
MM009-17 **MAYORAL MINUTE - DRAFT DEVELOPMENT CONTROL PLAN 2015**

MM009-17

Attachments: Appendix A

The Councillors of the Sutherland Shire

Dear Councillors

Councillors will recall that on 21 November 2016, Council resolved:

“THAT Consistent with the Minister for Local Government’s written advice of 9 June 2016 (confirmed in his written advice of 7 November 2016), that under Section 74B of the Environmental Planning and Assessment Act 1979, Council delegate the making of Draft Development Control Plan 2015 to the Secretary of the Department of Planning and Environment, and recommend that the Secretary make the plan as it was presented to Council on 18/7/2016 (EHR005-17 4/7/16) with a further amendment to confine two storey development in the R2 Low Density zone to the front 60% of allotment depth.”

The General Manager has advised me as follows:

In response to Council’s resolution, Council received a letter dated 17 February 2017 (**held at Appendix A**) from the Department of Planning and Environment advising inter alia that *“to assist in resolving this matter, the Department has met with the Office of Local Government and it has been agreed that the delegation for finalising the Draft DCP would be better undertaken by the Sydney South Planning Panel”*. The letter further advises *“that the Department has discussed the matter with the Panel Chair and he has agreed to this approach”*.

Should Council accept the Department’s advice, consistent with normal practice it will be necessary for Council to fund an independent planning consultant, managed by the Department, to review the submissions and the Council report to assist the Panel determine the matter. Council would also need to formally delegate its function under Section 377 of the Local Government Act 1993 to the Sydney South Planning Panel and prepare a formal instrument of delegation.

The General Manager has requested I table this Mayoral Minute in order for Council to consider the Department’s advice and allow Council to progress the making of the Draft DCP without further delay. The General Manager has advised me that in his opinion, there is no material difference in the Draft DCP being made by the Secretary NSW Department Planning and Environment or the Sydney South Planning Panel and the Department’s advice is consistent with Council’s resolved position.

