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Our ref: PP_2011_SUTHE_002_00 (11/09675)
Your ref: LP/06/520031

Mr John Rayner
General Manager
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Dear Mr Rayner,

Re: Planning Proposal to increase the Floor Space Ratio from 2:1 to 3:1 and increase the height limit from 6 storeys to 9 storeys for the site located at 19-21 Gerrale Street, Cronulla

I am writing in response to your Council's letter dated 31 May 2011 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Sutherland Local Environmental Plan 2006 to increase the Floor Space Ratio from 2:1 to 3:1 and to increase the height limit from 6 storeys to 9 storeys for the site located at 19-21 Gerrale Street, Cronulla.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should proceed subject to the conditions in the attached Gateway Determination.

It is noted that Council has partially completed its strategic review of the Cronulla centre which considers urban design outcomes for the Cronulla town centre area. This site specific planning proposal relates to an outcome in isolation of an adopted strategic direction for the Cronulla town centre. While the Department understands that this planning proposal responds to a site specific proposal and its intent is generally supported, Council is encouraged to proceed with the implementation of the outcomes of the Cronulla Centre Review to ensure that future development within the centre can proceed within the context of a broader strategic planning framework. Furthermore, Council is encouraged to reflect its desired urban design outcomes for the Cronulla centre in its Standard Instrument LEP and progress preparation of its principal LEP as soon as possible to provide certainty and direction for future development in this area.

The planning proposal does not sufficiently address the proposed increase in height and density controls on the subject land against relevant s117 Directions. Council is to undertake a more detailed assessment of the proposal against all relevant s117 Directions prior to exhibition and place this assessment on exhibition as part of the planning proposal. Council is reminded of its obligation to identify relevant s117 Directions and demonstrate a proposal's consistency with the Direction or provide adequate information to enable the Director General to agree to the minor nature of the inconsistency when preparing a planning proposal.

Council is to ensure that the land the subject of this planning proposal is properly identified for exhibition purposes. In addition, Council is to prepare and exhibit appropriate mapping illustrating the existing zoning, building heights and FSR and the proposed development controls that may result from this planning proposal.

Council is also required to exhibit the Development Application for this site concurrently with the planning proposal to ensure that the community is aware of the potential development outcomes that may result from this planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Margaret Kirton of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



1/7/11

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_SUTHE_002_00): to increase the Floor Space Ratio from 2:1 to 3:1 and to increase the height limit from 6 storeys to 9 storeys for the site located at 19-21 Gerrale Street, Cronulla..

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Sutherland Local Environmental Plan 2006 to increase the Floor Space Ratio from 2:1 to 3:1 and to increase the height limit from 6 storeys to 9 storeys for the site located at 19-21 Gerrale Street, Cronulla should proceed subject to the following conditions:

1. Council is to ensure that all property descriptions relating to the subject site are correct for exhibition purposes.
2. Council is to prepare and exhibit appropriate mapping illustrating the existing zoning, building heights and FSR and the proposed development controls that may result from this planning proposal.
3. Council is required to exhibit the Development Application for this site concurrently with the planning proposal to ensure that the community is aware of the potential development outcomes that may result from this planning proposal.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **14 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).
7. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 18th day of July 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure