

PCU50291

Our Reference: **7842 JF**

Ms. Rachel Cumming
Acting Director – Sydney Region West
Department of Planning & Infrastructure
GPO Box 39
SYDNEY NSW 2001

18 December 2013

Dear Ms Cumming,



**AMENDMENT OF HERITAGE MAP PROJECTIONS PLANNING PROPOSAL –
WHOLE OF WOLLONDILLY SHIRE COUNCIL AREA**

Council is submitting a planning proposal to amend the heritage mapping layer found within Wollondilly Local Environmental Plan 2011.

Wollondilly Shire Council requests the Minister for Planning & Infrastructure's Gateway Determination on the Planning Proposal in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*.

Wollondilly Shire Council also requests for Council delegation to determine the planning proposal. The evaluation criteria for the issuing of an authorisation have been attached.

Please find attached the following documents:

1. Council's **Planning Proposal** for the subject land.
2. **LEP Delegation Checklist** for planning proposals to the Gateway.

The attached planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning and Infrastructure's 'A guide to preparing a planning proposal' and 'A guide to preparing local environmental plans.'

For further enquiries in relation to this matter, please contact Grant Rokobauer (02) 4677 1172.

Yours Sincerely,



David Smith
Manager Planning



Planning Proposal

To Amend Wollondilly Local Environmental Plan 2011

Heritage Map Series Re-projection

To correct an error in the Heritage Map series in Wollondilly Local Environmental Plan 2011 by which the maps appear offset from the other maps in the LEP.

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Introduction

This Planning Proposal has been prepared on behalf of Wollondilly Shire Council seeking an amendment to update the current published heritage map projections found within Wollondilly Local Environmental Plan, 2011 (Wollondilly LEP). The re-projection of the maps is required so that the heritage maps are aligned with all other map series.

Part 1 – Objectives or Intended Outcomes

The key objective of this Planning Proposal is to alter the heritage map projections currently present within Wollondilly Local Environmental Plan (WLEP) 2011.

The intended outcomes of the Planning Proposal are:

To correct the Wollondilly Heritage Map projection within Wollondilly LEP.

Part 2 – Explanation of Provisions

The objectives of the Planning Proposal can be achieved through the replacement of the current Heritage Maps with a revised, correctly projected, set of maps.

Part 3 – Justification

Section A – Need for the planning proposal

1. Is the planning proposal a result of any strategic study or report?

This Planning Proposal is not the result of any strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the Planning Proposal is the best means of achieving the stipulated objective.

The proposal will target the issue at hand, being that the current heritage maps found within the Wollondilly LEP do not align with the other map series. The required amendment to these maps will ensure that the maps will be drawn in the same grid as all other map series and will be consistent. This amendment will not alter the data contained within the maps.

A planning proposal is the most expedient way of amending the published maps within the Wollondilly LEP.

Section B – Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal does not alter the content of the maps or any planning controls. It is administrative in that it corrects a mapping anomaly in the Wollondilly LEP. It is not inconsistent with the applicable regional and subregional strategies.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Wollondilly Local Environmental Plan 2011

The planning proposal is consistent with Council's Community Strategic Plan as it complies with STRATEGY GO7: Information Management. The aim of this strategy is to "Ensure best practice approach as to the delivery of quality information and technology services". By amending the current heritage maps found within the LEP into the correct heritage maps, the delivery of correct quality information can be achieved.

5. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with applicable State Environmental Planning Policies (see Appendix A).

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The planning proposal is consistent with applicable Section 117 Directions (see Appendix B).

Section C – Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The amendments to the heritage maps found within the Wollondilly LEP will not impact the environment and/or any habitats.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are not considered to be any other likely environmental effects as a result of this planning proposal.

9. Has the planning proposal adequately addressed any social and economic effects?

The proposal will have a positive social and economic effect as it will be correct and thereby avoid any potential issues or conflicts that may have arisen.

Section D – State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

The planning proposal does not require embellishment of public infrastructure for its goals. The planning proposal is simply intended to correct an error in the mapping projection for the Heritage map series.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

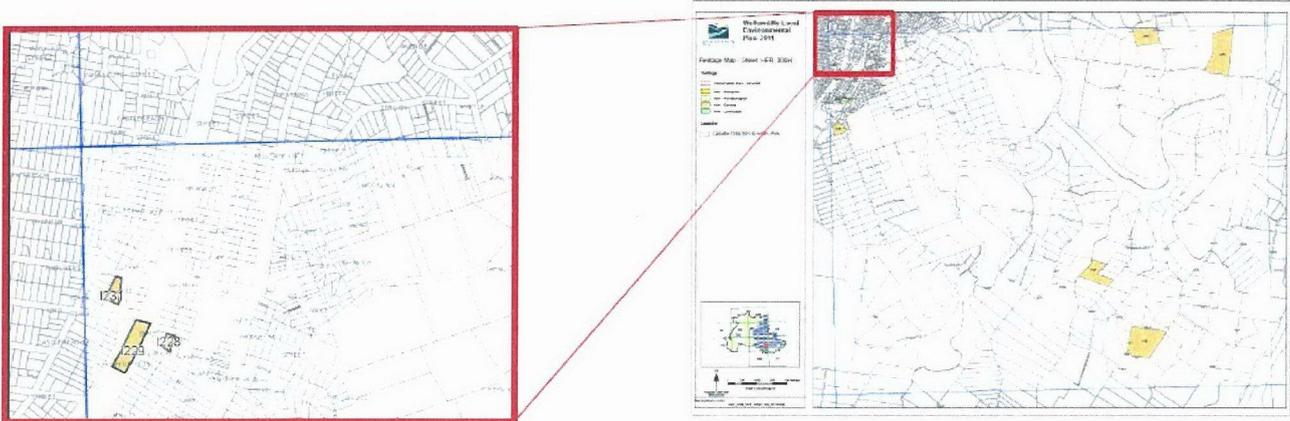
A gateway determination has not yet been issued. No public authority has been consulted on the Planning Proposal to date. It is considered that as the planning proposal deals with an administrative change consultation with public authorities is not required.

Part 4 – Mapping

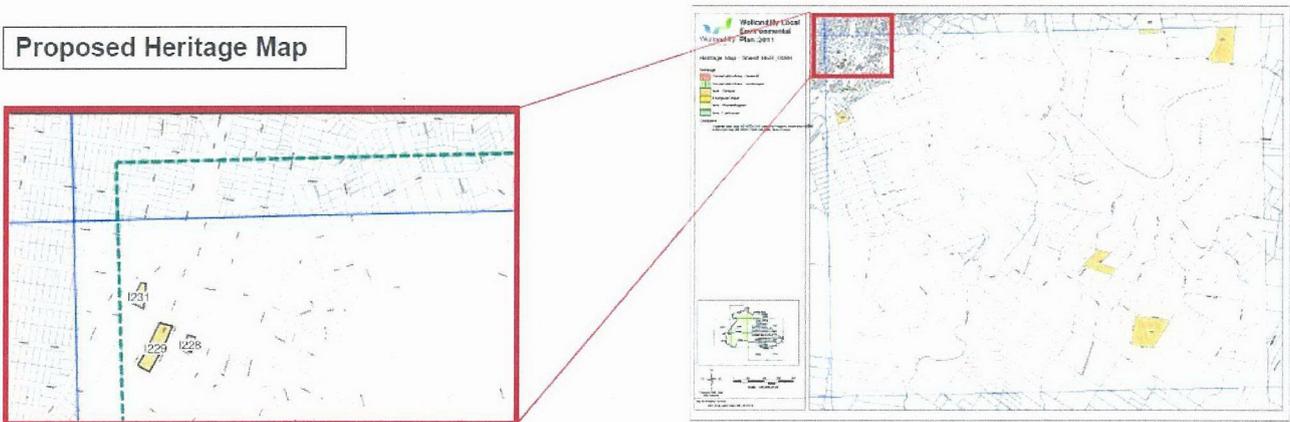
All Heritage Maps in Wollondilly Local Environmental Plan 2011 are to be replaced. A Sample map is provided at this stage.

Map 1 – Sample New Map

Current Heritage Map



Proposed Heritage Map



This green dotted line is the currently published heritage map grid outline. In the proposed map, the map grid is now shifted to align with all other map series within Wollondilly LEP 2011.

Part 5 – Community Consultation

Public Exhibition

This Planning Proposal requires consideration of the effects of not correcting the anomalies within the current map projections in Wollondilly Shire Council. The LEP is a legal document and thus needs to be correct to avoid any potential conflicts and issues that may arise. As it is correcting an anomaly it is considered that the Planning Proposal falls within the definition of low impact Planning Proposals, and therefore it is a type of proposal requiring exhibition for a minimum of 14 days.

Wollondilly Shire Council Consultation

Consultation was undertaken with Council staff responsible for ensuring that Wollondilly Local Environmental Plan 2011 maps meet statutory and administrative requirements. This consultation found that there is a need to:

- correct the heritage map projections
- ensure that the Heritage (HER) map series aligns with other Wollondilly LEP map series.

Part 6 – Project Timeline

Project detail	Timeframe	Timeline
Anticipated commencement date (date of Gateway determination)	6 weeks from submission to DP&I	Mid February 2014
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	Not required	N/A
Anticipated timeframe for the completion of required technical information – after Specialist Study requirements determined	Not required	N/A
Commencement and completion dates for public exhibition period – after amending planning proposal if required, preparation of maps and special DCP provisions	1 month period	March 2014
Dates for public hearing (if required)	Not required	N/A
Timeframe for consideration of submissions	1 month	April 2014
Timeframe for the consideration of a proposal post exhibition including amendments and maps and report to Council	1 month	April 2014
Date of submission to the Department to finalise the Draft LEP amendment (including 6 week period for finalisation)	N/A	N/A
Anticipated date RPA will make the plan if delegated	1 month	May 2014
Anticipated date RPA will forward to the Department for notification	1 month	June 2014

Appendices

A. Compliance with SEPPs

Table indicating compliance with applicable State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

B. Assessment against Section 117(2) Directions

Table indicating compliance with applicable section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

Appendix A

Compliance with SEPPs

The table below indicates compliance, where applicable, with State Environmental Planning Policies (SEPPs) and deemed SEPPs (formerly Regional Environmental Plans).

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
1	Development Standards	N/A	
4	Development Without Consent and Miscellaneous Complying Development	N/A	
6	Number of Storeys in a Building	Yes	There shall be no change to existing LEP provisions on height of buildings.
14	Coastal Wetlands	N/A	Not applicable in the Shire of Wollondilly.
15	Rural Land-Sharing Communities	N/A	Not applicable in the Shire of Wollondilly.
19	Bushland in Urban Areas	N/A	Not applicable in the Shire of Wollondilly.
21	Caravan Parks	N/A	Not applicable to this Planning Proposal.
22	Shops and Commercial Premises	N/A	Not applicable to this Planning Proposal.
26	Littoral Rainforests	N/A	Not applicable in the Shire of Wollondilly.
29	Western Sydney Recreation Area	N/A	Not applicable in the Shire of Wollondilly.
30	Intensive Agriculture	N/A	Not applicable to this Planning Proposal.
32	Urban Consolidation (Redevelopment of Urban Land)	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
33	Hazardous and Offensive Development	N/A	Not applicable to this Planning Proposal.
36	Manufactured Home Estates	N/A	Not applicable in the Shire of Wollondilly.
39	Spit Island Bird Habitat	N/A	Not applicable in the Shire of Wollondilly.
41	Casino/Entertainment Complex	N/A	Not applicable in the Shire of Wollondilly.
44	Koala Habitat Protection	N/A	Not applicable to this Planning Proposal.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
47	Moore Park Showground	N/A	Not applicable in the Shire of Wollondilly.
50	Canal Estates	N/A	Not applicable to this Planning Proposal.
52	Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	Not applicable in the Shire of Wollondilly.
53	Metropolitan Residential Development	N/A	Wollondilly Shire is currently exempted from this SEPP.
55	Remediation of Land	N/A	
59	Central Western Sydney Economic and Employment Area	N/A	Not applicable in the Shire of Wollondilly.
60	Exempt and Complying Development	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
62	Sustainable Aquaculture	N/A	Not applicable in the Shire of Wollondilly.
64	Advertising and Signage	N/A	Not applicable to this Planning Proposal.
65	Design Quality of Residential Flat Development	N/A	Residential flat buildings are prohibited on the subject land.
70	Affordable Housing (Revised Schemes)	N/A	Not applicable in the Shire of Wollondilly.
71	Coastal Protection	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Affordable Rental Housing) 2009	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Housing for Seniors or People with a Disability)	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Building Sustainability Index: BASIX) 2004	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Kurnell Peninsula) 1989	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Major Development) 2005	N/A	Not applicable to this Planning Proposal.
	SEPP (Sydney Region Growth Centres) 2006	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Yes	This Planning Proposal does not contain any provisions which would contradict or hinder the application of this SEPP.
	SEPP (Temporary Structures) 2007	N/A	Not applicable to this Planning Proposal.
	SEPP (Infrastructure) 2007	N/A	Not applicable to this Planning Proposal.
	SEPP (Kosciuszko National Park - Alpine Resorts) 2007	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Rural Lands) 2008	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Exempt and Complying Development Codes) 2008	Yes	The planning proposal will not contain provisions that will contradict or would hinder the application of the SEPP.
	SEPP (Western Sydney Parklands) 2009	N/A	Not applicable in the Shire of Wollondilly.

No.	State Environmental Planning Policies (SEPPs)	Consistency	Comments
	SEPP (Western Sydney Employment Area) 2009	N/A	Not applicable in the Shire of Wollondilly.
	SEPP (Sydney Drinking Water Catchment) 2011	Yes	This proposal is consistent with this SEPP.
Deemed State Environmental Planning Policies (Formerly Regional Environmental Plans)		Consistency	Comments
9	Extractive Industry (No 2)	N/A	
20	Hawkesbury–Nepean River (No 2 - 1997)	Yes	This proposal is consistent with this SREP.

Appendix B

Assessment against Section 117(2) Directions

The table below assesses the planning proposal against Section 117(2) Ministerial Directions issued under the Environmental Planning and Assessment Act (EP&A Act) 1979.

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
1. Employment and Resources			
1.1 Business and industrial Zones	N/A	N/A	Direction does not apply.
1.2 Rural Zones	N/A	N/A	Direction does not apply.
1.3 Mining, Petroleum Production and Extractive Industries	N/A	N/A	Direction does not apply.
1.4 Oyster Production	N/A	N/A	Direction does not apply.
1.5 Rural Lands	N/A	N/A	Direction does not apply.
2. Environment and Heritage			
2.1 Environmental Protection Zones	N/A	N/A	Direction does not apply.
2.2 Coastal Protection	N/A	N/A	Direction does not apply.
2.3 Heritage Conservation	N/A	N/A	The planning proposal aims to correct mistakes on the current heritage maps found within the LEP.(Direction 2.3.4)
2.4 Recreation Vehicle Area	N/A	N/A	Direction does not apply.
3. Housing, Infrastructure and Urban Development			
3.1 Residential Zones	N/A	N/A	Direction does not apply.
3.2 Caravan Parks and Manufactured Home Estates	N/A	N/A	Direction does not apply.
3.3 Home Occupations	N/A	N/A	Direction does not apply.
3.4 Integrating Land Use and Transport	N/A	N/A	Direction does not apply.
3.5 Development Near Licensed Aerodromes	N/A	N/A	Direction does not apply.
3.6 Shooting Ranges	N/A	N/A	Direction does not apply.
4. Hazard and Risk			
4.1 Acid Sulphate Soils	N/A	N/A	Direction does not apply
4.2 Mine Subsidence and Unstable Land	N/A	N/A	Direction does not apply
4.3 Flood Prone Land	N/A	N/A	Direction does not apply

Ministerial Direction	Applicable to Draft LEP	Consistency of draft LEP with Direction	Assessment
4.4 Planning for Bushfire Protection	N/A	N/A	Direction does not apply.
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A	N/A	Direction does not apply.
5.2 Sydney Drinking Water Catchments	N/A	N/A	Direction does not apply.
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	N/A	Direction does not apply.
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	N/A	Direction does not apply.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	N/A	Revoked.
5.6 Sydney to Canberra Corridor	N/A	N/A	Revoked.
5.7 Central Coast	N/A	N/A	Revoked.
5.8 Second Sydney Airport: Badgerys Creek	N/A	N/A	Direction does not apply
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal is consistent with this direction because it does not alter the provisions relating to approval and referral requirements.
6.2 Reserving Land for Public Purposes	Yes	Yes	This planning proposal is consistent with this direction because it does not create, alter or reduce existing zoning or reservations of land for public purposes.
6.3 Site Specific Provisions	N/A	N/A	Direction does not apply.
7. Metropolitan Planning			
7.1 Implementation of the Metropolitan Plan for Sydney 2036	Yes	Yes	This planning proposal is consistent with the Metropolitan Strategy.

ATTACHMENT 4 – EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS

Checklist for the review of a request for delegation of plan making functions to councils

Local Government Area:Wollondilly Shire

Name of draft LEP:Wollondilly Heritage layer amendment

Address of Land (if applicable):LGA wide

Intent of draft LEP: To correct the Wollondilly Heritage Map projection within the LEP

Additional Supporting Points/Information:

Evaluation criteria for the issuing of an Authorisation	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
(Note: where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)				
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Yes			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Yes			
Are appropriate maps included to identify the location of the site and the intent of the amendment?		Not relevant		
Does the planning proposal contain details related to proposed consultation?	Yes			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Yes			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Yes			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Yes			
Minor Mapping Error Amendments	Y/N			
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Yes			
Heritage LEPs	Y/N			
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	No			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	No			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	No			

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?	No			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?				
Is the planning proposal proposed to rectify an anomaly in a classification?	No			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Yes			
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?	No			
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?				
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) Classification and reclassification of public land through a local environmental plan and Best Practice Guideline for LEPs and Council Land?	No			
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	No			
Spot Rezonings	Y/N			
Will the proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	No			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP format?	No			
Will the planning proposal deal with a previously deferred matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?	No			
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?				

Does the planning proposal create an exception to a mapped development standard?	No			
Section 73A matters				
<p>Does the proposed instrument</p> <p>a. correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?;</p> <p>b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or</p> <p>c. deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?</p> <p>(NOTE – the Minister (or Delegate) will need to form an Opinion under section 73(A)(1)(c) of the Act in order for a matter in this category to proceed).</p>	Yes			

NOTES

- Where a council responds 'yes' or can demonstrate that the matter is 'not relevant', in most cases, the planning proposal will routinely be delegated to council to finalise as a matter of local planning significance.
- Endorsed strategy means a regional strategy, sub-regional strategy, or any other local strategic planning document that is endorsed by the Director-General of the department.