

Gateway Determination

Planning Proposal (Department Ref: PP_2017_SUTHE_002_00): to introduce a minimum lot size requirement for the construction of dual occupancies in the E4 Environmental Living zone and R2 Low Density Residential zone and for multi dwelling housing in the R2 Low Density Residential zone.

I, the Interim Director, Sydney Region East, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Sutherland Shire Local Environmental Plan (LEP) 2015 to introduce a minimum lot size requirement for the construction of dual occupancies in the E4 Environmental Living zone and R2 Low Density Residential zone and for multi dwelling housing in R2 Low Density Residential zone should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) include the outcomes of consultation with NSW Rural Fire Service, to satisfy S117 Direction 4.4 Planning of Bushfire Protection;
 - (b) include an explanation of the intended effect, rather than a specific clause to introduce Clause 4.1BB Minimum lot sizes and special provisions for certain dwellings; and
 - (c) update the project timeline.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the relevant planning 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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the NSW Rural Fire Service under section 56(2)(d) of the Act. NSW Rural Fire Service 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. A public hearing is not required to be held into the matter by any person or body under section 56(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).



5. The timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated *6th* day of *December* 2017.

Catherine Van Laeren
Interim Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission