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Department Generated Correspondence (Y)

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Our ref: PP_2011_SUTHE_004_00
Your ref: LP/06/376734
Robyn Williams

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

Dear Mr Rayner

Re: Planning proposal to amend the Sutherland Shire Local Environmental Plan 2006 to permit 'medical facilities' and 'shop top housing' as well as an increased floor space ratio at 121 Georges River Road, Jannali (Lot 1 DP 205183)

I am writing in response to your Council's letter dated 23 August 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 Shire Local Environmental Plan 2006 to permit 'medical facilities' and 'shop top housing' as well as an increased floor space ratio at 121 Georges River Road, Jannali (Lot 1 DP 205183)

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.

While the Department supports the intent of the planning proposal, Council's proposed use of the Additional Uses clause is not supported as the mechanism to achieve the LEP amendments. Rather, to ensure transition to Council's Standard Instrument is as straightforward as possible, Council is to amend the planning proposal to rezone the subject site from Zone 4 - Local Housing to either Zone 9 - Local Centre or Zone 10 - Neighbourhood Centre. It is considered that a zoning of Zone 9 or Zone 10 on the site would not be inconsistent with the character of the area considering the existing retail and business uses in close proximity to the site, and would still allow Council to achieve its intended outcome for this site. Council is to submit a copy of the revised planning proposal to the Regional Director, Sydney East Region prior to exhibition.

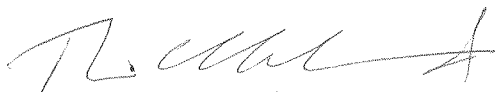
The Director General's delegate has agreed that the planning proposal is consistent with S117 Directions 3.4 Integrating Land Use and Transport, 5.2 Sydney Drinking Water Catchment and 7.1 Implementation of the Metropolitan Plan for Sydney 2036. No further approval is required in relation to these Directions. Council is to address the consistency of the revised planning proposal with other relevant Section 117 Directions and include such consideration in the planning proposal for exhibition.

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 Emily Marriott-Brittan of the Sydney Region East Office of the Department on 02 9228 6358

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal

21/9/11

Gateway Determination

Planning Proposal (Department Ref: PP_2011_SUTHE_004_00): to amend the Sutherland Shire Local Environmental Plan 2006 to permit 'medical facilities' and 'shop top housing' as well as an increased floor space ratio at 121 Georges River Road, Jannali (Lot 1 DP 205183)

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 Shire Local Environmental Plan 2006 to permit 'medical facilities' and 'shop top housing' as well as an increased floor space ratio at 121 Georges River Road, Jannali (Lot 1 DP 205183) should proceed subject to the amendments outlined in the following conditions:

1. Council is to amend the planning proposal to rezone the subject site from Zone 4 - Local Housing to either Zone 9 - Local Centre or Zone 10 - Neighbourhood Centre and submit a copy of the revised planning proposal to the Regional Director, Sydney Region East prior to exhibition.
2. Council is to address the consistency of the revised planning proposal with relevant Section 117 directions and include such consideration in the planning proposal for exhibition.
3. 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).
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
5. 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).
6. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Dated 21st day of September 2011.



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