



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

16/08121

Dear Mr Phillips

Planning proposal to amend Sutherland Local Environmental Plan 2015

I refer to Council's letter dated 18 May 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 correct various housekeeping matters, such as errors or unintended omissions, mapping anomalies and GIS changes since the LEP was made, including correction to Schedule 5 Heritage and Heritage Maps, as well as some minor zoning and planning control changes.

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

I have also agreed as the Greater Sydney Commission's delegate, that inconsistencies with the following section 117 Directions are of minor significance and no further approval is required in relation to these Directions:

- 1.1 Business and Industrial Zones;
- 2.1 Environment Protection Zones;
- 3.1 Residential Zones; and
- 6.2 Reserving Land for Public Purposes.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for the 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 draft 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 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 section 54(2)(d) of the Act if the timeframes outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Mr Michael Kokot of the Department's Sydney Region East on (02) 9228 6564.

Yours sincerely

 29/6/16

Karen Armstrong
Director, Sydney Region East
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated plan making reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2016_SUTHE_003_00): to amend Sutherland Local Environmental Plan 2015 to correct minor anomalies and inconsistencies, including amendments to Schedule 5 Environmental heritage.

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 correct various minor anomalies and inconsistencies, including minor amendments and corrections to Schedule 5 Environmental Heritage and the Heritage Maps, should proceed, subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - (a) group the maps (current and proposed) by site (not by type) and cross-referenced back to the relevant explanation of the amendment within the body of the proposal. Maps are also to be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps;
 - (b) include mapping showing the land proposed to be affected by existing biodiversity controls now applying from the updated Biodiversity Maps; and
 - (c) ensure the Floor Space Ratio Maps applying to 9-21 Nimoola Road, Engadine & 55-81 Warilda Avenue, Engadine and 52-60 Coachwood Crescent, Alford's Point include those property descriptions.
2. A copy of Part 2 of the Sutherland Shire Community Heritage Review, applying to the proposal, is to be made available as part of the exhibition package.
3. Council is to consult in writing with each landowner for which the biodiversity controls will apply as a result of the updated Biodiversity Maps.
4. 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 Infrastructure 2013)*.
5. 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:
 - Office of Environment and Heritage
 - Telstra

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.

6. 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).

7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *29th* 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 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_003_00	Planning proposal to amend Sutherland Local Environmental Plan 2015 to correct various housekeeping matters, such as errors or unintended omissions, mapping anomalies and GIS changes since the LEP was made, including correction to Schedule 5 Environmental Heritage and Heritage Maps, as well as some minor zoning and planning control changes.

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

Dated 29/6/2016

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

Delegate of the Greater Sydney Commission

Attachment 5 – 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_003_00
Date Sent to Department under s56	18 May 2016
Date considered at LEP Review Panel (if applicable)	
Gateway determination date	29/6/16

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: