

Gateway Determination

Planning proposal (Department Ref: PP-2021-6325): *to amend Sutherland Shire Local Environmental Plan 2015 to rezone land at 147 Garnet Road, Kareela to facilitate a residential flat building development with associated development standards on the site.*

I, the Executive Director, Metro East and South, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Sutherland Shire Local Environmental Plan 2015 to rezone land at proposed Lot 104 at 147 Garnet Road, Kareela to facilitate a residential flat building development with associated development standards on the site proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to include:
 - a) the relevant additional documentation and revisions provided following the Gateway request, including:
 - i. the additional strategic merit justification;
 - ii. the revised development concept scheme dated December 2021;
 - iii. additional information detailing the background and history of the site;
 - iv. an arboricultural report which is consistent with the supporting development concept scheme;
 - v. a landscape plan which is consistent with the supporting development concept scheme; and
 - vi. the GHFF Population analysis dated March 2022.
 - b) Updated Explanation of Provisions to reflect the revised approach as follows:
 - i. there be a proposed R2 Low Density Residential zone for the site with the additional permitted use under Schedule 1 of LEP 2015 for residential flat building development
 - ii. that the proposed landscape and terrestrial biodiversity mapping under LEP 2015 for the site apply to permitted uses, not just for the proposed residential flat building development;
 - iii. that the proposed maximum 16m building height and 0.7:1 floor space ratio development standards only apply to residential flat building development; and

- iv. that the built form controls that apply to all other development permitted in the R2 zone mirror that which applies to adjoining development in the R2 zone.
 - c) a detailed assessment of the impacts of this revised approach and provide suitable justification for this also;
 - d) sufficient mapping to inform community consultation and clarify the LEP mapping that is intended to be amended;
 - e) information that clearly demonstrate consistency with, or that any inconsistency is justified and/or of minor significance, for the following section 9.1 Direction:
 - i. 3.2 Heritage conservation – include:
 - updated analysis on the potential presence of indigenous and archaeological heritage items of significance on the site.
 - ii. 4.4 Remediation of Contaminated Land.
 - f) hourly shadow diagrams at mid-winter between 9am and 3pm which show the full extent of overshadowing, including to neighbouring properties; and
 - g) 3D perspectives showing solar access to the proposed residential development.
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 20 working 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 Local Environmental Plan Making Guidelines (Department of Planning and Environment, 2021).
3. Consultation is required with the following public authorities:
- Ausgrid;
 - Energy, Environment and Science Group;
 - WaterNSW;
 - NSW Rural Fire Service;
 - Sydney Water;
 - Heritage NSW;
 - Commonwealth Department of Agriculture, Water and the Environment; 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 30 working 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 (or Planning Panel) for a final recommendation no later than 7 months from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
8. Given the nature of the planning proposal, Council is authorised as the local plan-making authority.

Dated 13th day of July 2022.



Amanda Harvey
Executive Director, Metro East and
South
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes