

## Gateway Determination

**Planning proposal (Department Ref: PP\_2020\_SUTHE\_001\_00):** to amend *Sutherland Shire Local Environmental Plan (WLEP) 2015* to facilitate redevelopment of the site at 138 – 144 Cronulla Street, Cronulla by increasing the floor space ratio for the land from 2:1 to 2.9:1, if the development is wholly for commercial premises.

I, the Executive Director, Eastern Harbour City, 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 *Sutherland Shire Local Environmental Plan (LEP) 2015* to facilitate redevelopment of 138 – 144 Cronulla Street, Cronulla by increasing the floor space ratio for the land from 2:1 to 2.9:1, if the development is wholly for commercial premises should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated and amended to:
  - (a) improve the clarity of the Figure 1 site map aerial photo to clearly show the detail of the site in a smaller scale;
  - (b) amend the proposed FSR map (Part 4) to show the context of FSR controls that apply in the surrounding area, and to include a legend.
  - (c) include land zoning, height of buildings and heritage maps that apply to the site to provide a better contextual understanding for the community;
  - (d) address the Preliminary Site Investigation (PSI) and consistency with s.9.1 Direction 2.6 *Remediation of Contaminated Land*, to show that the potential contamination has been adequately considered;
  - (e) address consistency with s. 9.1 Direction 2.3 *Heritage Conservation* in light of the site's proximity to heritage items at Monro Park and Cronulla Railway Station.
  - (f) use Standard Instrument land use terminology throughout the planning proposal,
  - (g) include relevant extracts from the draft DCP currently being prepared for the site that support the proposed building envelope;
  - (h) revise Part 5 *Community Consultation* to reflect the current notification and exhibition arrangements during the COVID-19 pandemic; and
  - (i) include a revised project timeline.
2. Prior to community consultation, the amended planning proposal responding to condition 1 is to be forwarded to the Department for review and endorsement.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal 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).

(Note: In accordance with section 10.18 of the Act, exhibition documents are no longer required to be made available at a physical location during the current COVID-19 pandemic. Council is now able to exhibit the planning proposal and associated documents on Council's website or the NSW Planning Portal, in lieu of displaying them in Council's Libraries and Administration Building.)

4. 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:
- Transport for NSW;
  - Sydney Water;
  - NSW Heritage; and
  - 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.

5. 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).
6. Given Council's request and the nature of the planning proposal, Council is authorised to be the local plan-making authority.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 7th day of September 2020.



**Malcolm McDonald**  
**Executive Director, Eastern Harbour City**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and Environment**

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

