

Gateway Determination

Planning proposal (Department Ref: PP-2020-4079): to amend the Sutherland Shire Local Environmental Plan 2015 to align with policy directions of the Sutherland Shire Local Strategic Planning Statement and make other minor amendments.

I, the Director, Eastern and South District, Greater Sydney, Place and Infrastructure 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 align with policy directions of the Sutherland Shire Local Strategic Planning Statement and make other housekeeping amendments should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated and amended to:
 - (a) In relation to the ANSTO Innovation Precinct, address the following:
 - Ministerial Direction 2.1 Environmental Protection Zones particularly with regards to the Endangered Ecological Communities and Environmentally Sensitive Land (Terrestrial Biodiversity); and
 - Ministerial Direction 2.3 Heritage Conservation.
 - (b) Address Ministerial Direction 6.2 Reserving Land for Public Purposes with regard to 168 Oak Road, Kirrawee, and the land swap with Engadine Tavern Pty Ltd.
 - (c) Clearly articulate which land will be affected and identified by the proposed Green Grid provision, and clarify whether the map is proposed to be located in the LEP or another location.
 - (d) In relation to the proposed minimum lot sizes for boarding houses:
 - Provide that the proposed minimum lot size control for boarding houses applies only apply in the R2 zone and only to newly constructed boarding houses and not to change of use proposals to convert existing dwelling houses to boarding houses.
 - Address Ministerial Direction 3.1 Residential Zones by updating the provision so that it only applies to newly constructed boarding houses in the R2 Low Density Residential Zone and accords with the Council's additional information response, dated 8 February 2021.
 - Include further justification for the minimum lot size control for boarding houses in the R2 zone including:
 - demonstrate how other diverse and affordable housing will be facilitated within the LGA notwithstanding the introduction of the proposed provision; and

- how the provision aligns with the Sutherland LSPS and Sutherland Housing Strategy 2020.
 - (e) Clarify the Lot and DP numbers to which the maps will be amended as part of the land swap with Engadine Tavern Pty Ltd.
 - (f) Correctly relabel the maps associated with Objective 2.k for land at IR Waterfall Road, Heathcote from the suffix “_005A” to “_001A”.
 - (g) Include an updated project timeline.
2. Prior to community consultation, the amended planning proposal responding to Conditions 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 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).
 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:
 - Sydney Water Corporation and Water NSW;
 - NSW Heritage;
 - Transport for NSW;
 - Commonwealth Department of Environment;
 - Environment, Energy and Science (EES) Group of the Department;
 - Commonwealth Department of Finance and Deregulation;
 - Ausgrid;
 - In relation to the ANSTO Innovation Precinct, Council must consult with the following public authorities and address the following matters prior to submitting the planning proposal to the Department for finalisation:
 - Ministerial Direction 2.6 Remediation of Contaminated Land through consultation with ANSTO to clarify how it will manage contamination in the future given the future intentions for the Precinct and potentially permissible land uses under SP1 – ‘Innovation Precinct’,

- Ministerial Direction 4.4 Planning for Bushfire Protection through consultation with NSW Rural Fire Service and take into account any comments made.

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 the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 23 day of March 2021.



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

Delegate of the Minister for
Planning and Public Spaces