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Our ref: PP_2014_SUTHE_003_00 (14/16781)

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

Dear Mr Rayner,

Planning proposal to amend draft Sutherland Local Environmental Plan 2015

I am writing in response to your Council's letter dated 19 September 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal (dated 18 November 2014), to enable complying development in zone E4 Environmental Living.

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

The Minister delegated plan making powers to Councils in October 2012. It is noted that Council intends the plan be made at the same time as the draft Sutherland LEP 2015. Notwithstanding, the Department advised Council that the plan should be considered as an amending plan to the draft, once made. After receiving Council's subsequent request for delegation, I 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 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 time frames outlined in this determination are not met.

If you have any queries in regard to this matter, I have arranged Ms Louise Starkey, of the Metropolitan Delivery (CBD) branch to assist you. Ms Starkey can be contacted on (02) 8575 4104.

Yours sincerely,



29.1.15

Tim Archer

**A/ Director, Metropolitan Delivery (CBD)
Planning Services**

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template



Gateway Determination

Planning proposal (Department Ref: PP_2014_SUTHE_003_00): to enable complying development in zone E4 Environmental Living.

I, the Director, Metropolitan Delivery (CBD), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* that an amendment to the draft Sutherland Shire LEP 2015, to enable complying development in zone E4 Environmental Living, by amending Schedule 3 of the draft Sutherland Shire LEP 2015 to insert local provisions for dwelling houses and ancillary development, should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be revised to:
 - (a) include an assessment against the mandatory and the local zone objectives of the E4 Environmental Living zone; and
 - (b) demonstrate consistency with 'A Plan for Growing Sydney', released on 14 December 2014.
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 considered to be routine as described in *A Guide to Preparing LEPs* (Department of Planning and Environment 2013) and must be made publicly available for a minimum of **28 days**;
 - (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 Environment 2013); and
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 29th day of January 2015.

Tim Archer
A/ Director, Metropolitan Delivery (CBD)
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Sutherland Shire Council is authorised to exercise the functions of the Minister for Planning 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_2014_SUTHE_003_00	Planning proposal to enable complying development in zone E4 Environmental Living, by amending Schedule 3 of the draft Sutherland Shire LEP 2015 to insert local provisions for dwelling houses and ancillary development.

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

Dated 29 January 2015

Tim Archer
A/ Director, Metropolitan Delivery (CBD)
Planning Services
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP 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
- 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 publicly accessible LEP 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 RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2014_SUTHE_003_00
Date Sent to DPE under s56	25 November 2014
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	29/01/2015

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 DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: