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

Our ref: PP_2013_SUTHE_001_00 (13/03536)
Your ref: LP/06/386062

Dear Mr Rayner,

**Revised Gateway Determination - Sutherland Shire Local Environmental Plan 2006
Amendment No 20**

I refer to your request seeking an alteration to the Gateway Determination for the Planning Proposal PP_2013_SUTHE_001_00 to address the following issue:

- Amend clause 36 to replace the word 'significant tree' with 'contributory tree' and insert a definition of 'contributory tree', under the subclause to clause 36.

I note that the other items of the Planning Proposal will proceed as previously provided for in the Gateway Determination of 1 February 2013.

I have determined as the delegate of the Minister for Planning and Infrastructure, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination. The Planning Proposal should proceed subject to the conditions in the attached revised Gateway Determination.

The Gateway Determination is amended to replace the word 'significant tree' with 'contributory tree' and delete the paragraph (1) that refers to significant trees.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the revised 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 LEP 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 for administrative purposes.

Should you have any queries in regard to this matter, please contact Deewa Baral of the Sydney East Planning Team of the department on 02 9228 6451.

Yours sincerely,


Neil McGaffin 8.3.13
**A/ Deputy Director General
Planning Operations and Regional Delivery**



Gateway Determination

Planning proposal (Department Ref: PP_2013_SUTHE_001_00): to facilitate various housekeeping amendments to Sutherland Shire LEP 2006.

I, the A/ Deputy Director General of Planning Operations and Regional Delivery, Department of Planning and Infrastructure 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 (LEP) 2006 (Amendment 20) to facilitate various housekeeping amendments including increasing the maximum floor space ratio, reducing the minimum landscaped area and introducing new term 'waterfront cottage' as permissible in various zones; reducing landscaped area by 5 per cent if a contributory tree is accommodated on the site; deleting Clause 18 from the LEP and excluding boatsheds and garden sheds from the calculation of gross floor area should proceed subject to the following conditions:

1. 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 and Infrastructure 2012) 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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2012).
2. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

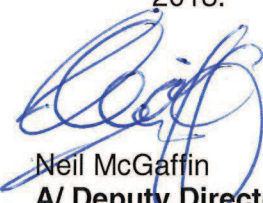
Dated

8th

day of

March

2013.



Neil McGaffin

**A/ Deputy Director General, Planning
Operations & Regional Delivery
Delegate of the Minister for Planning
and Infrastructure**