

Gateway Determination

Planning proposal (Department Ref: PP-2022-3076): *to amend Sutherland Local Environmental Plan 2015 to rezone land at the western side of Taren Point Road, Taren Point from IN1 General Industrial to E3 Productivity Support.*

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 the Sutherland Local Environmental Plan (LEP) 2015 to rezone land on the western side of Taren Point Road, Taren Point from IN1 General Industrial to E3 Productivity Support, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal (including relevant attachments) be updated to include:
 - (a) information that clearly demonstrates consistency with, or that any inconsistency is justified and/or of minor significance, for the following Section 9.1 Directions:
 - i. 4.1 Flooding – the proposal must:
 - a. address all additional land uses that will be permitted on the sites under the future Zone E3 Productivity Support and their suitability considering the flood hazards and vulnerability associated with the site;
 - b. include analysis and any recommendations from a suitably qualified technical expert that all information, data and conclusions relied upon to identify the flood hazards and vulnerability for the sites remains valid;
 - c. address relevant recommendations of the NSW Government 2022 Flood Inquiry and the relevant information from the Department's flood-prone land package which commenced on 14 July 2021;
 - d. have flood analysis and hazard mapping which includes probable maximum flood (PMF) levels for the sites; and
 - e. clearly detail the potential flooding risk exposure to users, occupants, property and vehicles and proposed measures to mitigate risk exposure.
 - ii. 4.4 Remediation of Contaminated Land – further addressing land use suitably under this Direction to justify additional sensitive uses permitted under the proposed E3 Productivity Support zone.
 - (b) information that clearly demonstrates consistency with, or that any inconsistency is justified and/or of minor significance, for the following South District Plan Planning Priorities:
 - i. S10 Retain and manage industrial and urban services land – including addressing relevant actions and further discussion on the findings of the report prepared by SGS Economics and Planning titled, *Sutherland – Industrial and Urban Services Land Review*, dated December 2020; and

- ii. Planning Priority S18: Adapting to the impacts of urban and natural hazards and climate change – see 1(a)i above.
 - (c) consistent assessment and discussion throughout the proposal on transport, parking and traffic impacts, supported by documentary evidence as appropriate.
 - (d) removal of reference to Zone B5 Business Development as part of the proposed rezoning with analysis and relevant discussion on all land uses that will be prohibited and permitted with development consent on the sites under the future Zone E3 Productivity Support and how they will integrate with existing land uses;
 - (e) analysis, figures and zoning maps correctly showing all sites proposed to be rezoned, including the portion of plant nursery land zoned IN1 known as 225 Holt Road, Taren Point;
 - (f) consistent assessment and discussion throughout the proposal on land use intensification impacts, including land uses that will be permitted on the sites under the future Zone E3 Productivity Support, supported by documentary evidence as appropriate; and
 - (g) an assessment against *State Environmental Planning Policy (Resilience and Hazards) 2021*.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 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).

Exhibition must commence within 4 months following the date of the gateway determination.

3. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
- Transport for NSW;
 - Greater Cities Commission; and
 - Environment and Heritage Group (flooding)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal 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 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).
- 5. The planning proposal must be reported to council (or Planning Panel) for a final recommendation no later than 8 months from the date of the Gateway determination.

6. The timeframe for completing the LEP is to be 9 months from the date of the Gateway determination.
7. Council is not authorised to be the Local Plan Making Authority.

Dated 28 November 2022



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

**Delegate of the Minister for Planning and
Homes**