



Ms Majeet Grewal
Chief Executive Officer
Sutherland Shire Council
Locked Bag 17
SUTHERLAND NSW 1499

Dear Ms Grewal

Planning proposal PP-2020-896 to amend Sutherland Shire Local Environmental Plan 2015

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) dated 1 June 2021 in respect of the planning proposal to increase the height and floor space ratio and add Additional Permitted Uses affecting land at 13 Endeavour Road, Caringbah.

As delegate of the Minister for Planning and Public Spaces, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

The planning proposal is inconsistent with the requirements of section 9.1 Direction 1.1 Business and Industrial Zones and as such I have included a Gateway condition to remove the Additional Permitted Use of 'shop' from the planning proposal prior to public exhibition.

Council may need to obtain the agreement of the Secretary to comply with the relevant section 9.1 Directions 2.1, 2.2, 3.4, 4.1, and 4.3 as outlined in the enclosed Gateway determination.

I have considered Council's request to be the local plan-making authority and have determined not to condition the Gateway for Council to be the local plan-making authority. The Department considers that as further information is required to address relevant section 9.1 Directions including through public agency consultation, it is appropriate that the Department retains delegation as the plan making authority.

The amending local environmental plan (LEP) is to be finalised within **10 months** of 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, Industry and Environment to draft and finalise the LEP should be made **8 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 Minister may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Patrick Connor to assist you. Mr Connor can be contacted on 9995 6752.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. McDonald', is positioned below the 'Yours sincerely' text.

19 August 2021

**Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place & Infrastructure**

Encl: Gateway determination