



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

Our ref: PP_2016_SUTHE_005_00 (16/13829)

Attention: Ms Beth Morris

Dear Mr Phillips

Planning proposal to amend Sutherland Shire Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of a planning proposal to enable a land exchange between Council and Healthcare Funds Pty Ltd (BUPA) to facilitate development for seniors housing and better configuration of adjoining local open space.

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

I have also agreed the planning proposal's inconsistencies with s117 Directions Environmental Protection Zones, 3.1 Residential Zones and 6.2 Reserving Land for Public Purposes are of minor significance. No further approval is required in relation to these Directions.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that while not specifically requested, Council's submission included documentation in relation to delegation. However, as the proposal involves the reclassification of land with interests to be discharged, requiring the approval of the Governor, the plan making powers are not able to be delegated to Council in this instance (see PS 16 – 005 Delegation of plan making decisions, and PN16-001 Classification and reclassification of public land).

The amending Local Environmental Plan (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 for the Department of Planning and Environment to finalise the LEP should be made 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 Greater Sydney Commission may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Michael Kokot of the Department's regional office to assist you. Mr Kokot can be contacted on (02) 9274 6564.

Yours sincerely

 25/11/16
Karen Armstrong
Director, Sydney Region East
Planning Services

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_SUTHE_005_00): to enable a land exchange between Council and Healthcare Funds Pty Ltd (BUPA) to facilitate development for seniors housing and better configuration of adjoining local open space.

I, the Director, Sydney Region East, 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 Sutherland Shire Local Environmental Plan (LEP) 2015 should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to clarify:
 - (a) consistency with the draft South District Plan, which was released on 21 November 2016;
 - (b) that the presence of Endangered Ecological Community Sydney Turpentine Ironbark Forest or any threatened species on the site have not yet been determined;
 - (c) the local and other controls which currently apply or will apply to protect any identified Endangered Ecological Communities and threatened species; and
 - (d) the interests being changed, by including a copy of the title search.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is classified as high impact as described in *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)* and 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 the Department's *Guide to Preparing LEPs (Department of Planning and Environment 2016)*.
3. 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: is required under section 56(2)(d) of the Act with:
 - the Office of Environment and Heritage, in relation to the identification of any threatened species and Endangered Ecological Communities, and any necessary provisions to ensure they are not adversely affected by any proposed development; and
 - Transport for NSW.



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.

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 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 *25th* day of *NOVEMBER* 2016

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

Delegate of the Greater Sydney Commission