



Contact: Douglas Cunningham
Phone: (02) 9228 6357
Email: douglas.cunningham@planning.nsw.gov.au
Postal: GPO Box 39 Sydney 2001

Our ref: PP_2016_SUTHE_001_00 (16/05266)

Mr Scott Phillips
General Manager
Sutherland Shire Council
Locked Bag 17
Sutherland NSW 1499

Dear Mr Phillips

Planning proposal to amend Sutherland Shire Local Environmental Plan 2015

I am writing in response to your Council's letter dated 24 March 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to amend zoning and development controls for 87-97 Willarong Road, Caringbah

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistencies with S117 Direction 2.1 Environmental Protection Zones are of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the Local Environmental Plan should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment's regional team for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Douglas Cunningham of the Department's Sydney Region East section to assist. Mr Cunningham can be contacted on (02) 9228 6357.

Yours sincerely

Karen Armstrong 20/6/16

**Karen Armstrong
Director, Sydney Region East
Planning Services**

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_SUTHE_001_00): to amend zoning and development controls at 87-97 Willarong Road, Caringbah

I, the Director, Sydney Region East, Planning Services 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 2015 to amend zoning and development controls at 87-97 Willarong Road, Caringbah should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is updated to include a plain English explanation of the intended effect of the proposed provisions.
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Department of Education;
 - Transport for NSW;
 - NSW Health; and
 - Office of Environment and Heritage.

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.

3. 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 LEPs (Department of Planning and Environment 2013)*.
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 Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated *20TH* day of *JUNE* 2016.



Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment
Delegate of the Greater Sydney Commission

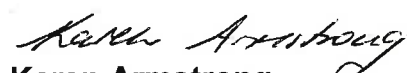
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Sutherland Shire Council is authorised to exercise the functions of the Greater Sydney Commission for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_SUTHE_001_00	Planning proposal to amend zoning and development controls at 87-97 Willarong Road, Caringbah

In exercising the Greater Sydney Commission's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 20TH JUNE 2016


Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Delegated plan making reporting template

Reporting template for delegated Local Environmental Plan amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_SUTHE_001_00
Date Sent to Department under s56	20/05/16
Date considered at LEP Review Panel	N/A
Gateway determination date	20/06/16

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft Plan exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt Plan		
Date Plan made by GM (or other) under delegation		
Date sent to the Department requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: