

Sutherland Shire Council

Planning Proposal

Sutherland Shire Local Environmental Plan
2015 Amendment:

Local Heritage listing of 65 Hotham Road
Gymea (Lot 24A DP 26995)

April 2019

Part 1 – A statement of the objectives and intended outcomes of the proposed instrument

This Planning Proposal seeks to amend the Sutherland Shire Local Environmental Plan 2015, Schedule 5 Environmental heritage (and associated mapping), to designate the house at 65 Hotham Road Gymea as a Local Heritage item in the Sutherland Shire.

Council is willing to exercise an authorisation to delegate the plan making function for this planning proposal, should such a delegation be issued as part of the Gateway determination. The evaluation criteria for the issuing of an authorisation is attached as Appendix 1.

Part 2 – An explanation of the provisions that are to be included in the proposed instrument

SSLEP2015 is to be amended as follows:

Add the following to Schedule 5- Environmental Heritage, Part 1 Heritage Items

“Suburb: Gymea

Item Name: ‘Hotham House’ – house and garden

Address: 65 Hotham Road Gymea

Property description: Lot 24A DP 26995

Significance: Local

Significance item no: 1510”

The maps are to be amended as follows:

Amendment
Heritage Map
Designate 65 Hotham Road Gymea as a heritage item

Part 3 – The justification for those objectives, outcomes and the process for their implementation

Section A - Need for the planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

The planning proposal is the result of a detailed assessment of the heritage significance of the house at 65 Hotham Road GyMEA. The report by Architectural Projects Pty Ltd, recommending that the item is listed as an item of local heritage significance in Sutherland Shire, is attached. The property at 65 Hotham Road, zoned SP1 Health Services Facility, is part of the President Private Hospital and is used by the hospital. The subject site (1625.74 sqm) is occupied by a house, garden and hospital car park.

Council's first comprehensive heritage review was conducted in 1993 by consultants Perumal, Murphy Wu. The house at 65 Hotham Road GyMEA was evaluated in that review as having local heritage significance, being a good example of a large individually designed, Inter-War brick house. However, Council did not list the property at that time at the request of the then owner. The house was again proposed to be heritage listed in SSLEP2015. A submission was received by the then owner of the land objecting to the proposed heritage listing. Given lack of detailed heritage analysis, its inclusion in the LEP was not supported by the Independent Panel who conducted a review of Version 2 of the LEP. The listing was not pursued by Council and the house was not listed as a local heritage item for the initial gazettal of SSLEP2015.

A development application in 2018 for works to the President Private Hospital (DA18/0788) included the demolition of the house at 65 Hotham Road GyMEA. During public consultation for DA18/0788, Council received 84 submissions objecting to the demolition of the house because its local historical significance, with some submissions providing details of the history of the property as a poultry farm considered important to the history of the area. The DA was later withdrawn. Macquarie Health Corporation Limited (owners of President Private Hospital) have subsequently prepared a more extensive redevelopment scheme for the hospital, and submitted to a request to the Department of Planning and Environment for the Planning Secretary's environmental assessment requirements (SEARS) for Alterations and Additions to President Private Hospital. The proposed development is State significant development under section 4.36 of the EPAA1979. The SEARS request is SSD-10320 for 369-381 President Avenue, Kirrawee.

A preliminary heritage assessment of the house was prepared by Council's Senior Heritage Architect. The report concluded that the house is likely to be of local heritage significance. Council resolved (PLN049-18) to apply an Interim Heritage Order to the house, which was published in the NSW Government Gazette on 23 November 2018.

Council also resolved to commission a detailed heritage assessment to be done by a heritage consultant. Architectural Projects Pty Ltd (Jennifer Hill Director) was appointed to do the assessment to determine if the item warrants statutory listing. The detailed heritage assessment concluded that the item warrants local heritage listing.

The Sutherland Shire Local Planning Panel considered the matter on 19 March 2019, and advised that "The Panel supports the Planning Proposal proceeding to Gateway, noting the proposed listing has been subject to independent advice by a heritage expert engaged by Council"

Council resolved at its meeting on 20 May 2019 to proceed with the Planning Proposal to heritage list 65 Hotham Road.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is the only means to achieve the intended outcome. An amendment to SSLEP2015 is required to heritage list the item.

Section B – Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

Assessment Criteria

a) Does the proposal have strategic merit? It is:

- Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or*
- Consistent with a relevant local council strategy that has been endorsed by the Department; or*
- Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.*

Yes, the proposed amendment is consistent with the liveability objective in *The Greater Sydney Region Plan: A Metropolis of Three Cities*, that “Environmental heritage is identified, conserved and enhanced”. The strategy is to do this by

- “engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place
- Applying adoptive re-use and interpreting heritage to foster distinctive local places
- Managing and monitoring the cumulative impact of development on the heritage values and character of places”.

The proposed amendment is consistent with *South District Plan* Planning Priority S6: “Creating and renewing great places and local centres, and respecting the District’s heritage”.

b) Does the proposal have site specific merit, having regard to the following:

- The natural environment (including known significant environmental values, resources or hazards) and*
- The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and*
- The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.*

The property at 65 Hotham Road GyMEA which is proposed for heritage listing is owned by President Private Hospital Pty Ltd (part of Macquarie Health Corporation) and the house and site are used as part of the hospital. Heritage listing of the house does not prevent the ongoing use of the building and grounds by the President Private Hospital. With development approval, alterations and additions which were assessed as retaining the heritage value of the house could also be undertaken.

Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is consistent with the aim and strategies of Council's Community Strategic Plan: *Our Community Plan* as follows:

"Outcome 4: Sutherland Shire: A culturally rich and vibrant community", and

"Strategy 4.1 Create and strengthen community connections through shared cultural experiences"

The planning proposal helps to protect the cultural heritage of the Sutherland Shire. This preserves opportunities for the community to connect to the history of the Sutherland Shire and others in the community by a shared culture.

"Strategy 4.1.1 Identify and appreciate places, spaces and stories that contribute to our Sutherland Shire identity".

The planning proposal is consistent with this strategy as it identifies and allows ongoing preservation of a place and its stories, hence contributing to the identity of the people of the Sutherland Shire.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes the planning proposal is generally consistent with relevant State Environmental Planning Policies (SEPPs) and deemed SEPPs.

SEPP	Relevance to Planning Proposal	Planning Proposal Consistency with SEPP?
State Environmental Planning Policy No 1—Development Standards	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy No 19—Bushland in Urban Areas	None. No provisions of the Planning Proposal affect the protection of urban bushland.	N/A
State Environmental Planning Policy No 21—Caravan Parks	None. No provisions of the Planning Proposal affect development for the purposes of caravan parks.	N/A

State Environmental Planning Policy No 30—Intensive Agriculture	None. No provisions of the Planning Proposal affect development for the purposes of intensive agriculture.	N/A
State Environmental Planning Policy No 33—Hazardous and Offensive Development	None. No provisions of the Planning Proposal affect development for the purposes of hazardous or offensive development.	N/A
State Environmental Planning Policy No 36—Manufactured Home Estates	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy No 44—Koala Habitat Protection	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy No 47—Moore Park Showground	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy No 50—Canal Estate Development	None. No provisions of the Planning Proposal affect development for the purposes of Canal Estates.	N/A
State Environmental Planning Policy No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	None - Does not apply to land under SSLEP2015	N/A

State Environmental Planning Policy No 55— Remediation of Land	Provides a Statewide approach to regulation of contaminated land and its remediation. Specific requirements for consideration of planning proposals which seeks to rezone contaminated lands. The Planning Proposal does not seek to materially change the development potential of any land which is known to be contaminated.	N/A
State Environmental Planning Policy No 62— Sustainable Aquaculture	None. No provisions of the Planning Proposal affect development for the purposes of Sustainable Aquaculture.	N/A
State Environmental Planning Policy No 64— Advertising and Signage	None. No provisions of the Planning Proposal affect development for the purposes of Advertising and Signage.	N/A
State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development	None. No provisions of the Planning Proposal affect development for the purposes of Residential Apartments.	N/A
State Environmental Planning Policy No 70— Affordable Housing (Revised Schemes)	None. No provisions of the Planning Proposal affect development for the purposes of affordable housing.	N/A
State Environmental Planning Policy (Affordable Rental Housing) 2009	None. No provisions of the Planning Proposal affect development for the purposes of affordable rental housing.	N/A
State Environmental Planning Policy (Building Sustainability	None. No provisions of the Planning Proposal affect the environmental performance characteristics of residential dwellings.	N/A

Index: BASIX) 2004		
State Environmental Planning Policy (Coastal Management) 2018	None. No provisions of the Planning Proposal seek to introduce controls which would conflict with the Coastal Management SEPP.	N/A
State Environmental Planning Policy (Educational Establishments and Child Care Facilities) 2017	None. No provisions of the Planning Proposal affect development for the purposes of educational establishments or child care facilities.	N/A
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	This planning proposal does recommend changes to heritage items including changes to heritage mapping and items. These changes will affect the rights of land owners to undertake exempt and complying development.	Yes – The restrictions on exempt and complying development applied by the SEPP are intended to protect the integrity of heritage items.
State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004	None. No provisions of the Planning Proposal affect development for the purposes of housing for seniors or people with a disability.	N/A
State Environmental Planning Policy (Infrastructure) 2007	None. No provisions of the Planning Proposal affect development for the purposes of infrastructure.	N/A
State Environmental Planning Policy (Kosciuszko National Park— Alpine Resorts) 2007	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (Kurnell Peninsula) 1989	None - Does not apply to land under SSLEP2015	N/A

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007	None. No provisions of the Planning Proposal affect development for the purposes of mining, petroleum production and extractive industries.	N/A
State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007	None. No provisions of the Planning Proposal affect development for the purposes regulated under this SEPP.	N/A
State Environmental Planning Policy (Penrith Lakes Scheme) 1989	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (Rural Lands) 2008	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (State and Regional Development) 2011	None. No provisions of the Planning Proposal affect development classed as State Significant Development or Regional Development.	N/A
State Environmental Planning Policy (State Significant Precincts) 2005	None. No provisions of the Planning Proposal affect projects or sites regulated under this SEPP.	N/A
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	None. No provisions of the Planning Proposal affect projects or sites regulated under this SEPP.	N/A
State Environmental Planning Policy (Sydney Region Growth Centres) 2006	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy	None - Does not apply to land under SSLEP2015	N/A

(Three Ports) 2013		
State Environmental Planning Policy (Urban Renewal) 2010	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017	None – Does not affect provisions around tree removal under SSLEP2015.	N/A
State Environmental Planning Policy (Western Sydney Employment Area) 2009	None - Does not apply to land under SSLEP2015	N/A
State Environmental Planning Policy (Western Sydney Parklands) 2009	None - Does not apply to land under SSLEP2015	N/A
Sydney Regional Environmental Plan No 9— Extractive Industry (No 2— 1995)	None. No provisions of the Planning Proposal affect development for the purposes of extractive industries.	N/A
Greater Metropolitan Regional Environmental Plan No 2— Georges River Catchment	None. No provisions of the Planning Proposal materially affect development in the Georges River Catchment.	N/A

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 and s.9.1 directions)?

Yes the planning proposal is generally consistent with the applicable s.117 and s9.1 Ministerial Directions.

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
1. Employment and Resources		
1.1 Business and Industrial Zones The objectives of this direction are to: <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres. 	The subject site is not a business or industrial zone, so this direction is not of direct relevance.	The site is zoned SP1 Health Services Facility and is currently used as part of the President Private Hospital, so provides employment. Local heritage listing of the house will prevent demolition of the house and limit the redevelopment potential of the lot. However, the subject site can still be used as part of the hospital.
1.2 Rural Zones The objective of this direction is to protect the agricultural production value of rural land.	N/A	
1.3 Mining, Petroleum Production and Extractive Industries The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.	N/A	
1.4 Oyster Aquaculture The objectives of this direction are: <ul style="list-style-type: none"> (a) to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered when preparing a planning proposal, (b) to protect Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area from land uses that may result in adverse impacts on water quality and consequently, on the health of oysters and oyster consumers. 	N/A	
1.5 Rural Lands The objectives of this direction are to: <ul style="list-style-type: none"> (a) protect the agricultural production value of rural land, (b) facilitate the orderly and economic development of rural lands for rural and related purposes. 	N/A	
Environment and Heritage		
1.6 Environment Protection Zones The objective of this direction is to protect and conserve environmentally sensitive areas.	N/A	
1.7 Coastal Protection The objective of this direction is to implement the principles in the NSW Coastal Policy.	N/A	
1.8 Heritage Conservation The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	Yes	The purpose of the proposed amendment is to conserve an item with heritage significance, so it is consistent with this direction.
1.9 Recreation Vehicle Areas The objective of this direction is to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.	N/A	

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
1.10 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	
Housing, Infrastructure and Urban Development		
1.11 Residential Zones The objectives of this direction are: <ul style="list-style-type: none"> (a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands. 	N/A	
1.12 Caravan Parks and Manufactured Home Estates The objectives of this direction are: <ul style="list-style-type: none"> (a) to provide for a variety of housing types, and (b) to provide opportunities for caravan parks and manufactured home estates. 	N/A	
1.13 Home Occupations The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	N/A	
1.14 Integrating Land Use and Transport The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: <ul style="list-style-type: none"> (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. 	N/A	
1.15 Development Near Licensed Aerodromes The objectives of this direction are: <ul style="list-style-type: none"> (a) to ensure the effective and safe operation of aerodromes, and (b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the 	N/A	

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
development is not adversely affected by aircraft noise.		
1.16 Shooting Ranges The objectives of the planning direction are: <ul style="list-style-type: none"> (a) to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range, (b) to reduce land use conflict arising between existing shooting ranges and rezoning of adjacent land, (c) to identify issues that must be addressed when giving consideration to rezoning land adjacent to an existing shooting range 	N/A	
Hazard and Risk		
2.1 Acid Sulfate Soils The objective of this direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.	N/A	Land unaffected
2.2 Mine Subsidence and Unstable Land	N/A	
2.3 Flood Prone Land The objectives of this direction are: <ul style="list-style-type: none"> a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and b) to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land. 	N/A	
2.4 Planning for Bushfire Protection The objectives of this direction are: <ul style="list-style-type: none"> a) to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and b) to encourage sound management of bush fire prone areas. 	N/A	
Regional Planning		
3.1 Implementation of Regional Strategies	N/A	
3.2 Sydney Drinking Water Catchments The objective of this Direction is to protect water quality in the Sydney drinking water catchment.	N/A	
3.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
3.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	

PLANNING DIRECTION	PLANNING PROPOSAL RELEVANCE	IS THE PLANNING PROPOSAL CONSISTENT?
3.5 Second Sydney Airport: Badgerys Creek	N/A	
3.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A	
3.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A	
3.8 Second Sydney Airport: Badgerys Creek	N/A	
3.9 North West Rail Link Corridor Strategy	N/A	
3.10 Implementation of Regional Plans	N/A	
Local Plan Making		
4.1 Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	N/A	
4.2 Reserving Land for Public Purposes The objectives of this direction are: (a) to facilitate the provision of public services and facilities by reserving land for public purposes, and (b) to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	N/A	
4.3 Site Specific Provisions The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	Yes	Site specific heritage significance based on detailed heritage assessment.
Metropolitan Planning		
5.1 Implementation of 'A plan for Growing Sydney' The objective of this direction is to give legal effect to the planning principles, directions, and priorities for the subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.	Yes	Consistent, as the Planning Proposal aligns with the vision, land use strategy, goals, directions and actions contained in 'A plan for Growing Sydney'.
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	

Section C – Environmental, social and economic impact

Q7. 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?

No. The proposal to heritage list the house will have no impact on any critical habitats to threatened species.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental effects as a result of the planning proposal.

Q9. Has the planning proposal adequately addressed any social and economic effects?

The planning proposal will have an impact on the future planning of the private hospital, as it will prevent the demolition of the house. The heritage listing of the house will affect the planning of the proposed expansion of the hospital, which includes demolition of the house (SEARS request SSD-10320). The private hospital currently uses the house and grounds as part of its operation, and this use can continue.

The proposal to heritage list the house is the outcome of numerous public submissions asking that the house be retained because of its heritage value. This is an indication of the value of the house to sections of the community.

Section D – State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

This proposal has no impacts on public infrastructure provision.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

The views of any relevant State and Commonwealth agencies will be sought through consultation following receipt of the Gateway Determination.

Part 4 – Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies

4.1 Mapping Change

Change to the Heritage Map for 65 Hotham Road GyMEA (Lot 102 DP1028645)

Heritage Map	
Existing: 65 Hotham Road GyMEA not heritage listed	Proposed: 65 Hotham Road GyMEA heritage listed
	

Part 5 – Details of the community consultation that is to be undertaken on the planning proposal

In accordance with “A Guide to Preparing Local Environmental Plans” prepared by the Department of Planning and Environment (2016), the Planning Proposal will be exhibited for a period of 28 days. It is proposed that the exhibition will include:

Advertisement in local newspaper

An advertisement will be placed in the Council page in the St George and Sutherland Shire Leader and The Liverpool City Leader identifying the purpose of the planning proposal and where the planning proposal can be viewed.

Consultation with affected owners and adjoining landowners

A letter will be sent to landowners whose land is affected by the planning proposal, and adjoining landowners. Opportunities for one-on-one consultations to discuss the proposals will be offered to interested parties.

Displays at the Council Administration Building and local libraries

The planning proposal will be displayed at the Council Administration Building, 4-20 Eton Street, Sutherland and in all branch libraries (located in Bundeena, Caringbah, Cronulla, Engadine, Menai, Miranda, Sutherland and Sylvania).

Advertisement on the Council website

The planning proposal will be exhibited on the Council consultation website (jointheconversation.sutherlandshire.nsw.gov.au) with links from the home page. It is anticipated that the mapping changes will be available through Shire Maps (Council’s interactive online mapping system) which will be especially beneficial for the public to compare the existing and proposed changes for any property.

Direct contact

Interested parties will be able to contact the Strategic Planning Unit of Council directly through a telephone hotline and through a dedicated email address.

Part 6 – Project Timeline

Milestones	Timing
Gateway Determination	June 2019
Exhibition Start	July 2019
End Exhibition	August 2019
Review and Consideration of Submissions	September 2019
Report to Committee on Submissions	October 2019
Council Meeting	November 2019
Request for Draft Instrument to be Prepared	December 2019

Conclusion

The Planning Proposal is to designate 65 Hotham Road GyMEA as a local heritage item in the Sutherland Shire Council area.

The Planning Proposal is generally consistent with relevant State and local legislation, directions, policies and strategic documents and will have a minimal environmental, social and economic impact.

Appendix 1: Criteria for Delegation of Plan Making Functions

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

Local Government Area: Sutherland Shire Council

Name of draft LEP: Sutherland Shire Local Environmental Plan Amendment x

Address of Land (if applicable):

65 Hotham Road Gymea

Intent of draft LEP:

This Planning Proposal seeks to amend the Sutherland Shire Local Environmental Plan 2015, Schedule 5 Environmental heritage (and associated mapping), to designate the house at 65 Hotham Road Gymea as a Local Heritage item in the Sutherland Shire.

Additional Supporting Points/Information:

Supporting study is attached: A detailed heritage assessment of the house at 65 Hotham Road Gymea by consultants with expertise in heritage assessment, Architectural Projects Pty Ltd (Director: Jennifer Hill)

Evaluation criteria for the issuing of an Authorisation (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)	Council response		Department assessment	
	Y/N	Not relevant	Agree	Not agree
Is the planning proposal consistent with the Standard Instrument Order, 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy or a local strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Directions?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
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?		Not relevant		
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?	Y			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		Not relevant		
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?		Not relevant		

Reclassifications	Y/N			
Is there an associated spot rezoning with the reclassification?		Not Relevant		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		Not Relevant		
Is the planning proposal proposed to rectify an anomaly in a classification?		Not Relevant		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		Not Relevant		
Will the draft LEP discharge any interests in public land under section 30 of the Local Government Act, 1993?		Not Relevant		
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?		Not Relevant		
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?		Not Relevant		
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		Not Relevant		
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?		Not Relevant		
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?		Not Relevant		
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?		Not Relevant		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		Not relevant		
Does the planning proposal create an exception to a mapped development standard?		Not Relevant		

Section 73A matters				
Does the proposed instrument		Not Relevant		
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?;				
b. address matters in the principal instrument that are of a consequential, transitional, machinery or other minor nature?; or				
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?				
(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).				

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.