



New South Wales

Sutherland Shire Local Environmental Plan 2015 (Amendment No 23)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

LAURA LOCKE

As delegate for the Minister for Planning

Sutherland Shire Local Environmental Plan 2015 (Amendment No 23)

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1 Name of Plan

This Plan is *Sutherland Shire Local Environmental Plan 2015 (Amendment No 23)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to all the land to which *Sutherland Shire Local Environmental Plan 2015* applies.

4 Maps

The maps adopted by *Sutherland Shire Local Environmental Plan 2015* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Sutherland Shire Local Environmental Plan 2015

[1] Clause 1.8A Savings

Insert after clause 1.8A(2)—

- (2A) If a development application has been made before the commencement of *Sutherland Shire Local Environmental Plan 2015 (Amendment No 23)* in relation to land to which the Plan applies and the application has not been finally determined before the commencement, the application must be determined as if the Plan had not commenced.

[2] Clause 4.1 Minimum subdivision lot size

Insert at the end of clause—

- (4A) This clause does not apply to the subdivision of land occurring in connection with the closure of a road, or part of a road, by a public authority under the *Roads Act 1993*.

[3] Clause 4.1A Minimum subdivision requirements in certain residential and environment protection zones

Insert after clause 4.1A(3)(d)—

- (e) the subdivision of land occurring in connection with the closure of a road, or part of a road, by a public authority under the *Roads Act 1993*.

[4] Clauses 4.1C and 6.10

Omit the clauses.

[5] Clause 4.1E Minimum lot sizes for dual occupancies, manor houses and multi dwelling housing

Omit clause 4.1E(1). Insert instead—

- (1) The objectives of this clause are—
- (a) to achieve planned residential density in certain zones, and
 - (b) to ensure development is of a type, scale and character that will maintain an acceptable level of residential amenity.

[6] Clause 6.4 Stormwater management

Omit “clause applies and on adjoining properties,” from clause 6.4(1).

Insert instead “Plan applies and on”.

[7] Clause 6.4(2)

Omit the subclause.

[8] Clause 6.4(3)

Omit “clause”. Insert instead “Plan”.

[9] Clause 6.9 Limited development on foreshore area

Omit “on the foreshore area” wherever occurring in clause 6.9(1)(a) and (d), (2)(d) and (4).

Insert instead “in the foreshore area”.

[10] Clause 6.9(2)

Omit “for development on the foreshore area except for the following”.

Insert instead “to development on land in the foreshore area except for the following purposes”.

[11] Clause 6.9(2)(a) and (b)

Omit the paragraphs. Insert instead—

- (a) the alteration of, or additions to, residential accommodation, or the demolition of existing residential accommodation and the erection of new residential accommodation on the land, if the footprint of the residential accommodation will not extend further forward of the foreshore building line than the footprint of the existing residential accommodation,
- (b) the erection of new residential accommodation if there is no reasonable alternative location for the residential accommodation outside the foreshore area,

[12] Clause 6.9(3)(g)

Omit clause 6.9(3)(g) and (h). Insert instead—

- (g) for development for 1 of the following purposes, the development and resulting building will not have an adverse impact on the amenity or aesthetic appearance of the foreshore—
 - (i) the alteration of, or additions to, a building,
 - (ii) the demolition of an existing building and erection of a new building on the land,
 - (iii) the erection of a new building, and

[13] Clause 6.13A

Insert after clause 6.13—

6.13A Green grid links

- (1) The objective of this clause is to provide for a network of tree-lined pathways for pedestrians and cyclists that run between and through open spaces and along waterways.
- (2) This clause applies to land identified as a green grid link on the Green Grid Map.
- (3) In deciding whether to grant development consent to development on land to which this clause applies, the consent authority must consider the extent to which the development—
 - (a) retains and enhances tree canopy cover, and
 - (b) facilitates and prioritises pathways for pedestrians and cyclists that run between and through open spaces and along waterways.

[14] Schedule 3 Complying development

Omit the matter relating to **Removal or pruning of trees or other protected vegetation** from Part 2. Insert instead—

Removal or pruning of trees or other vegetation

If the development involves the removal or pruning of a tree or other vegetation that requires a permit granted by the Council under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2, Part 2.3, or development consent, the permit or development consent must be granted before work commences.

Note— A permit for the removal or pruning of a tree or other vegetation may be granted under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 2, Part 2.3. Development consent for the removal of native vegetation may be granted under the *Biodiversity Conservation Act 2016*.

[15] Dictionary

Omit the definition of *Foreshores of Port Hacking, Georges River, Woronora River and Botany Bay Map*.

[16] Dictionary

Insert in alphabetical order—

Green Grid Map means the Sutherland Shire Local Environmental Plan 2015 Green Grid Map.