



File Ref: 2018/323612

Robert McKinlay (9710 0187)

04 January 2019



Andrew Watkins - Sydney Region East
Planning Services
NSW Planning & Environment
GPO Box 39
Sydney NSW 2001

Dear Mr Watkins

RE: Planning Proposal SSLEP2015 Minor Amendments: Exempt and Complying Development 2018

[In response, please quote File Ref: 2018/323612]

At four meetings between 19 December 2016 and 17 September 2018, Council resolved to prepare a comprehensive Planning Proposal to amend Sutherland Shire Local Environmental Plan 2015 to address a broad range of minor issues.

On 17 September 2018 Council resolved (PLN041-18) to refer the Planning Proposal to the Sutherland Shire Local Planning Panel (SSLPP) for advice prior to submission for a Gateway determination, as required by the Ministerial Direction in force at that time. Council resolved:

- "1. The Planning Proposal reported through PLN028-18 and PLN001-19 be amended to include the changes identified in this report.*
- 2. The combined Planning Proposal be referred to the Sutherland Shire Local Planning Panel.*
- 3. Provided the Sutherland Shire Local Planning Panel does not identify any significant concerns that would require further consideration by Council, the Planning Proposal be submitted to NSW Planning and Environment for a Gateway Determination.*
- 4. Subject to a positive Gateway Determination, the planning proposal be exhibited in accordance with Council's policies and the conditions of the Gateway Determination."*

The comprehensive Planning Proposal has since been separated into three issue specific planning proposals, in order to improve its legibility during public exhibition:

- SSLEP2015 Minor Amendment: Exempt and Complying Development 2018
- SSLEP2015 Minor Amendment: Clauses, Zoning and Development Standards 2018
- SSLEP2015 Minor Amendment: Heritage Items 2019

SSLEP2015 Minor Amendment: Exempt and Complying Development 2018 (the subject of this letter) seeks to address a range of minor issues identified in the operation of the exempt and complying development provisions in the Sutherland Shire Local Environmental Plan 2015.

The Planning Proposal was considered by the SSLPP on 4 December 2018. The panel advised:

“Sutherland Shire Local Planning Panel advises Council that the Panel supports the Planning proposal proceeding to Gateway, noting the relatively minor nature of the proposed administrative amendments, and that issues of detail are able to be considered and addressed during and following the gateway, public exhibition and detailed processes that will follow.”

On 27 September 2018 the Minister for Planning issued a new Local Planning Panels Direction which specifically required that the Council consider the advice of the Local Planning Panel before resolving to send the planning proposal for a gateway determination.

On 2 January 2019 Council's General Manager determined that the Planning Proposal should proceed directly to submission for a Gateway Determination. In her decision, the GM noted:

- the Council resolution and the SSLPP advice support submission to Gateway with no further changes; and
- the Planning Proposal contains matters which are relatively minor in nature.

This allows the Planning Proposal to comply with the Minister's Local Planning Panels direction of 27 September 2018.

In accordance with section 3.34 of the *Environmental Planning and Assessment Act 1979*, Council submits the attached planning proposal and seeks a Gateway Determination to allow the Planning Proposal to proceed to a public exhibition. Council requests authority to use its delegated plan-making functions for this amendment.

The following documents are provided in support of the submission:

- Planning Proposal – SSLEP2015 Minor Amendment – Exempt & Complying Development 2018
- DPE Planning Proposal Information Checklist – Exempt & Complying Development 2018
- Council and Local Planning Panel Business Papers and Minutes
 - PLN007-17 (Council and Planning Committee meeting business papers and minutes)
 - PLN028-18 (Council and Planning Committee meeting business papers and minutes)
 - PLN037-18 (Council and Planning Committee meeting business papers and minutes)
 - PLN041-18 (Council and Planning Committee meeting business papers and minutes)
 - SSLPP058-18 (Local Planning Panel meeting business papers and minutes)
- Annotated memo from the GM supporting submission of the Planning Proposal for a Gateway Determination.

Should you have any queries, please do not hesitate to contact me on 9710 0187 or by email at rmckinlay@ssc.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'RMCKINLAY', with a stylized flourish at the end.

Robert McKinlay - Environmental Planner