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**PLN016-19      PLANNING PROPOSAL - SSLEP2015 MINOR AMENDMENTS -  
HERITAGE ITEMS 2019**

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**PLN016-19****Attachments:** Nil**EXECUTIVE SUMMARY**

- Council has previously resolved (PLN041-18) to prepare a Planning Proposal to address a range of minor heritage matters in Sutherland Shire Local Environmental Plan 2015.
- On 19 March 2019 the Sutherland Shire Local Planning Panel supported the Planning Proposal proceeding for Gateway Determination.
- Accordingly it is recommended that the Planning Proposal now be forwarded to the NSW Planning and Industry for Gateway Determination, and following this, exhibition.

**REPORT RECOMMENDATION**

THAT:

1. Advice of the Sutherland Shire Local Planning Panel in relation to this planning proposal be received and noted.
2. The Planning Proposal SSLEP2015 *Minor Amendment – Heritage Items 2019* be submitted to NSW Planning and Industry for a Gateway Determination.
3. Council advise the Department that it is willing to exercise plan making functions pursuant to section 3.31 of the Environmental Planning and Assessment Act 1979.
4. The Chief Executive Officer be given delegated authority to make any amendments that are required by the Gateway Determination before the draft planning proposal is exhibited.
5. Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.

**PURPOSE**

The purpose of this report is to consider the advice of the Sutherland Shire Local Planning Panel and progress the Planning Proposal *Minor Amendment – Heritage Items 2019* to the Minister for Planning for Gateway Determination.

**BACKGROUND**

The purpose of this Planning Proposal is to amend the Sutherland Shire Local Environmental Plan 2015, Schedule 5 Environmental Heritage (and associated mapping) to address a range of heritage issues identified during the operation of the plan (Council Resolutions: PLN007-17, PLN028-18 & PLN041-18). On 18 September 2018, Council resolved (PLN041-18) to endorse an amended Planning Proposal that incorporated these matters and refer it to the Sutherland Shire Local Planning Panel for consideration.

**DISCUSSION**

On 29 September 2018, the Minister for Planning issued *Local Planning Panels Direction - Planning Proposals*. This Direction requires that all Planning Proposals be referred to the Local Planning Panel, prior to Council's consideration of whether the proposal should proceed to Gateway Determination. Accordingly, the Planning Proposal was referred to the Sutherland Shire Local Planning Panel on 19 March 2019. The Sutherland Shire Local Planning Panel advises Council that:

*The Panel supports the Planning Proposal proceeding to Gateway, noting the reasons for the changes to the heritage listing appear to have followed a standard process involving: independent advice by a heritage expert engaged by Council, corrections to errors, removing items since demolished or advice from NSW Office of Environment and Heritage.*

**REASON FOR THE ADVICE:**

*The process followed is not unusual and is generally administrative. The Panel notes and generally supports the report by Council staff regarding consistency with the planning and legislative framework.*

**VOTES:** *The advice was unanimous.*

As there is no objection by the Panel, it is now recommended that the Planning Proposal be referred to the NSW Planning & Industry for Gateway Determination, and then on to public exhibition.

**RESOURCING STRATEGY IMPLICATIONS**

Management of Council's LEP is conducted within the existing budget and resources of Strategic Planning.

## COMMUNITY ENGAGEMENT

Subject to a positive Gateway Determination, the following consultation activities will be undertaken:

- Public exhibition of the Planning Proposal on Council's Join the Conversation website for a period in accordance with the Gateway Determination.
- Publication of an advertisement in a local newspaper.
- Exhibition at all Sutherland Shire Council libraries and the Administration Building.

## STRATEGIC ALIGNMENT

The issues addressed in this report have connections to the goals and principles of the Sutherland Shire Community Strategic Plan, including:

Community Strategic Plan Strategy	Delivery Program (2017-2021) Deliverables
4.1 Create and strengthen community connections through shared cultural experiences.	DP 41 Implement legislative requirements to ensure environmental, archaeological and Aboriginal heritage are conserved and valued.
4.1.1 Identify and appreciate places, spaces and stories that contribute to our Sutherland Shire identity.	DP 41.2 Implement Sutherland Shire LEP 2015 Clause 5.10 Heritage Conservation
2.2.3 Encourage responsible urban planning which balances growth with environmental sustainability.	6B.6 Provide an effective Development Application (DA) process.

## POLICY AND LEGISLATIVE REQUIREMENTS

The *Environmental Planning and Assessment Act 1979* and Regulations require Council to submit all Planning Proposals for a Gateway Determination before placing them on public exhibition. The recommendations contained in this report will initiate the exhibition of this matter.

## CONCLUSION

The Planning Proposal seeks to rectify a number of minor heritage schedule issues and mapping anomalies that have been identified since SSLEP2015 came into force. The Sutherland Shire Local Planning Panel supports the Planning Proposal. Accordingly, it is recommended that the Planning Proposal proceed, and be referred to the NSW Planning & Industry for Gateway Determination.

## RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Manager of Strategic Planning, Mark Carlon, who can be contacted on 9710 0523.

File Number: 2018/323729

5. Subject to a positive Gateway Determination, the Planning Proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination.

**Upon moving the Resolution in bulk, a Division was taken to be called on the Resolution and the following votes were recorded:**

**In Favour** of the Resolution were the Mayor, Councillor Pesce, together with Councillors Boyd, Collier, Croucher, Forshaw, Johns, McLean, Nicholls, Provan, Plibersek, Riad, Scaysbrook, Simone, Simpson and Steinwall.

**The decision was unanimous.**

**Minute No: 122**

**PLN016-19                      Planning Proposal - SSLEP2015 Minor Amendments - Heritage Items 2019  
File Number: 2018/323729**

RESOLVED: (Councillor Provan/Councillor Simpson\*)

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2. The Planning Proposal SSLEP2015 *Minor Amendment – Heritage Items 2019* be submitted to NSW Planning and Industry for a Gateway Determination.
3. Council advise the Department that it is willing to exercise plan making functions pursuant to section 3.31 of the Environmental Planning and Assessment Act 1979.
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