

Gateway Determination

Planning proposal (Department Ref: PP-2021-3838): to rezone land from SP1 Car Park to B2 Local Centre, introduce a floor space ratio and exclude future commuter car park floor space from the FSR affecting land at 42A Railway Crescent, 535-559 Box Road and Box Lane, Jannali.

I, the Director, Eastern and South District 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 rezone land from SP1 Car Park to B2 Local Centre, introduce a floor space ratio and exclude future commuter car park floor space from the FSR affecting land at 42A Railway Crescent, 535-559 Box Road and Box Lane, Jannali should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated and amended to:
 - (a) Prepare a contamination assessment to address consistency with section 9.1 Direction 2.6 – Remediation of Contaminated Land;
 - (b) Include built form testing to demonstrate the accompanying concept scheme can be achieved within the proposed FSR height standards (including the proposed exclusion of commuter car parking GFA);
 - (c) Address how the accompanying concept design responds to State Environmental Planning Policy No. 65 and relevant Apartment Design Guide considerations;
 - (d) Replace the draft wording for Clause 4.4(2A) with a plain English explanation that clearly states the intention of the proposed controls.
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:
 - Ausgrid;
 - Sydney Water; and

- Transport for NSW.

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.

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 7 months from the date of the Gateway determination.
7. The time frame for completing the LEP is to be 9 months following the date of the Gateway determination.
8. Given the nature of the planning proposal, Council is not authorised as the local plan making authority.

Dated 25 day of June 2021.



Laura Locke
Director, Eastern and South Districts
Eastern Harbour City
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces