

Planning Services

IRF19/4586

Gateway determination report

LGA	Sutherland
PPA	Sutherland Shire Council
NAME	Planning Proposal to amend the Sutherland Shire Local Environmental Plan 2015 for various heritage housekeeping amendments.
NUMBER	PP 2019 SUTHE 005 00
LEP TO BE AMENDED	Sutherland Shire Local Environmental Plan 2015
ADDRESS	Various sites within the local government area
RECEIVED	27 May 2019
FILE NO.	IRF19/4586
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal seeks to amend the Sutherland Shire Local Environmental Plan (LEP) 2015 to resolve a range of heritage issues. The proposal seeks to undertake a series of amendments to the written provisions and maps.

1.2 Site description

The planning proposal applies to various sites throughout the Sutherland Shire local government area. Detailed descriptions for each of these sites are provided in the 'Explanation of provisions' section below.

1.3 Existing planning controls

As 17 amendments are proposed, the existing planning controls are provided in **Table 1** with each proposed change in the 'Explanation of provisions' section below.

1.4 Background

Brief description of each items, including aerial photographs and maps are provided in **Table 1**.

1.5 Summary of recommendation

The planning proposal has merit and should proceed because it:

- is consistent with the South District Plan;
- is consistent with relevant section 9.1 Ministerial Directions and State Environmental Planning Policies;

- will remove errors and anomalies from the Sutherland Shire LEP 2015;
- will be able to protect items with heritage significance; and
- will provide increase protections to areas of environmental and heritage significance.

Consultation with the community, land owners and adjoining land owners are required so that it may consider the potential impacts of the proposed amendments. Conditions are proposed to assist with this process.

2. PROPOSAL

2.1 Objectives or intended outcomes

The statement of objectives accurately describes the intention of the planning proposal. The planning proposal seeks to amend the Sutherland Shire LEP 2015 to address a range of issues associated with heritage (refer to **Table 1**).

The objective is to improve the integrity of the Sutherland LEP 2015 heritage schedule and maps by updating or correcting information including:

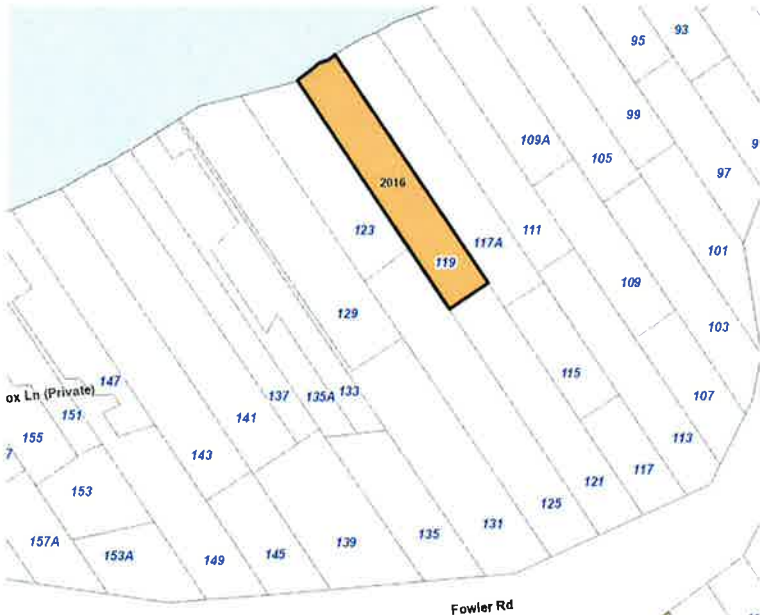
- update the heritage schedule of the LEP to correct the address and land description of specific items;
- update heritage mapping in the LEP to correctly identify the correct item position, extent and label;
- remove items from the heritage schedule and LEP mapping where it is demonstrated to be a duplicate or irrelevant; and
- add a new State Heritage item to the heritage schedule and LEP mapping following a recent State listing.

2.2 Explanation of provisions

The explanation of provisions adequately addresses the intended method of achieving the objectives of the planning proposal. The following table provides a description of each site (where relevant), and outline of the proposed amendments under this planning proposal including amendments to the LEP maps, a summary of Council's justification for each of the proposed amendments and the Department's assessment of the proposed changes.

Table 1: LEP provisions, current and proposed planning controls and Council comments.

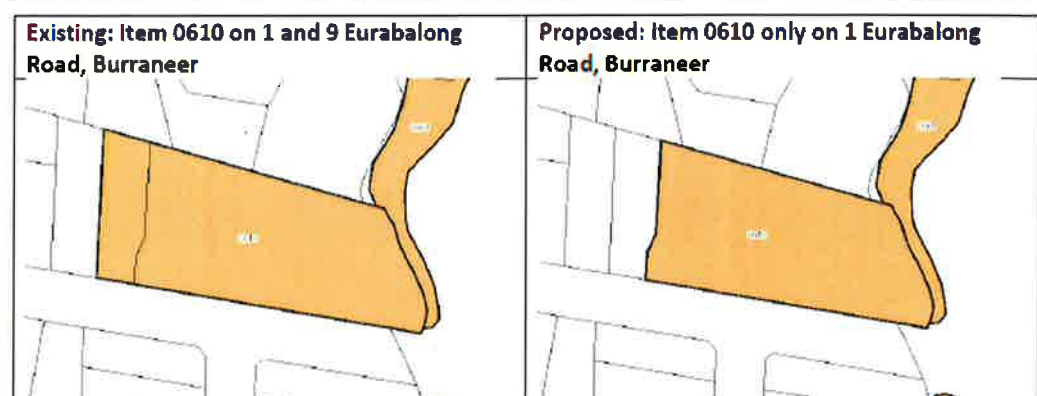
List	LEP Provision	Schedule 5 – Environmental Heritage
1	Current planning controls	<p>Item 1057</p> <p>'Cronulla Linear Cultural Exotic planting of rail embankment, consisting of coral trees' at the end of Tonkin Street, between railway and oval</p> <p>Property description: Lot 1 DP 1129292; Lot 7055 DP 1060600</p>
	Amendment	<p>Remove Item 1057 from Schedule 5 and heritage mapping as this item has been destroyed or removed.</p> <div> <div>Existing: Item 1057</div> <div>Proposed: None</div> </div>
	Council comment	<p>The item was about a stand of large trees in the rail corridor near Cronulla Station which are all removed by Sydney Trains during maintenance work.</p>
	Department comment	<p>The subject trees have been removed and deletion of Item 1057 from Schedule 5 is supported.</p>

2	<div>Current planning controls</div> <div>Item 2016</div> <div>'Boat shed, house, wharf and stone waterfront at 119-121 Fowler Road, Illawong</div> <div>Property description: Lot 202 DP 1189575</div>												
	<div>Amendment</div> <div>Update the listing address and amend the description to:</div> <table><tr><th>Suburb</th><th>Item name</th><th>Address</th><th>Property description</th><th>Significance</th><th>Item no</th></tr><tr><td>Illawong</td><td>Boat shed and stone waterfront</td><td>119 Fowler Road</td><td>Lot 202, DP 1189575</td><td>Local</td><td>2016</td></tr></table>	Suburb	Item name	Address	Property description	Significance	Item no	Illawong	Boat shed and stone waterfront	119 Fowler Road	Lot 202, DP 1189575	Local	2016
Suburb	Item name	Address	Property description	Significance	Item no								
Illawong	Boat shed and stone waterfront	119 Fowler Road	Lot 202, DP 1189575	Local	2016								
	<div>Council comment</div> <div>Council received a submission from the owner of an adjoining property noting that the house had been destroyed some years previously. The submission also stated that the wharf included in the text of the listing is on a different property, is not part of this item, and does not warrant a separating listing.</div> <div></div>												
	<div>Department comment</div> <div>Council states that they confirmed the currency of the structures and agreed to amend the listing in response. The proposed amendment is supported.</div>												
3	<div>Current planning controls</div> <div>Item 0610</div> <div>'House, boat shed and garden' at 1-9 Eurabalong Road, Burraneer</div> <div>Property description: Lot 2 DP 623110</div>												

Update the listing lot and address details and mapping of the item to:

Suburb	Item name	Address	Property description	Significance	Item no
Burraneer	House, boat shed and garden	1 Eurabalong Road	Lot 2, DP 1199493	Local	0610

Amendment



A large heritage listed house which has recently been subdivided into two separate lots (1 Eurabalong Road – Lot 2 DP 1199493; and 9 Eurabalong Road – Lot 1 DP 1199493). The heritage listed house remains at 1 Eurabalong Road but 9 Eurabalong Road has been redeveloped into a new dual occupancy.

The mapping of the heritage item should be restricted to the property at 1 Eurabalong Road as heritage listing does not include the new development.

Aerial photo from 2018 indicates the new development is constructed at far left side (highlighted in red) and the heritage house and the garden remaining at the centre of the site.

Council comment



Department comment

As the lot has been subdivided and the new lot (Lot 1 DP 1199493) does not contain any heritage items the map should be updated to reflect the listing. The proposed amendment is supported.

4	Current planning controls	Items 1205, 1206 and A1210 at Waratah Road, Engadine					
		Suburb	Item name	Address	Property description	Significance	Item no
		Engadine	Bakery Trade Industry building	Waratah Road	Lot 638 DP752033	Local	1205
		Engadine	Meat Trade Industry building and brick fence	Waratah Road	Lot 4 DP1142162	Local	1206
		Engadine	"The Boys Town"	Waratah Road	Lot 638 DP752033; Lot 4 DP1142162	Local	A1210
		Update and amend the listing lot and address of items 1205, 1206 and A1210					
	Amendment	Suburb	Item name	Address	Property description	Significance	Item no
		Engadine	Bakery Trade Industry building	35B Waratah Road	Lot 10 DP 1231293	Local	1205
		Engadine	Meat Trade Industry building and brick fence	35B Waratah Road	Lot 10 DP 1231293	Local	1206
		Engadine	"The Boys Town"	35B Waratah Road	Lot 10 DP1231293 Lots 1 & 2 DP 1190871	Local	A1210
Council comment		Update of the lot and address details following a recent subdivision.					
Department comment		The proposed amendment is supported.					
5	Current planning controls	Item 1017 '4 street trees – <i>Araucaria cunningamii</i> (Hoope Pine) and <i>Araucaria Hetrerophylla</i> (Norfolk Island Pine), fronting 144-146 Ewos Parade and 12 Orient Avenue, Cronulla (in front of Lot 1 DP 5414)					

Update the mapping to show the item:

Amendment



This item is already listed in Schedule 5 but not shown on the gazetted maps correctly. It is proposed to amend to show the item correctly on the map.



Council comment




Department comment

The proposed amendment is supported.

		Item 1207 and 1208					
		'Memorial Hospital grounds' at Waratah Road, Engadine					
6	Current planning controls	Suburb	Item name	Address	Property description	Significance	Item no
		Engadine	Memorial Hospital and grounds	50-52 Waratah Road	Lot 353, DP 752033	Local	1207
		Engadine	Memorial Hospital grounds	Waratah Road	Lot 361, DP 752033	Local	1208
		Amend and combine items 1207 and 1208 as Item 1207, correct heritage map to show item number 1207 for both lots 363 and 651 and remove Item 1208 from Schedule 5.					
	Amendment	Suburb	Item name	Address	Property description	Significance	Item no
		Engadine	Memorial Hospital and grounds	46-48 and 50-52 Waratah Road	Lot 363 and Lot 651, DP 752033	Local	1207
	Council comment	Council states that the item 1208 does not meet the required threshold of significance as the Radiata pines have been significantly lopped and many trees are no longer exist on site. Also, the item duplicates more significant item 1207 'Memorial hospital and grounds' at 50-52 Waratah Road next to this item.					
		Council also states that the Community Heritage Review in 2013 recommended the following: "The landscape is below the threshold for including in the Heritage Schedule of the LEP as a stand alone item. It will be included in the listing of the Memorial Hospital." Council requested that the item 1208 be either removed from the heritage listing or be merged with the item 1207.					
	Department comment	The Department acknowledges that there are significant changes to the landscape settings. However, the lot 361 retains the historical significance of the establishment and the foundation of 'Boys town' in late 1930s and recommends the site should be remain heritage listed. Therefore, the proposed amendment to combine two items into Item 1207 is supported.					
7	Current planning controls	Item 1027					
		'Garden' at 30 Grosvenor Crescent, Cronulla Property description: Lots 13 & 14 DP 10350					

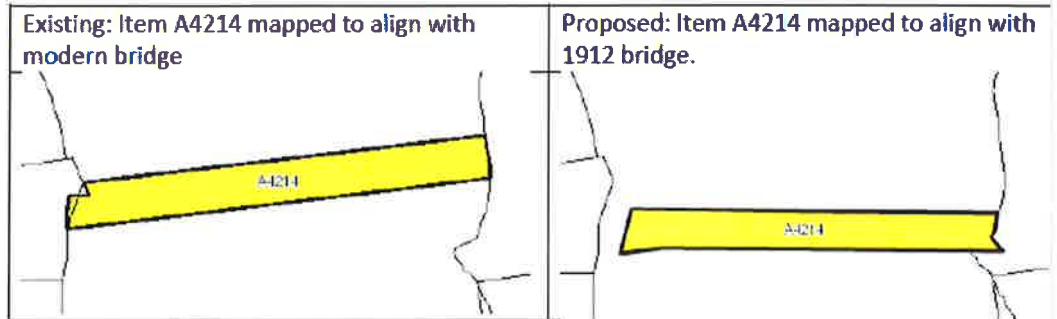
		Update the address details and amend the item description to:					
Amendment		Suburb	Item name	Address	Property description	Significance	Item no
		Cronulla	House and garden	28-30 Grosvenor Crescent	Lots 13 & 14, DP 10350	Local	1027
Council comment		Requires update of the address and amend the description of the item to recognise the significance of the house to the item					
Department comment		The State Heritage Inventory sheet (SHI No 2440116) refers to the heritage significance extends to both house and garden. The proposed amendment is supported to reflect heritage item to include the house on 28 Grosvenor Crescent.					
8	Current planning controls	Item A1074 'Gunnamatta Park, including dressing pavilion' at Nicholson Parade, on rise, east of Gunnamatta Baths Property description: Part of Lot 282, DP752064					
	Amendment	Amend the mapping to show the item number in the correct location					
		Existing: Label for A1074 not shown		Proposed: Label for A1074 shown			
							

<p>Council comment</p>	<p>The item is mapped beneath another heritage item and no label is shown. The map must be amended to include the label of this item to indicate its presence and location.</p> 
<p>Department comment</p>	<p>The proposed amendment is supported.</p>
<p>9 Current planning controls</p>	<p>Item A4214</p> <p>'Woronora Bridge' The site of 1912 road bridge across the Woronora River, Menai Road.</p> <p>Property description: MGA Zone 56, 328550°E, 6231580°N</p>

Amend LEP mapping and Schedule 5 to reflect the location of the original bridge at Woronora River to:

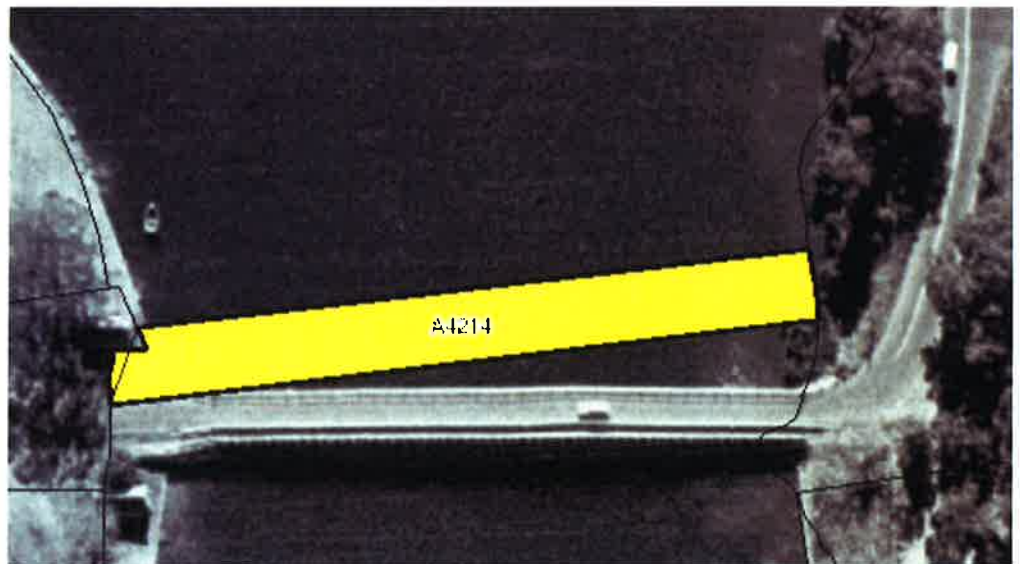
Amendment

Suburb	Item name	Address	Property description	Significance	Item no
Woronora	Woronora Bridge	Site of 1912 road bridge across, the Woronora River, Menai Road	MGA Zone 56, 319889°E, 6233837°N	Local	S4214



Council comment

Council states that the 1970 aerial photography shows the misalignment of the existing heritage mapping and the 1912 bridge as demonstrated below.



Currently, the heritage map aligns with the modern bridge as shows in today's aerial snapshot below and does not aligns with the location of 1912 bridge.



**Department
comment**

The proposed amendment is supported.

10

**Current
planning
controls**

Item 3616

'Forby Sutherland Memorial Gardens' at Eton Street and Old Princes Highway, Sutherland.

Property description: Lots A and B, DP 327716; Lots A and B, DP 336400; Lots 2 and 3, Section 46, DP 802; Lot 1, DP 1087442

Amend the lot details and mapped area as follows to match the extent of the gardens.

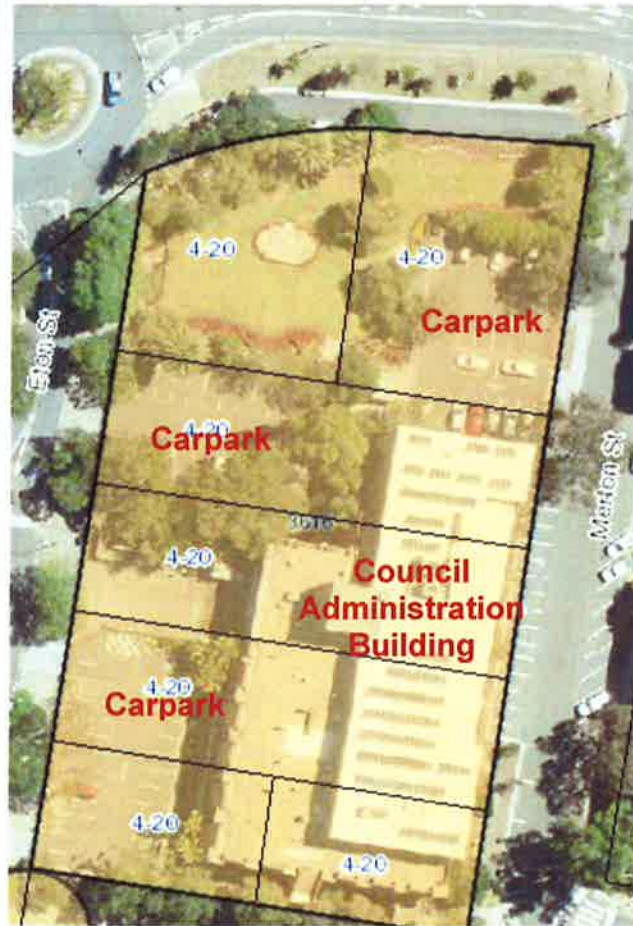
Suburb	Item name	Address	Property description	Significance	Item no
Sutherland	Forby Sutherland Memorial Gardens	Eton Street and Old Princes Highway	Lot 1, DP 1087442; Lot 2, Sec 46, DP 802	Local	3616

Amendment



Council states that the gardens are only located on two of the lots currently within the heritage item. The Council Administration building and its car parks should be excluded from this heritage listing as they do not have any level of historical significance.

**Council
comment**



**Department
comment**

The State Heritage Inventory sheet (**Attachment F**) shows the whole site including carpark and the location of the Council Administration building as part of the listing. The historical records show the demolition of the original Council Chambers and residences and construction of the new chamber and the car park took place between 1943 and 1970s. They no longer hold the significance as part of the landscape setting and a heritage curtilage could be reduced to the site of gardens as recommended. The proposed amendment is supported.

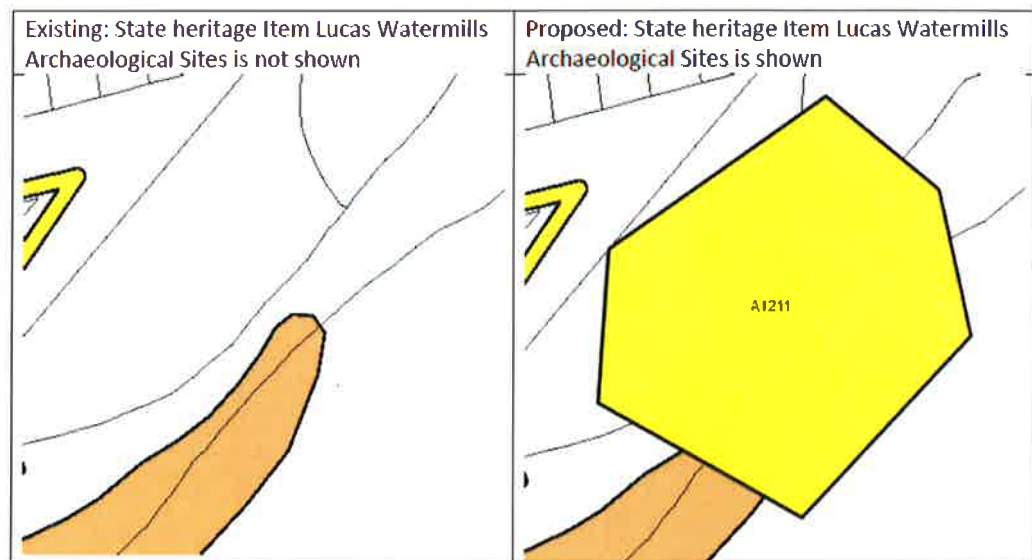
**11 Current
planning
controls**

Not applicable.

Add a new State Heritage Item 'Lucas Watermills Archaeological Sites' to the LEP mapping and heritage schedule as follows:

Suburb	Item name	Address	Property description	Significance	Item no
Engadine	Lucas Watermills Archaeological Sites	Woronora Reserve	Part Lot 820, DP 1011240; Part Lot 7038, DP 1027187; Part Lot 294, DP 8755; Part Lot 7314, DP 1147726	State	A1211


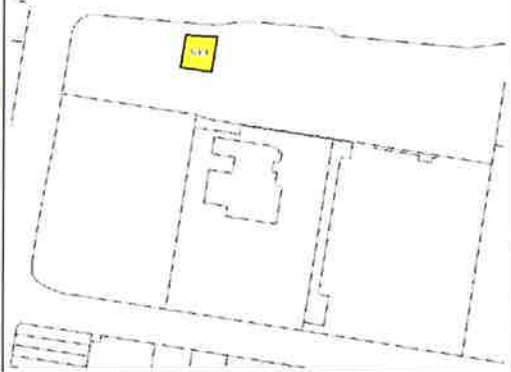
Amendment



Council comment

This item was listed as a State Heritage in the NSW Government Gazette No. 96 dated 30 August 2017. The planning proposal intends to recognise this listing by including it in Schedule 5 of the LEP and associated heritage mapping.



Department comment		The proposed amendment is supported.												
12	Current planning controls	<p>Item A2404</p> <p>'Site of former brickworks, Sutherland Brick Company clay pits at Princes Highway, Oak Road and Flora Street, Kirrawee</p> <p>Property description: Lot 2, DP 589977</p>												
		Amend to reduce the mapped area, description and details of the item as follows:												
		<table><tr><th>Suburb</th><th>Item name</th><th>Address</th><th>Property description</th><th>Significance</th><th>Item no</th></tr><tr><td>Kirrawee</td><td>Pipe Kiln of the former Sutherland Brick Company</td><td>Part 655-594 Princes Highway</td><td>Part of Lot 3 in DP 1215830</td><td>Local</td><td>A2404</td></tr></table>	Suburb	Item name	Address	Property description	Significance	Item no	Kirrawee	Pipe Kiln of the former Sutherland Brick Company	Part 655-594 Princes Highway	Part of Lot 3 in DP 1215830	Local	A2404
Suburb	Item name	Address	Property description	Significance	Item no									
Kirrawee	Pipe Kiln of the former Sutherland Brick Company	Part 655-594 Princes Highway	Part of Lot 3 in DP 1215830	Local	A2404									
Amendment		<div><div><p>Existing: Archaeological Site A2404 mapped to all lots.</p></div><div><p>Proposed: Archaeological Site A2404 mapped only to the pipe kiln and curtilage as shown.</p></div></div>												

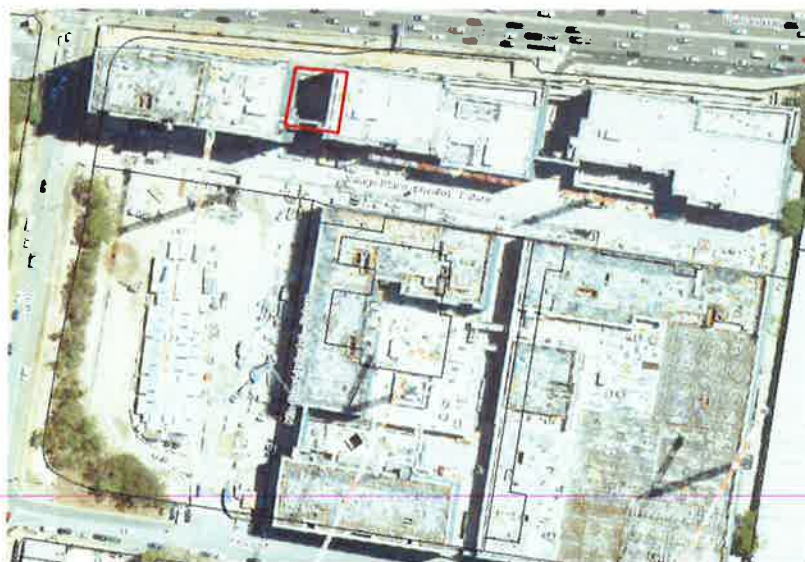
Council received a submission from the consultants of the owner of the site requesting that the heritage item to be restricted to the part of the site which is only surviving archaeology of the pipe kiln.

2016 aerial photo of the site shows the site during its excavation phase and demonstrates that the immediate vicinity of the pipe kiln remains but all other areas of the site have been reworked and any archaeology have been removed.



**Council
comment**

January 2018 aerial photo of the site, below, shows the later stages of construction. The circular shape of the pipe kiln is visible in the space between two of the buildings on the site. Council states as this is the only surviving component of the archaeological site, it is proposed that the listing details be updated and mapped heritage item be restricted to apply only to this area.



**Department
comment**

The historical value and its significance have been removed since the substantial redevelopment of the site. The proposed amendment is supported.

13 Current planning controls

Not applicable

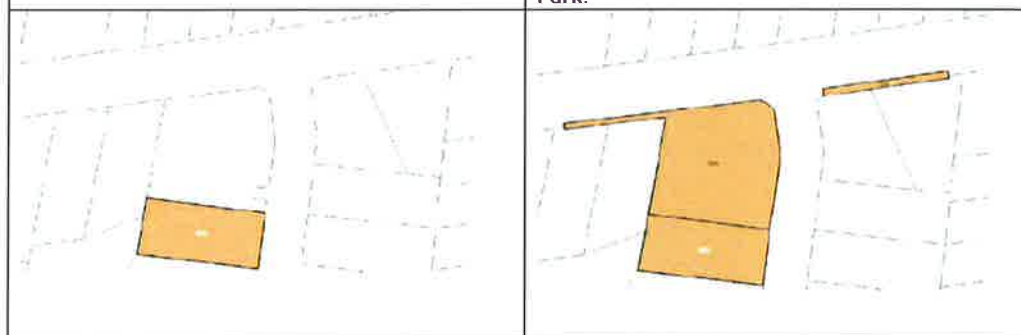
Add a new Local Heritage Item: 'Maris Park – Sandstone Boundary Wall and Park' to the Schedule 5 and mapping as follows:

Suburb	Item name	Address	Property description	Significance	Item no
Port Hacking	Maris Park – Sandstone Boundary Wall and Park	26, 36, 40 & 42 Turriell Point Road, 2 Sandbar Place	Lot 27, DP 255250; Part of Lots 1, 2, 29 & 30, DP 255250	Local	3306

Amendment

Existing: None

Proposed: New local heritage item 3306 mapped to the extant stone wall and Maris Park.



The proposal is to create a new local heritage item, Maris Park – Sandstone Boundary Wall and Park at 26, 36, 40 and 42 Turriell Point Road, Port Hacking with the intention of protecting the item where it is located on public land and private property, highlighted in red, below.

Council assigned a heritage consultant and undertook heritage assessment of the significance which concludes that the park and all extant sections of the wall should be heritage listed (**Attachment G**).

Council comment



**Department
comment**

The proposed amendment is supported subject to the consultation with the community, land owners and adjoining land owners.

14

**Current
planning
controls**

Item A1069

Brick kerbing on Gerrale Street, Waratah Street, Ewos Parade, Parramatta Street and Richmount Street, Cronulla.

Amend and change the category of Item A1069 to 1069.

Amend the mapping and label to reflect the change in category from Archaeological sites to Heritage items.

Suburb	Item name	Address	Property description	Significance	Item no
Cronulla	Brick kerbing	Gerrale Street, Parramatta Street, Richmount Street, Waratah Street and Ewos Parade	Located on road reserve	Local	1069

Amendment

Existing: Item A1069 mapped as an archaeological site



Proposed: item 1069 mapped as a local heritage item



Council states that the item should be categorised as a local heritage item and not as an archaeological site following the advice from OEH (**Attachment J**). A new item number will be applied and transferred from Part 2 Archaeological Sites to Part 1 Heritage items.

The Item A1069 is highlighted in blue as below, in the SSLEP 2015 Heritage Map.

**Council
comment**



**Department
comment**

The proposed amendment is supported.

15 Current planning controls

Item A0631

Alignment of first road in Sutherland Shire at 1-483 Woollooware Road, Burraneer

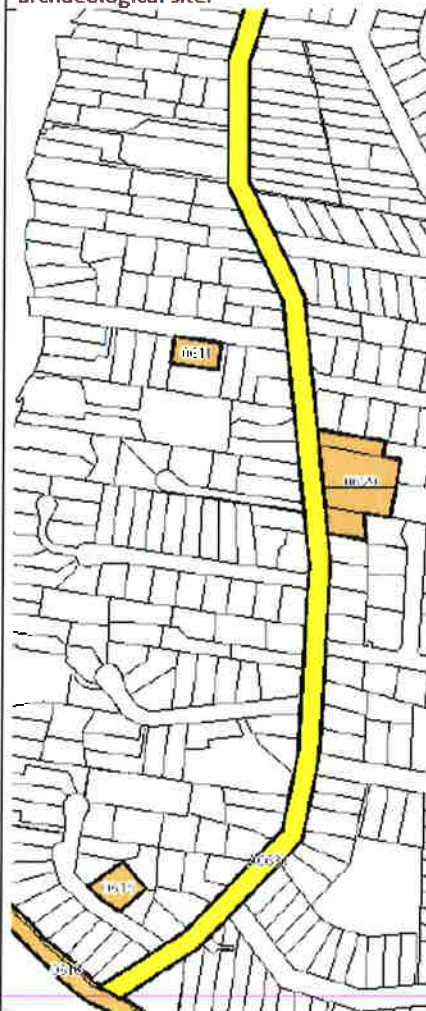
Amend and change the category of A0631 to 0631.

Amend the mapping and label to reflect the change in category from Archaeological sites to Heritage items.

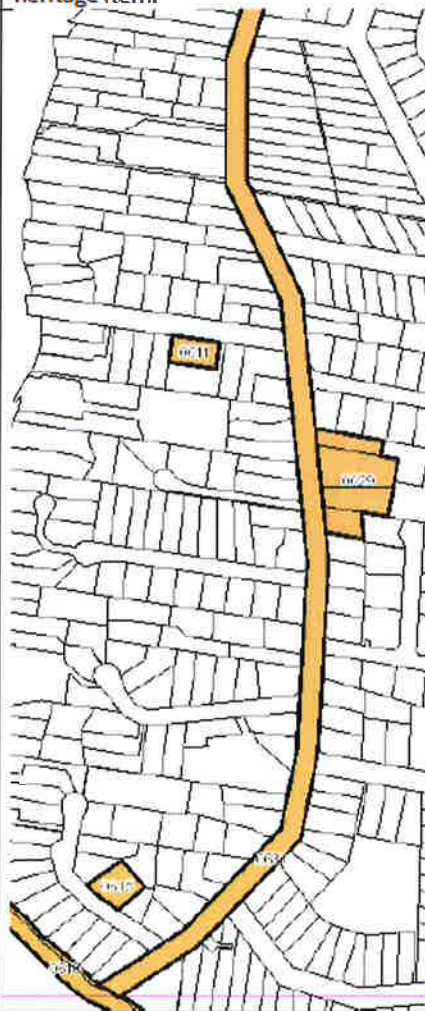
Suburb	Item name	Address	Property description	Significance	Item no
Burraneer	Alignment of first road in Sutherland Shire	1-483 Woollooware Road	MGA Zone 56, 328230°E, 6229600°N	Local	0631

Amendment

Existing: Item A0631 mapped as an archaeological site.



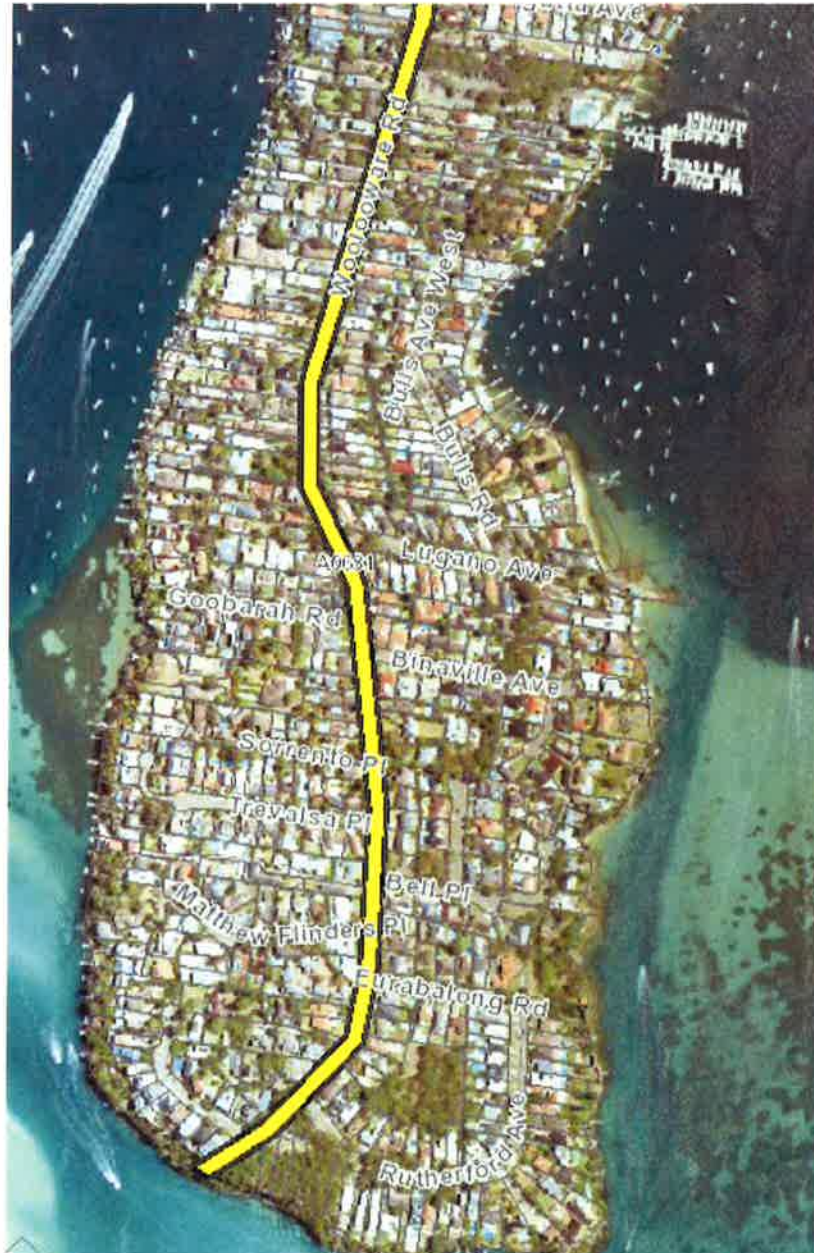
Proposed: Item 0631 mapped as a local heritage item.



Council states that this item should be categorised as a local item following advice from OEH in July 2018 (**Attachment J**). A new item number will be applied and transferred from Part 2 Archaeological Sites to Part 1 Heritage items.

Below aerial photograph shows the road reserve on Woollooware Road, Woollooware and Burraneer.

**Council
comment**



**Department
comment**

The proposed amendment is supported.

16 Current planning controls

Item A4114

Alignment of first road in Sutherland Shire

Amend and change the category of A4114 to 4114.

Amend the mapping and label to reflect the change in category from Archaeological sites to Heritage items.

Suburb	Item name	Address	Property description	Significance	Item no
Woollooware	Alignment of first road in Sutherland Shire	1-483 Woollooware Road	MGA Zone 56, 328550°E, 6231580°N	Local	4114

Amendment

Existing: Item A4114 mapped as an archaeological site.	Proposed: Item 4114 mapped as a local heritage item.
	

Council states that this item should be categorised as a local item following advice from OEH July 2018 (**Attachment J**). A new item number will be applied and transferred from Part 2 Archaeological Sites to Part 1 Heritage items.

Below aerial photograph shows the road reserve on Woollooware Road, Woollooware.

**Council
comment**



**Department
comment**

The proposed amendment is supported.

17	Current planning controls	<p>Item 2204</p> <p>House and front garden at 25 Kangaroo Point Road, Kangaroo Point</p> <p>Property description: Lot 4, DP 11338</p>												
		<p>Rezone the extended part of the property from W1 Natural Waterways to E3 Environmental Management and update the Land Zoning map to align with the rest of the site.</p> <p>Amend to rezone part of the property, the mapping and property description to reflect the changes extension of the mapped area for 25 Kangaroo Point Road, Kangaroo Point as follows:</p>												
Amendment		<table><tr><th>Suburb</th><th>Item name</th><th>Address</th><th>Property description</th><th>Significance</th><th>Item no</th></tr><tr><td>Kangaroo Point</td><td>House and front garden</td><td>25 Kangaroo Point Road</td><td>Lot 1, DP 1218171</td><td>Local</td><td>2204</td></tr></table> <div><div>Existing: Part Applied Item 2204</div><div>Proposed: Full Applied Item 2204</div></div>	Suburb	Item name	Address	Property description	Significance	Item no	Kangaroo Point	House and front garden	25 Kangaroo Point Road	Lot 1, DP 1218171	Local	2204
Suburb	Item name	Address	Property description	Significance	Item no									
Kangaroo Point	House and front garden	25 Kangaroo Point Road	Lot 1, DP 1218171	Local	2204									
		<p>Council states that this proposal is a result of the lot being resurveyed due to a change to its mean high water mark. LEP layer requires to be updated to ensure that consistent zoning and development standards apply across the entire lot. The extended mapped area to be rezoned from W1 Natural Waterways to E3 Environmental Management to correct a mapping anomaly (Attachment F).</p>												
Council comment														
Department comment		<p>The proposed amendment is supported.</p>												

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is needed to address heritage related issues in the Sutherland Shire LEP 2015 identified by Council officers, OEH and members of the public.

It is considered that the planning proposal is the most appropriate means of achieving Council's intended outcomes.

The planning proposal seeks to update Schedule 5 Environmental Heritage and the associated maps to add new items, make adjustments for changes in cadastral boundaries and the State Heritage Register and to update various property descriptions.

4. STRATEGIC ASSESSMENT

4.1 Regional / District

Sutherland Shire Local Government Area is located within the South District of Greater Sydney. The South District Plan sets out strategic directions for this District and operates to give effect to the Greater Sydney Region Plan.

The planning proposal is consistent with the outcomes and directions in the plan, with particular relevance to Planning Priority S6. The Planning Priority focuses on creating and renewing great places and local centres, and respecting the District's heritage. Action 20 of the Planning Priority aims to identify, conserve and enhance environmental heritage.

The planning proposal is consistent with the Objective 13 as it seeks to conserve and enhance environmental heritage through a statutory planning mechanism.

4.2 Local

Council states that the proposed amendments are consistent with Council's Community Strategic Plan, *Our Community Plan*, particularly relevant to strategy 4.1 'Create and strengthen community connections through shared cultural experience'.

It is agreed that the planning proposal is consistent with the Community Strategic plan. It seeks to improve the quality of information contained in the Heritage schedule of SSLEP2015 and helps to protect the cultural heritage of the Sutherland Shire.

4.3 Section 9.1 Ministerial Directions

The planning proposal is consistent with the relevant Section 9.1 Ministerial Directions, including Direction 2.3 Heritage Conservation.

The direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. It requires a planning proposal to contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area.

The planning proposal contains provisions to strengthen the existing heritage conservation provisions of SSLEP 2015 by making minor adjustments.

4.4 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social/Economic

Most of the changes proposed as part of the planning proposal are minor in nature and will not have any adverse social or economic impacts.

The proposed amendments seek to preserve the ongoing heritage character of the local government area which will have primarily positive social impacts. It will also assist in the conservation of environmental heritage that have been identified as having significance.

5.2 Environmental

Items 7 and 13 propose to increase the level of protection by recognising and listing the significance of the items. Item 7 proposes to extend its listing to an existing 'garden' to recognise the significance of the setting and surrounding of heritage listed house incorporating with its garden.

Item 13 proposes to list sandstone boundary wall on public and private properties at 26, 36, 40 and 42 Turriell Point Road, and 2 Sandbar Place, Port Hacking. If this item is listed, future development pertaining to the site will require consideration of the heritage significance and require a lodgement of a development application.

6. CONSULTATION

6.1 Community

Council states that the proposal will be publicly exhibited for a minimum of 28 days.

Council advises that the planning proposal will be advertised in the local newspaper, at local Council buildings and Council's website. Council also advises that it intends to write to all affected and adjoining landowners.

A 28-day exhibition period is considered appropriate and no objection is raised regarding the proposed exhibition methods.

6.2 Agencies

The proposal does not specifically raise which agencies will be consulted. It is recommended the Office of Environment and Heritage and Road and Maritime Services (RMS) be consulted as per Section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*.

7. TIME FRAME

Council has provided a project timeline that anticipates a 6-month timeframe for completion following receipt of a Gateway determination. The Department considers a timeframe of 9 months is appropriate to ensure the timeframe is met. A condition of Gateway is included requiring the Project Timeline to be updated in accordance with this requirement.

8. LOCAL PLAN-MAKING AUTHORITY

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the proposal seeks to make minor amendments, it is considered that Council should be the Local Plan-Making authority.

9. CONCLUSION

The planning proposal has merit and should proceed subject to conditions as it:

- is consistent with the South District Plan, the relevant section 9.1 Ministerial Direction and state environmental planning policies;

- will remove errors and anomalies from the Sutherland Shire Local Environmental Plan 2015;
- will serve to protect identified heritage items; and
- will provide increased protections to areas of environmental and heritage significance.

10. RECOMMENDATION

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

1. Prior to community consultation, the planning proposal is to be updated to provide a new project timeline stating the anticipated dates and timeframes of the planning proposal.
2. The planning proposal should be made available for community consultation for a minimum of 28 days. Notification must be given to affected and adjoining landowners.
3. Consultation is required with the Office of Environment and Heritage (OEH) under Section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*.
4. The time frame for completing the LEP is to be 9 months from the date of the Gateway determination.
5. Given the nature of the planning proposal, Council should be the local plan-making authority.



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