

Gateway Determination

Planning proposal (Department Ref: PP_2019_SUTHE_002_00): to amend the Sutherland Shire Local Environmental Plan 2015 to undertake a range of housekeeping amendments.

I, the Acting Director, Eastern and Southern District 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 undertake a range of housekeeping amendments should proceed subject to the following conditions:

1. The planning proposal should be updated prior to public exhibition to:
 - include simplified explanations of the intent of the proposed amendments to the written provisions and remove any draft clauses;
 - remove the proposed changes to clause 6.14 to reflect the consequential changes being undertaken as a separate LEP;
 - include a consolidated ecology report which supports the removal of lots from the Terrestrial Biodiversity Map;
 - include justification for why the land known as Kummera Street road reserve should be rezoned to E1 National Parks and Nature Reserves;
 - include evidence that land proposed to be removed from the Land Reservation and Acquisition Map has been acquired by a public authority;
 - include clarification of the intended future use of land which is proposed to be removed from the foreshore area map; and
 - provide all supporting information in the form of appendices that are referenced throughout the planning proposal.
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 2016) 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 2016).

3. Consultation is required with the relevant public authorities under section 3.34(2)(d) of the Act in relation to the removal of lands from the Land Reservation and Acquisition Map. Each public authority 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 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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated **27** day of **September** 2019.



Laura Locke
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Southern District
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces