

Gateway Determination

Planning proposal (Department Ref: PP-2020-896): to amend Sutherland Local Environmental Plan 2015 to facilitate development at 13 Endeavour Road, Caringbah by increasing the maximum permissible height and floor space ratio (FSR) development standards and introducing Additional Permitted Uses.

I, the Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Sutherland Local Environmental Plan (LEP) 2015 to facilitate development at 13 Endeavour Road, Caringbah by increasing the maximum permissible height and floor space ratio (FSR) development standards and introducing Additional Permitted Uses should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated and amended to:
 - (a) Remove the proposed Additional Permitted Use of 'shop'
 - (b) Address consistency with Ministerial 9.1 Direction 4.1 Acid Sulfate Soils to address all relevant requirements including providing an Acid Sulfate Soils Study;
 - (c) Address consistency with Ministerial 9.1 Direction 4.3 Flooding to address all relevant matters associated with the revised requirements issued on 14 July 2021;
 - (d) Clarification of the mechanism proposed to ensure appropriate built form outcomes will be achieved including retention of an appropriate buffer zone to the northern boundary and solar access to Solander Fields;
 - (e) Update the accompanying urban design report to provide a clear representation of the intended built form outcome including:
 - (i) clarification of the overall distribution of bulk and scale across the site noting the current scheme reflects a FSR of 1.21:1. This must also clarify the relationship of the concept scheme to the proposed height of building map;
 - (ii) the intended location of 3,000sqm of public open space;
 - (iii) the intended design and delivery of car parking on site; and
 - (iv) update all concept scheme modelling to show the foreshore buffer area.
 - (f) Clarify the intended approach for the delivery of traffic infrastructure works to inform consultation with TfNSW as required under Condition 2.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:
 - Environment Protection Authority;
 - Fisheries NSW;
 - Transport for NSW;
 - Environment, Energy and Science (EES) Group of DPIE;
 - Water NSW; and
 - Ausgrid.

Each public authority/organisation 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.

The outcomes of this agency consultation is to inform updates to the planning proposal to address unresolved the 9.1 Directions listed below. This is to occur prior to any request for finalisation of the planning proposal.

- 2.1 Environment Protection Zones;
 - 2.2 Coastal Management; and
 - 3.4 Integrated Land Use and Transport.
4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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 planning proposal must be placed on exhibition not more than 3 months from the date of the Gateway determination.
 6. The planning proposal must be reported to Council for a final recommendation 8 months from the date of the Gateway determination.
 7. The time frame for completing the LEP is to be 10 months following the date of the Gateway determination.

8. Given there is unresolved consistency with Section 9.1 Directions which will also require consultation with relevant public agencies, Council is not authorised to be the local plan-making authority.

Dated 19th day of August 2021.



Malcolm McDonald
Executive Director, Eastern Harbour
City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces