

Gateway Determination

Planning proposal (Department Ref: PP-2020-1313): to rezone 101-151 Port Hacking Road, Sylvania from R2 Low Density Residential to R4 High Density Residential and introduce specific height, floor space ratio (FSR) and additional permitted uses to facilitate an intensification of the site for seniors housing purposes.

I, the Director of the Eastern Harbour City Division at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sutherland Shire Local Environmental Plan (LEP) 2015 to rezone 101-151 Port Hacking Road, Sylvania from R2 Low Density Residential to R4 High Density Residential and introduce specific height, floor space ratio (FSR) and additional permitted uses to facilitate an intensification of the site for seniors housing purposes should proceed subject to the following conditions:

1. The planning proposal is to be updated to:
 - a) Remove the drafted local provision and replace with a plain English explanation of the intent of a future local provision. The final wording of any future local provision will be subject to the drafting of NSW Parliamentary Counsel.
 - b) Provide additional information to address consistency with 9.1 Direction 4.3 Flood Prone Land as amended 14 July 2021 which includes the requirement to address effective evacuation.
 - c) Provide additional information to clearly address consistency with 9.1 Direction 6.3 Site Specific Provisions. This should include reasons why the proposed mechanism for achieving the objectives of the planning proposal is the most appropriate method.
 - d) Provide updated urban design analysis to:
 - (i) clearly reflect the current planning proposal including the retention of 35% of the site being retained for landscaping purposes.
 - (ii) clearly demonstrate the ability of the scheme to be achieved within the proposed FSR and height development standards. This should include updating the Area Schedule to be clear and easy to understand for the wider community.
 - (iii) provide a clear rationale for the proposed height and FSR standards to assist the community in understanding the rationale for the intensity of development proposed.
 - (iv) provide additional overshadowing information to show both the existing and proposed overshadowing to neighbouring properties at the winter solstice with particular detail provided to the southern boundary.
 - e) Address consistency with the Sutherland Local Housing Strategy endorsed by the Department on 11 June 2021.
 - f) Update the planning proposal document (page 6) to rectify an incorrect reference to the proposed permissible height from 26m to 26.5m.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

- (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - NSW Heritage
 - Environment, Energy and Science (EES) Group of the Department
 - Sydney Water Corporation
 - Water NSW
 - Transport for NSW (TfNSW)
 - State Emergency Services (SES)
 - Ausgrid

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.
4. The planning proposal must be placed on exhibition not more than 3 months from the date of the Gateway determination.
5. The planning proposal must be reported to Council for a final recommendation no later than 7 months from the date of the Gateway determination.
6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
7. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
8. The planning proposal authority is not authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act.

Dated 8 August 2021



Laura Locke
Director
Eastern Harbour City Division

**Delegate of the Minister for Planning
and Public Spaces**