



Office of the Director General

Mr John Rayner
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Our ref: PP_2013_SUTHE_001_00 (13/01463)
Your ref: LP/06/386062

Dear Mr Rayner,

Planning proposal to amend Sutherland Shire Local Environmental Plan 2006

I am writing in response to your Council's letter dated 21 December 2012 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 (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 significant 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.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

Please note that the proposed changes relating to waterfront cottages and excluding boatsheds and garden sheds from the calculation of gross floor area is inconsistent with the Standard Instrument Order. Whilst I support these changes to proceed though the planning proposal, Council is to comply with the Standard Instrument Order when making its comprehensive LEP and a new definition and excluding certain land uses from gross floor area calculation will not be supported.

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

The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has now accepted this delegation. 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 LEP 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 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.

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 Deewa Baral of the regional office of the department on 02 9228 6111.

Yours sincerely,

SHaddad

Sam Haddad
Director General

1 | 2 | 2013

Gateway Determination

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

I, the Director General, 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 significant 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. As part of the public exhibition material, Council is to include any additional supporting information it has regarding the definition of 'significant trees'. This material is to explain the intention of the amendment to Clause 36 'Landscaped Area' and provide advice on the types of trees that are covered by the amendment.
2. 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)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 1st day of February 2013.

SHaddad

Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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

Number	Name
PP_2013_SUTHE_001_00	The Planning proposal seeks to make a number of housekeeping amendments to Sutherland Shire Local Environmental Plan 2006.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 1st February 2013

SHaddad

Sam Haddad
DIRECTOR GENERAL
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

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

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_SUTHE_001_00
Date Sent to Department under s56	21/12/2012
Date considered at LEP Review Panel	17/01/2013
Gateway determination date	01/02/2013

Table 2 – To be completed by the RPA

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

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: