

Mr John Rayner
General Manager
Sutherland Shire Council
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Our ref: PP_2012_SUTHE_002_00 (12/11423-1)
Your ref: LP06/553214

Dear Mr Rayner,

Planning proposal to amend Sutherland Shire Local Environmental Plan (LEP) 2006

I am writing in response to your Council's letter dated 2 July 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 (Amendment 18) to amend the Sutherland Shire Local Environmental Plan (LEP) 2006 to rezone land at Kirrawee from Zone 6 Multiple Dwellings B to Zone 5 Multiple Dwelling A and Zone 13 Public Open Space, and to reduce the maximum building height and floor space ratio applicable to the subject land.

As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should not proceed. The reasons for not proceeding with this proposal are identified below and outlined in the attached Gateway determination.

The planning proposal was not supported because it is inconsistent with department policy as it proposes to reduce the permissible residential density of land located in close proximity to Kirrawee village and public transport. The proposal is also not supported by any detailed planning investigations which justify the proposed reduction in residential density.

While the planning proposal is not supported at this stage, should Council wish to pursue the rezoning and change to the development standards applicable to the subject land, it should undertake further planning and urban design investigations. Council is to ensure appropriate planning controls are realised for the area and may wish to refer to the Kirrawee Local Area Masterplan, which identifies sites which can accommodate additional residential capacity.

Should you have any queries in regard to this matter, please contact Belinda Morrow of the Regional Office of the Department on 9228 6111.

Yours sincerely,



Sam Haddad
Director-General

9/9/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_SUTHE_002_00): to rezone land at Kirrawee under Sutherland Shire Local Environmental Plan (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 Local Environmental Plan (LEP) 2006 to rezone land at Kirrawee from Zone 6 Multiple Dwellings B to Zone 5 Multiple Dwelling A and Zone 13 Public Open Space and to reduce the maximum building height and floor space ratio for the land should not proceed for the following reasons:

1. The planning proposal is inconsistent with S117 Directions 3.1 Residential Zones, 3.4 Integrated Land Use and Transport and 7.1 Implementation of the Metropolitan Plan for Sydney 2036 as it proposes to reduce the permissible residential density of land located in close proximity to Kirrawee village and public transport.
2. The planning proposal is not supported by strategic planning and detailed planning work has not been undertaken to justify the proposed rezonings, particularly the proposal to rezone land for open space purposes.
3. The planning proposal is not supported by adequate investigations into the potential of corner sites to accommodate increased residential density and fine grain planning investigations have not been undertaken to support the proposed controls applied to the area.

Dated 9th day of September 2012.


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