C3 Environmental Management and C4 Environmental zones to 5.4 meters. The planning proposal intends to remove the restrictions and rely on the merit assessment during development assessment. The proposed amendment does not increase the density of the affected land, rather removes a restriction which is frequently varied as the requirement is deemed unnecessary by Council.

#### **Amendment to Schedule 1 item 28 Use of certain land in C4 Environmental Living zone**

Item 28 enables dual occupancy on certain C4 Environmental Living zone land subject to each lot achieving a minimum lot of 700m<sup>2</sup>. The planning proposal seeks to include semi-detached



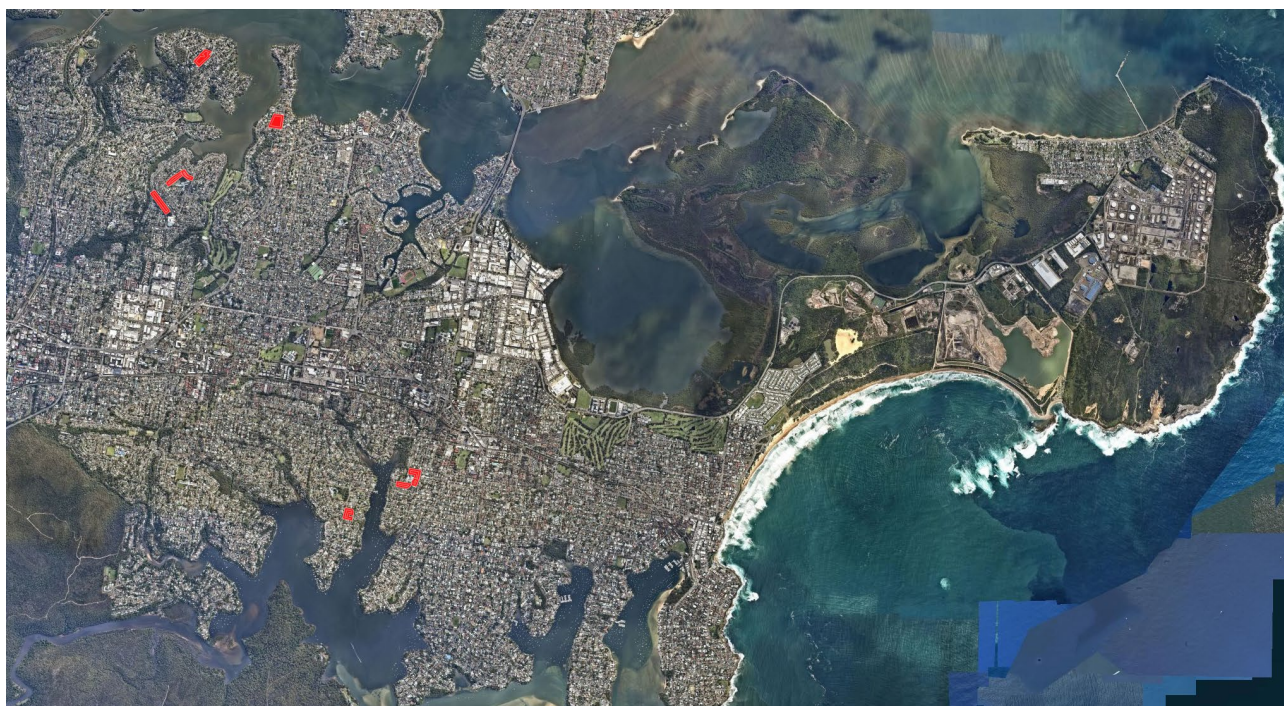
dwellings along with dual occupancy for lands where item 28 is mapped. The proposed amendment does not result in any density increase which was not already permitted.

### 1.3.2 Map changes

Residential conservation zones in Sutherland Shire LGA (C3 Environmental Management and C4 Environmental Living Zones) are often environmentally sensitive localities adjacent to foreshore areas (with high scenic value) with a broad spectrum of urban and natural qualities. Due to increasing demand for homes in these areas, Council reviewed conservation zoned land to identify areas with further development potential.

As a result of further investigation and agency consultation, six precincts were identified to be suitable for further development and are proposed to be rezoned from their respective conservation zone to R2 Low Density Residential zone:

- Caringbah South Precinct 3
- Kangaroo Point Precinct 4
- Kareela Precinct 5
- Kareela Precinct 6
- Oyster Bay Precinct 7
- Yowie Bay Precinct 8.



**Figure 1 Precincts to be rezoned under this planning proposal in red (source: Nearmap, 2025)**

The planning proposal seeks to amend applicable controls in these precincts as per the table below.

**Table 3 Current and proposed controls**

Control	Current	Proposed
Zone	C3 Environmental Management zone and C4 Environmental Management zone	R2 Low Density Residential

Maximum height of the building	8.5m	8.5m (no change)
Floor space ratio	0.50:1	0.55:1
Minimum lot size	850m <sup>2</sup> and 700m <sup>2</sup>	550m <sup>2</sup>
Minimum Landscaped area	40%	35%
Number of dwellings	157	430 (273 additional dwellings)

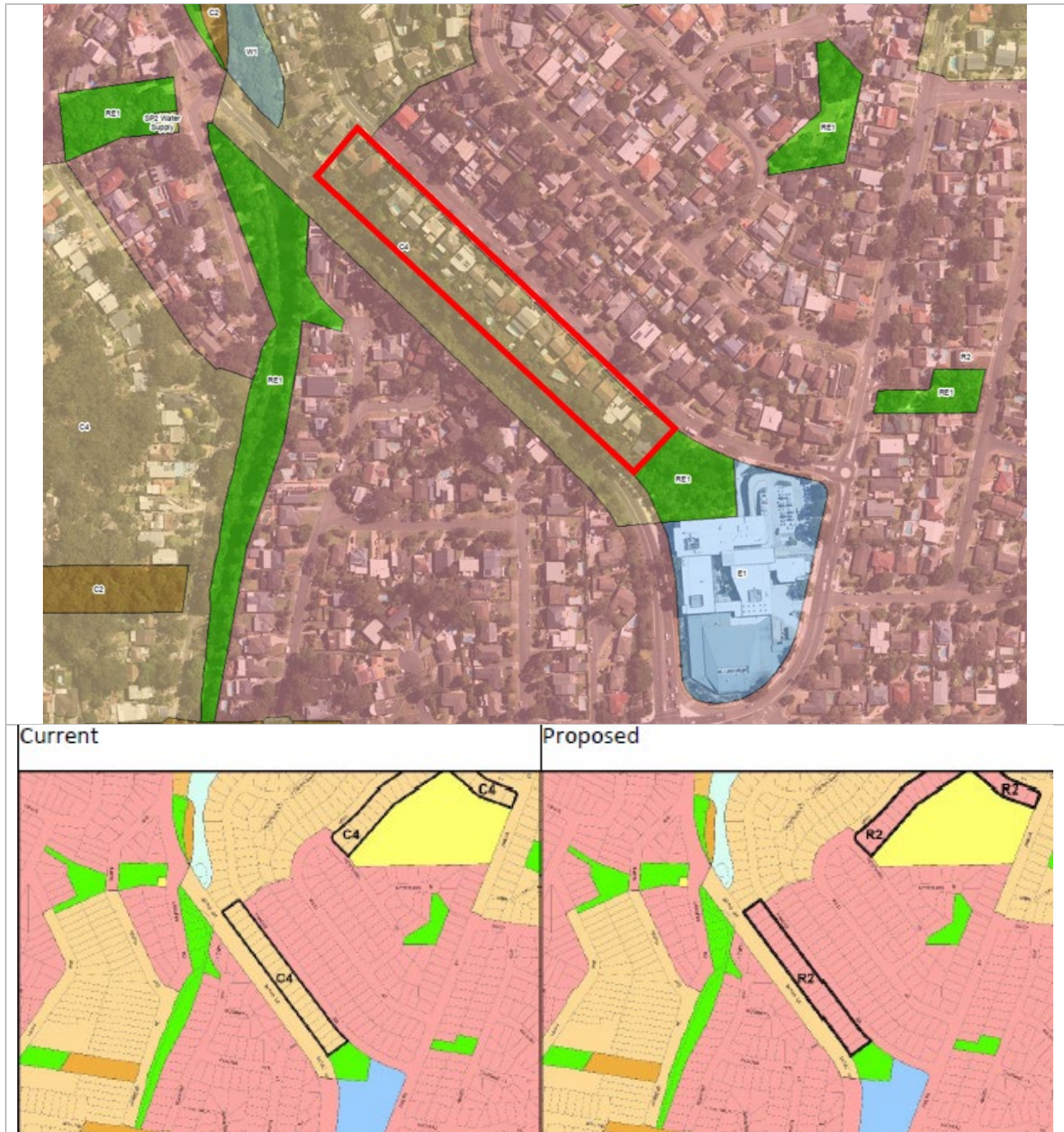
The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.



## 1.4 Site description and surrounding area

### 1.4.1 Kareela Precinct 6

Kareela Precinct 6 is characterised by dwelling houses on land within the C4 Environmental Living zone. This precinct is steeply sloped, and although the precinct has access through Siandra Drive, the lots back on to Bates Drive. The reserve along Bates Drive is identified to have significant NSW State Vegetation. The precinct is also located between the W1 Natural Waterways zone, which is identified to be high value biodiversity land, and a heavily vegetated RE1 Public Recreation zone to the southeast.

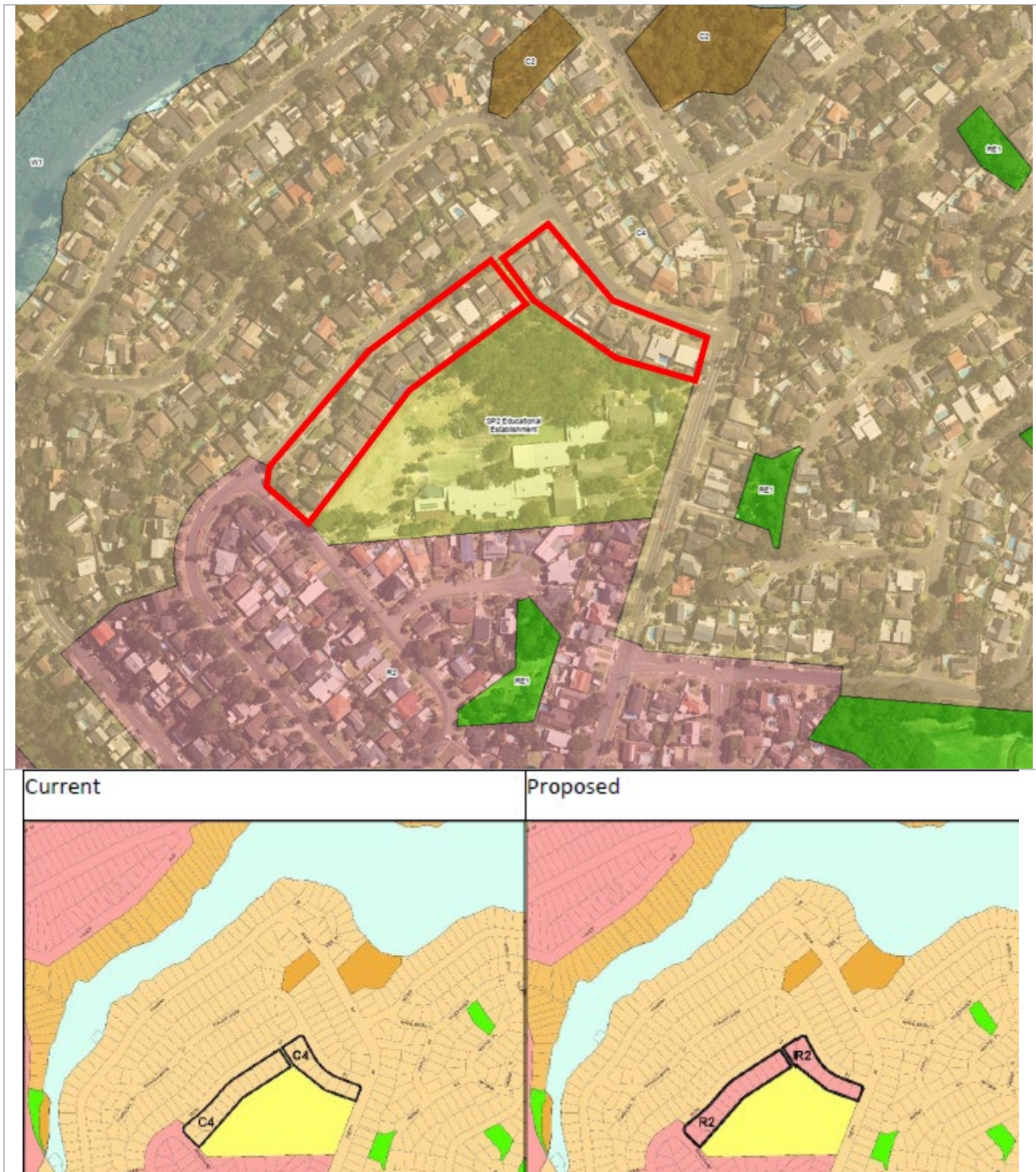


**Figure 2 Kareela Precinct 6 site context, current and proposed zoning maps (source: spatial viewer & planning proposal report, 2025)**



### 1.4.2 Kareela Precinct 5

Kareela Precinct 5 comprises of lots located to the north, northwest and west of Kareela Public School. The precinct is characterised by dwelling houses in standard residential lots.

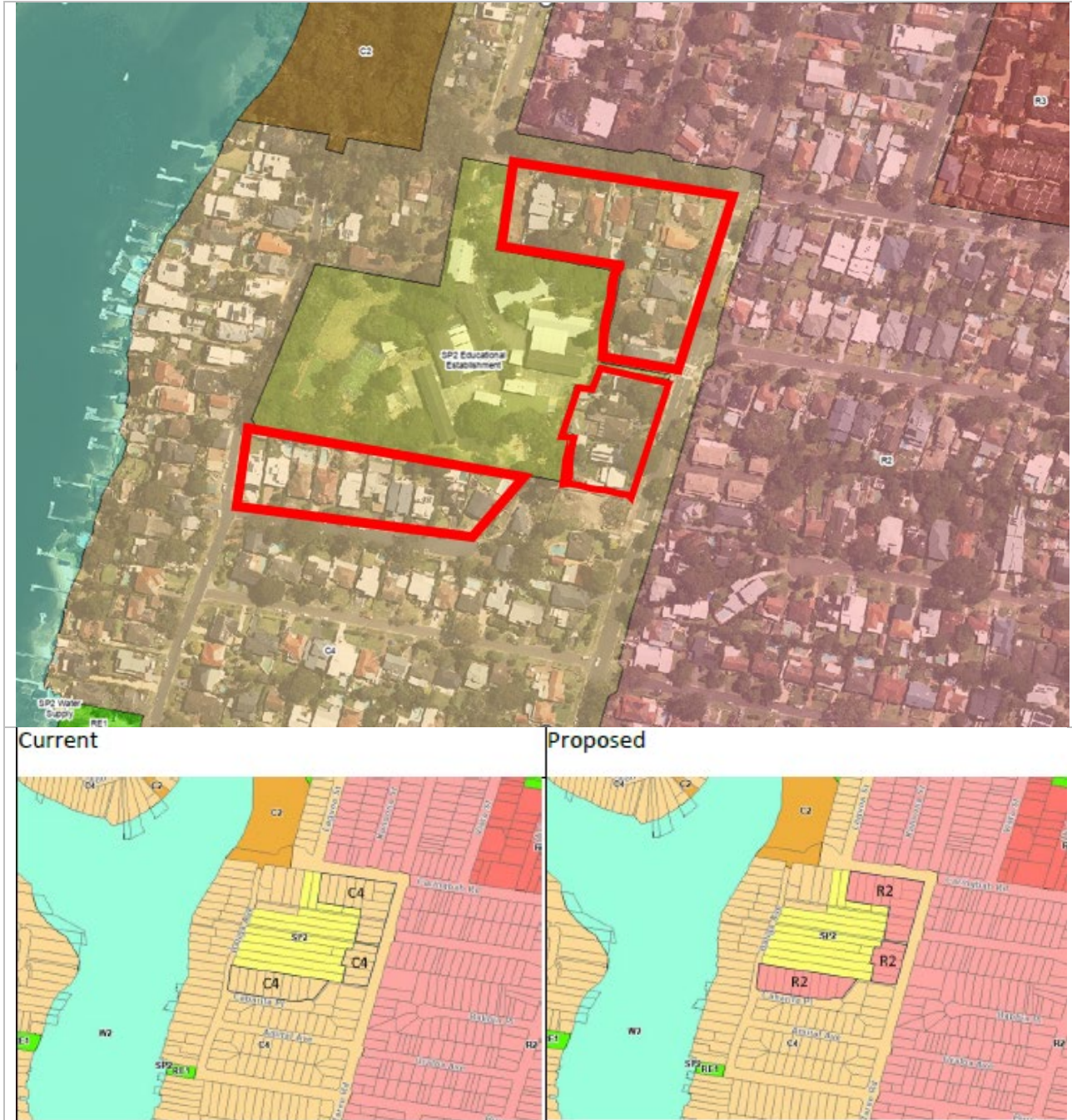


**Figure 3 Kareela Precinct 5 site context, current and proposed zoning maps (source: spatial viewer & planning proposal report, 2025)**



### 1.4.3 Caringbah South Precinct 3

Caringbah South Precinct 3 comprises of C4 Environmental Living zoned land located to the east, southeast and south of the Laguna Street Public School and includes standard residential lots. The character of the precinct is predominantly dwelling houses and recently re-developed dual occupancies.



**Figure 4 Caringbah South Precinct 3 site context, current and proposed zoning maps (source: spatial viewer & planning proposal report, 2025)**



#### 1.4.4 Kangaroo Point Precinct 4

Kangaroo Point Precinct 4 comprises of C3 Environmental Management zoned lots characterised by dwelling houses.

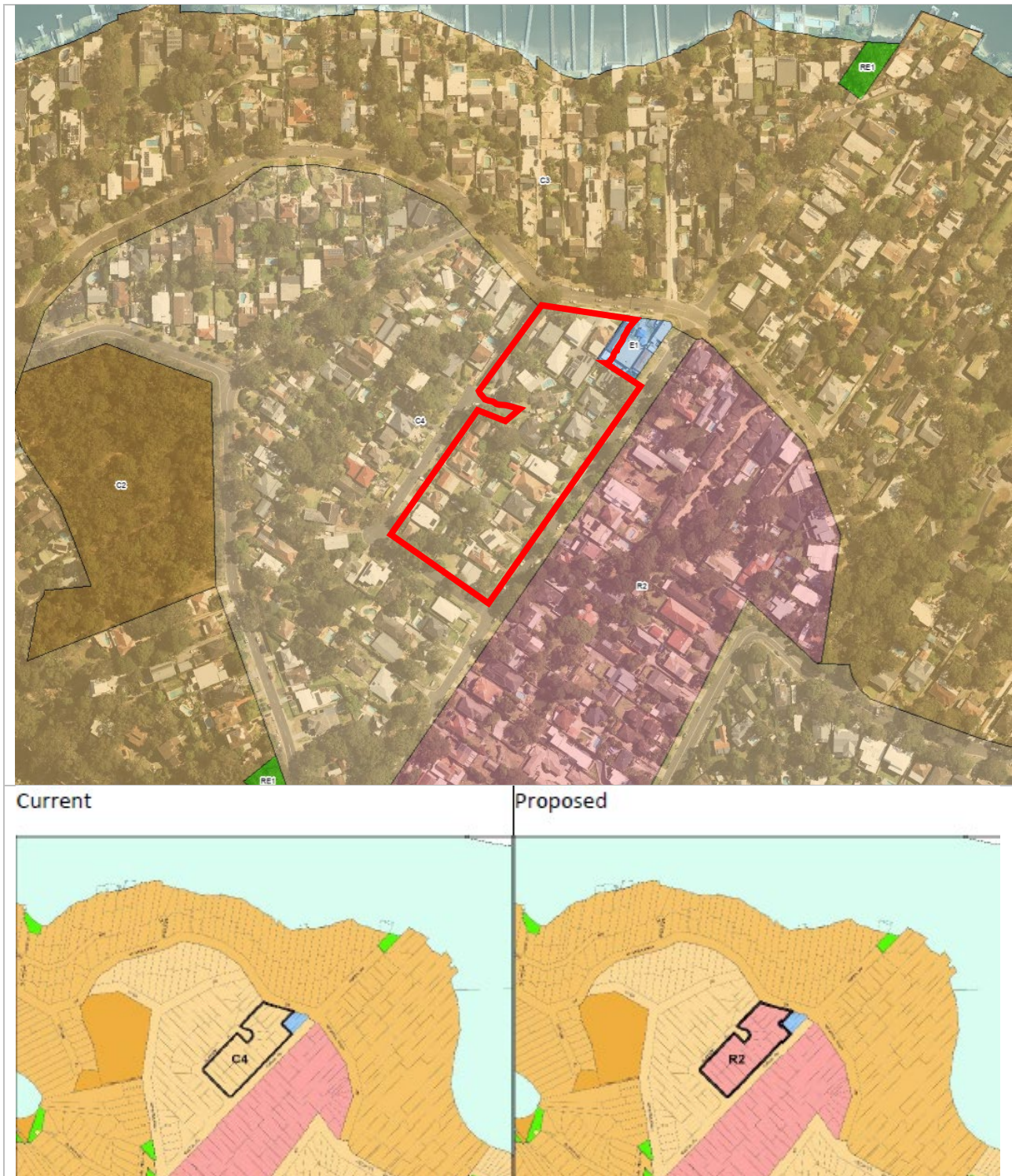


**Figure 5 Kangaroo Point Precinct 4 site context, current and proposed zoning maps (source: spatial viewer & planning proposal report, 2025)**



### 1.4.5 Oyster Bay Precinct 7

Oyster Bay Precinct 7 is C4 Environmental Living zoned land and is characterised by dwelling houses in standard residential lots.

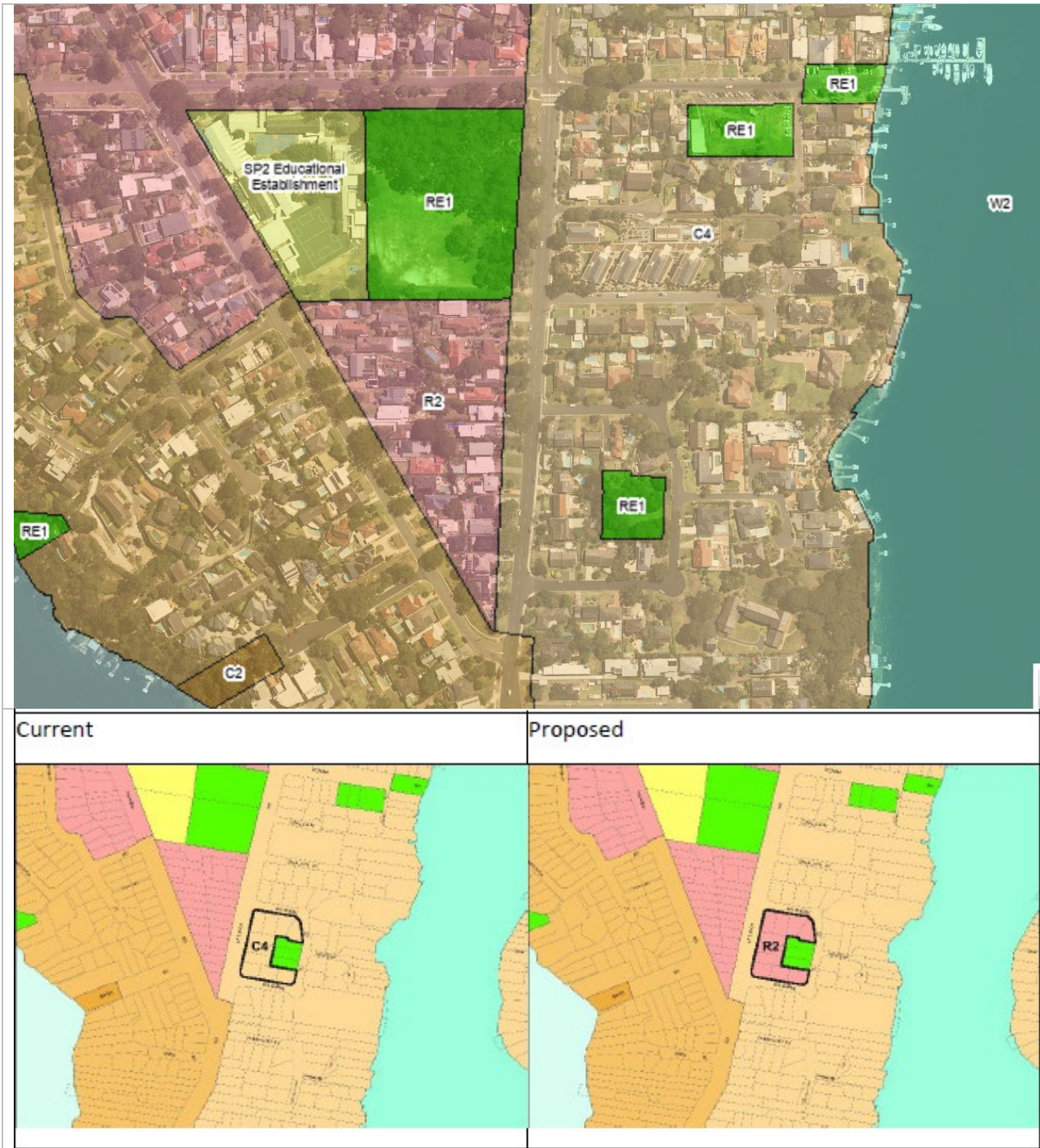


**Figure 6 Oyster Bay Precinct 7 site context, current and proposed zoning maps (source: spatial viewer & planning proposal report, 2025)**



### 1.4.6 Yowie Bay Precinct 8

Yowie Bay Precinct 8 is C4 Environmental Living zoned land characterised with dwelling houses in standard residential lots.



**Figure 7 Yowie Bay Precinct site context, current and proposed zoning maps (source: spatial viewer & planning proposal report, 2025)**

## 1.5 Mapping

The planning proposal includes mapping showing the proposed changes to the zoning, minimum lot size, landscape area, floor space ratio map which are suitable for community consultation.

## 1.6 Background

**31 October 2022** – Council resolved to review the planning framework affecting the waterfront and foreshore land, including a review of the application of the C3 Environmental Management and C4 Environmental Living zones and examining the locations that may be appropriate to rezone to R2 Low Density Residential.

**November 2022 to December 2023** – investigation of C3 Environmental Management and C4 Environmental Living zoned land in the Sutherland Shire was undertaken.

**11 December 2023**- findings of the investigation were reported to Council where 8 precincts were identified to be rezoned and controls applying to the C3 Environmental Management and C4 Environmental Living zones were recommended to be amended through a planning proposal.

**20 May 2024**- the draft planning proposal was reported to Council and recommended to be forwarded to the Local Planning Panel.

**18 June 2024**- the Local Planning Panel supported progression of the planning proposal noting that further environmental assessment may be required.

**26 July 2024**- a planning proposal for conservation land and waterway was forwarded to the Department for Gateway determination. The Department returned the planning proposal due to insufficient information for assessment. Additionally, the waterways amendments were requested to be omitted as additional detailed investigation was required.

**13 January 2025** – the NSW Department of Climate Change, Energy, the Environment and Water-Conservation, Preservation and Heritage Regulation (DCCEEW CPHR) Division provided preliminary comments for the amended planning proposal for conservation land.

## 2 Need for the planning proposal

The planning proposal is not a result of Council's Local Strategic Planning Statement (LSPS) or local housing strategy - "Our current Housing strategy". The planning proposal was informed by the Foreshore Study 2025. The study was undertaken by Council to encourage development in suitable locations. The proposed amendments are the appropriate mechanism to achieve the intended effect.

## 3 Strategic assessment

### 3.1 Regional Plan

The Greater Sydney Region Plan – A Metropolis of Three Cities (the Region Plan), released by the NSW Government in 2018, integrates land use, transport and infrastructure planning and sets a 40-year vision for Greater Sydney as a metropolis of three cities. The Region Plan contains objectives, strategies and actions which provide the strategic direction to manage growth and change across Greater Sydney over the next 20 years. Subject to conditions, the proposal is generally consistent with the Region Plan. A detailed assessment of consistency is discussed in the assessment of the South District Plan, below, which is strategically aligned with the Region Plan, giving it effect.

### 3.2 District Plan

The site is within the South District and the Greater Sydney Commission released the South District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.



The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*, subject to conditions. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 4 District Plan assessment**

District Plan priorities	Justification
Planning Priority S3 Providing services and social infrastructure to meet people's changing needs	The planning proposal is consistent with this planning priority by permitting diverse housing and services which were previously prohibited in the area. For example, centre based childcare, group homes and seniors housing.
Planning Priority S5 Providing housing supply, choice and affordability, with access to jobs, services and public transport	<p>The planning proposal is consistent with this priority as it facilitates greater housing diversity and supply by rezoning land to residential and removing barriers for dual occupancies and semi detached dwellings.</p> <p>The areas identified for rezoning are characterised by existing residential development and are of a similar character to adjoining R2 Low Density Residential areas. The proposed rezoning forms a logical extension of the existing residential zones.</p>
Planning Priority S14 Protecting and enhancing bushland, biodiversity and scenic and cultural landscapes and better managing rural areas	<p>Council states that the planning proposal involves rezoning land that will not negatively impact on scenic or cultural landscapes, rural areas, bushland and environmental biodiversity.</p> <p>The proposed changes to planning controls that encourage dual occupancy and semi detached dwellings are considered to have negligible impact given that other development of a similar nature (e.g. strata subdivided dual occupancies) are already permitted where the new controls will apply.</p> <p>In identifying the C3/C4 precincts to be rezoned, Council's map data as well as the NSW Government SEED map data was used to identify areas of biodiversity significance. These areas were excluded from rezoning.</p> <p>The Department of Climate Change, Energy, the Environment and Water (DCCEEW) Biodiversity, Conservation and Science (BCS) Group's pre-lodgement advice to Council states that:</p> <p><i>"Based on a desktop review, there are no threatened entities occurring at the site and on this basis BCS does not see any barrier to the proposed rezoning from a biodiversity perspective"</i></p> <p>The Department considers that there is sufficient evidence demonstrating the land does not contain biodiversity values requiring protection. The planning proposal is consistent with this planning priority.</p>
Planning Priority S15 Increasing urban tree canopy cover and delivering Green Grid connections	<p>The planning proposal involves reducing the minimum landscaped area from 40% to 35% for the sites being rezoned. This minor reduction in landscaped area is unlikely to affect tree canopy. Council states that DCP provisions for tree removal and replacement planting will assist in managing tree canopy.</p> <p>The proposal is consistent with this planning priority.</p>

District Plan priorities	Justification
Planning Priority S18 Adapting to the impacts of urban and natural hazards and climate change	<p>The areas proposed for rezoning are not subject to significant environmental constraints such as flooding, bushfire or acid sulphate soils.</p> <p>The proposed changes to planning controls that remove height restriction, amend minimum lot size provisions, encourage dual occupancy and semi detached dwellings may apply to areas subject to natural and urban hazards. However, these changes are considered to have negligible impact given that other development of a similar nature (e.g. strata subdivided dual occupancies) are already permitted where the new controls will apply.</p> <p>The proposal is consistent with this planning priority.</p>

### 3.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 5 Local strategic planning assessment**

Local strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The discussion in Section 3.2 District Plan largely applies here as the LSPS gives effect to District Plan priorities. The planning proposal is consistent with the following priorities:</p> <ul style="list-style-type: none"> <li><i>Priority 7: Respect local character</i></li> <li><i>Priority 19: Protect natural habitats and landscapes by ensuring the planning framework protects urban bushland, biodiversity and scenic landscapes and recognises Aboriginal heritage</i></li> <li><i>Priority 20: Increase Sutherland Shire's urban tree canopy to preserve biodiversity, streetscape and character, and reduce the impacts of urban heat.</i></li> </ul>
Local Housing Strategy (LHS)	The planning proposal is consistent with Council's local housing strategy by increasing housing choice by permitting additional diverse housing for the community.
Community Strategic Plan (CSP)	The planning proposal is consistent with Council's community strategic plan by retaining and protecting areas with high environmental and scenic value.

### 3.4 Local planning panel (LPP) recommendation

The planning proposal was referred to the Sutherland Shire Local Planning Panel (LPP) on 18 June 2024 and the proposal was supported.


### 3.5 Section 9.1 Ministerial Directions

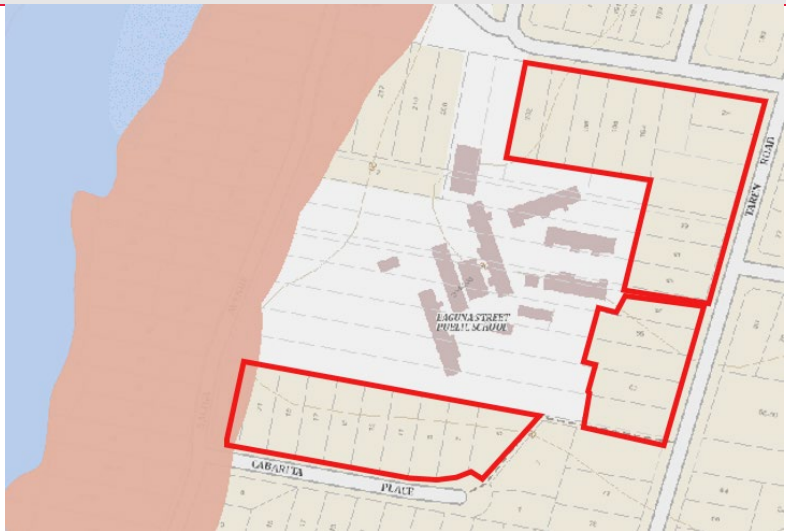
The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 6 9.1 Ministerial Direction assessment**

Directions	Consistent/ not applicable	Reasons for consistency or inconsistency
1.1 Implementation of Regional Plans	Consistent	This Direction aims to give effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans. The planning proposal is generally consistent with the Region Plan and District Plan.
3.1 Conservation zones	Consistent	<p>This Direction seeks to protect and conserve environmentally sensitive areas.</p> <p>The proposed changes to planning controls for height of building and controls that encourage dual occupancy and semi detached dwellings in the C4 Environmental Living zone are considered to have negligible impact given that other development of a similar nature (e.g. strata subdivided dual occupancies) are already permitted where the new controls will apply.</p> <p>The planning proposal also seeks to rezone C3 Environmental Conservation and C4 Environmental Living land.</p> <p>As noted in section 3.2, DCCEEW BCS have not raised any issues with regards to biodiversity.</p> <p>The Department considers that there is sufficient evidence demonstrating the land does not contain biodiversity values requiring protection.</p> <p>Notwithstanding this, a Gateway condition is recommended requiring to consult with DCCEEW during exhibition.</p>
3.2 Heritage conservation	Consistent	<p>This Direction seeks to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The planning proposal has identified areas which may have high to moderate Aboriginal heritage sensitivity; however, the actual assessment is appropriate to be undertaken during DA stage. Sutherland Shire LEP 2015 contains adequate provisions to deal with any heritage conservation including aboriginal archaeological sites and objects.</p> <p>The planning proposal is consistent with this Direction.</p>

Directions	Consistent/ not applicable	Reasons for consistency or inconsistency
3.3 Sydney drinking water catchment	Consistent	<p>This Direction aims to provide for healthy catchments and protect water quality in the Sydney drinking water catchment and Sutherland Shire is identified as a LGA located within Sydney drinking water catchment.</p> <p>Council's Strategic Water Monitoring Program (SWaMP) monitors the health of the catchment by testing water qualities regularly. Council has also prepared and implemented appropriate management plans for stormwater, wetlands and waterways in Sutherland Shire combined with Council's LEP provision for groundwater, which will adequately consider the impact from any new development during the DA stage.</p> <p>The planning proposal is consistent with this Direction.</p>
3.6 Strategic conservation planning	Not applicable	<p>This Direction seeks to protect, conserve or enhance areas with high biodiversity value.</p> <p>The planning proposal does not rezone any land that is identified as avoided land or a strategic conservation area under the State Environmental Planning Policy (Biodiversity and Conservation) 2021.</p>
3.7 Public bushland	Inconsistent, conditions recommended	<p>This Direction seeks to protect bushland in urban areas, including rehabilitated areas, and ensure the ecological viability of the bushland by preserving biodiversity, habitat corridors, links between public bushland and nearby bushland.</p> <p>Kareela Precinct 6 adjoins a vegetation corridor that connects to a heavily vegetated public open space. There is insufficient information to determine if the proposal will have any adverse impacts on habitat corridors or links to public bushland.</p> <p>The planning proposal is inconsistent with this Direction. A Gateway condition is recommended to remove this precinct from the planning proposal.</p>
4.1 Flooding	Consistent	<p>Direction 4.1 seeks to ensure that flood-prone land is developed as per the NSW Government's Flood Prone Land policy and ensure that the applicable LEP provisions consider flood impacts appropriately.</p> <p>The planning proposal excludes rezoning all flood prone land.</p> <p>The proposed changes to planning controls that remove height restrictions, encourage dual occupancy and semi detached dwellings are considered to have negligible impact given that other development of a similar nature (e.g. strata subdivided dual occupancies) are already permitted where the new controls will apply.</p> <p>The planning proposal is consistent with this Direction.</p>

Directions	Consistent/ not applicable	Reasons for consistency or inconsistency
4.2 Coastal management	Inconsistent, conditions recommended	<p>Direction 4.2 seeks to protect and manage coastal areas of NSW.</p> <p>The proposed changes to planning controls that remove height restrictions, encourage dual occupancy and semi detached dwellings are considered to have negligible impact given that other development of a similar nature is already permitted where the new controls will apply.</p> <p>The planning proposal does not affect land within a coastal vulnerability area, coastal wetlands and littoral rainforest area or identified coastal hazards.</p> <p>However, Kareela Precinct 6 and Caringbah South Precinct 3 includes land which are located within the coastal environment area. All other areas to be rezoned do not include any coastal management areas.</p> <p>Kareela Precinct 6 is substantially affected, and insufficient evidence has been provided to support the rezoning of this land.</p>  <p><b>Figure 8 Kareela Precinct 6 (outlined in red) includes land mapped as Coastal Environment area (source: spatial viewer, 2025)</b></p> <p>A small portion of Caringbah South Precinct 3 is also identified as Coastal Environment. However, given only a small amount of one lot is affected it is considered that the impacts of future development on this site can be adequately managed at Development Application stage.</p>

Directions	Consistent/ not applicable	Reasons for consistency or inconsistency
		 <p><b>Figure 9 Caringbah South Precinct 3 (outlined in red) includes a small portion of land mapped as Coastal Environment area (source: spatial viewer, 2025)</b></p> <p>The proposal is inconsistent with this Direction. A Gateway condition is recommended to delete Kareela Precinct 6 from the planning proposal. Council is also required to consult with Department of Planning, Housing and Infrastructure - Resilience and Sustainability during public exhibition for any potential impact to coastal management areas.</p>
4.3 Planning for bushfire protection	Not applicable	<p>Direction 4.3 seeks to discourage development in bush fire prone land and encourages sound management of bush fire prone areas.</p> <p>The planning proposal excludes all bushfire prone land for rezoning. Additionally, the subject lands are located in existing urbanised areas where bushfire hazard management strategies are already operational.</p>
4.4 Remediation of contaminated land	Consistent	<p>Direction 4.4 seeks to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are adequately considered.</p> <p>The planning proposal seeks to modify development controls and intensify development on land currently being used for residential purposes. Any detailed contamination investigation is appropriate to undertaken during the Development Assessment stage.</p> <p>The planning proposal is consistent with this Direction.</p>

Directions	Consistent/ not applicable	Reasons for consistency or inconsistency
4.5 Acid sulfate soils	Inconsistent but justified	<p>This Direction seeks to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>This Direction applies as the planning proposal applies to land on the LEP Acid Sulfate Soils map. However, the planning proposal has not provided an acid sulfate soils study or any information assessing the appropriateness of the proposal changes given the presence of acid sulfate soils.</p> <p>The planning proposal rezones land which is identified to have Class 5 Acid Sulfate Soils. Sutherland Shire. Other amendments to height and minimum lot size apply to the whole LGA where some of the lands may have various class ASS. LEP 2015 includes adequate provision to consider and mitigate any related issues which are appropriate to be dealt with at the Development Application stage.</p> <p>The planning proposal is inconsistent with this Direction as the identified acid sulfate soil land can be redeveloped for higher density, however, the inconsistency is considered to be of minor significance.</p>
5.1 Integration land use and transport	Inconsistent but justified	<p>This Direction seeks to ensure that new developments have good access to public transport, reduce car dependency and provide efficient movement of freight.</p> <p>The planning proposal seeks to rezone land for residential development that is not well connected to public and active transport. It also seeks to modify development controls to encourage dual occupancies and semi detached dwellings within the C4 Environmental Living zone. However, it only applies to a small amount of land within the LGA and the land already supports residential development. As such, the proposal is inconsistent with the terms of this Direction, but the inconsistency is considered to be of minor significance.</p>
5.3 Development near regulated airports and defence airfields	Not applicable	<p>This Direction relates to regulated airports and defence airfields. The planning proposal does not rezone any land near a regulated airport which includes a defence airfield.</p>
5.5 High pressure dangerous goods pipelines	Not applicable	<p>This Direction seeks to reduce the risk of harm to human health and the environment impacted by high pressure dangerous goods pipelines.</p> <p>The planning proposal does not apply to any land which includes any pipeline which are present within Sutherland LGA.</p>



Directions	Consistent/ not applicable	Reasons for consistency or inconsistency
6.1 Residential zones	Consistent	<p>This Direction aims to encourage a variety of housing types, make efficient use of infrastructure and services and minimise the impact of residential development on the environment and resource lands.</p> <p>The planning proposal is consistent with this Direction by encouraging a variety and choice of housing typologies to provide for existing and future housing needs.</p>

### 3.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

**Table 7 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Consistent/ not applicable	Reasons for consistency or inconsistency
State Environmental Planning Policy (Biodiversity and Conservation) 2021	To protect biodiversity values	Yes	<p>The planning proposal affects land within the Georges River Catchment Area.</p> <p>The proposal notes that some land identified for rezoning are located within 100m of a natural waterbody and are subject to clause 6.11 of the SEPP. These matters can be addressed at Development Application stage.</p> <p>The proposal does not involve changes that contradict or hinder the operation of this policy.</p>
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	To provide exempt and complying development codes that have State-wide application	Yes	The planning proposal will enable a range of exempt and complying developments subject to compliance with the relevant provisions under the SEPP.
State Environmental Planning Policy (Housing) 2021	To enable the development of diverse housing types	Yes	The planning proposal will enable a range of residential uses, such as secondary dwellings, group homes, boarding houses and co living in the zone through the application of this SEPP.

State Environmental Planning Policy (Resilience and Hazards) 2021	<p>To manage development in the coastal zone and protect the environmental assets of the coast and,</p> <p>To promote the remediation of contaminated land</p>	Yes	<p>The planning proposal identifies that two of the six precincts identified rezoning are mapped as a coastal environment area.</p> <p>A Gateway condition is recommended to remove one of these precincts and the remaining precinct only includes a small amount of land within the coastal environment area.</p> <p>Any future development can be adequately assessed at the development assessment stage as per the provisions under the SEPP.</p> <p>The proposal does not involve changes that contradict or hinder the operation of this policy.</p>
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## 4 Site-specific assessment

### 4.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

**Table 8 Environmental impact assessment**

Environmental impact	Assessment
Terrestrial biodiversity	The planning proposal does not rezone any land which are identified as containing terrestrial biodiversity under SSLEP 2015. However, the precincts proposed to be rezoned are noted to include NSW state vegetation and some of the sites are in proximity to the Threatened Ecological Communities but not affected by them. In this regard, consultation with DCCEEW CPHR will provide clarity if further protection is required to be applied to the subject areas prior to finalisation of the proposal.
Bushfire and flooding	<p>The areas proposed for rezoning are not identified as bushfire prone land or affected by any flood event, particularly, probable maximum flood (PMF) under Council's flood risk mapping are not part of this planning proposal.</p> <p>The LGA-wide changes to the dual occupancy and semi detached dwelling controls apply to areas where similar forms of development are already permitted. As such, environmental impacts from these changes are negligible. Additionally, SSLEP 2015 contains adequate provisions to assess any impacted development during the DA stage.</p>
Landscaped area	The planning proposal will result in a reduced landscaping control for land being rezoned to R2 Low Density Residential (40% to 35%). However, the proposed reduced landscaping requirement is minor and consistent with other similar R2 Low Density Residential zoned land.

Scenic character	Council undertook a Foreshore Study which categorised scenic character to reduce the disruption of existing aesthetic value of the foreshore. The scenic character was characterised into 'natural', 'semi-natural', 'suburban', 'semi urban' and 'urban foreshore view'. The characterisation was established through Council undertaking physical survey of the foreshore. The six precincts identified for rezoning are characterised as 'suburban' or 'semi urban'.
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## 4.2 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 9 Social and economic impact assessment**

Social and economic impact	Assessment
Housing supply and diversity	The planning proposal will facilitate an additional 273 dwellings as well as increasing housing diversity in Sutherland Shire LGA.
Jobs	The planning proposal will enable additional short term jobs in the area and increase overall demand for local services, thus contributing to long term employment opportunities.

## 4.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

**Table 10 Infrastructure assessment**

Infrastructure	Assessment
Public infrastructure services	Council anticipates that the increased density or population can be sustained by existing public infrastructure.

# 5 Consultation

## 5.1 Community

The planning proposal is categorised as a standard under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 20 working days is recommended and this forms part of the conditions to the Gateway determination.

## 5.2 Agencies

It is recommended the following agencies be consulted on the planning proposal and given 30 working days to comment:

- Department of Climate Change, Energy, the Environment and Water- Conservation, Preservation and Heritage Regulation (DCCEEW CPHR) Division
- Department of Planning, Housing and Infrastructure (DPHI) - Resilience and Sustainability

## 6 Timeframe

Council proposes a 6 month time frame to complete the LEP.

The LEP Plan Making Guidelines (August 2023) establishes maximum benchmark timeframes for planning proposal by category. This planning proposal is categorised as a standard

The Department recommends an LEP completion date of 30 January 2026 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

It is recommended that if the gateway is supported it is accompanied by guidance for Council in relation to meeting key milestone dates to ensure the LEP is completed within the benchmark timeframes.

## 7 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

As the planning proposal is standard the Department recommends that Council be authorised to be the local plan-making authority for this proposal.

## 8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is generally consistent with Greater Sydney Region Plan- A Metropolis of Three Cities and Our Greater Sydney 2056- South District Plan
- The planning proposal is generally consistent with Council's Local Strategic Planning Statement and Housing strategy.
- The planning proposal will facilitate an additional 273 dwellings and improve housing diversity
- The planning proposal will improve controls which apply to development of C3 Environmental Management and C4 Environmental Living
- The planning proposal will contribute to short-term and long-term employment and services for the site and surrounding area

Based on the assessment outlined in this report, the proposal must be updated before public exhibition to:

- Delete the proposed rezoning of Kareela Precinct 6 from the planning proposal due to insufficient information and inconsistencies with Section 9.1 Direction 3.7 Public Bushland and Direction 4.2 Coastal Management

Consultation with the Department of Climate Change, Energy, the Environment and Water- Conservation, Preservation and Heritage Regulation (DCCEEW CPHR) is required during exhibition.

## 9 Recommendation

It is recommended the delegate of the Secretary:

- agree that any inconsistencies with section 9.1 Directions 4.5 Acid Sulphate soils and 5.1 Integration Land use and Transport are minor and justified.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to conditions.

The following conditions are recommended to be included on the Gateway determination:

1. The planning proposal is to be updated to:
  - Delete the proposed rezoning of Kareela Precinct 6 as there is insufficient information to demonstrate that the proposal will protect bushland, habitat corridors and links between bushland in accordance with the requirements of Section 9.1 Direction 3.7 Public bushland and manage coastal impacts in accordance with the requirements of Direction 4.2 Coastal Management
2. Consultation is required with the following public authorities:
  - Department of Planning, Housing and Infrastructure - Resilience and Sustainability
  - Department of Climate Change, Energy, the Environment and Water- Conservation, Preservation and Heritage Regulation (DCCEEW CPHR)
3. The planning proposal should be made available for community consultation for a minimum of 20 working days

Given the nature of the planning proposal, it is recommended that the Gateway authorise council to be the local plan-making authority and that an LEP completion date of 30 January 2026 be included on the Gateway.

The timeframe for the LEP to be completed is on or before 30 January 2026



30 May 2025

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10 June 2025

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