

## Gateway Determination

***Planning proposal (Department Ref: PP-2022-3875): 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, 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 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 (including relevant attachments) be updated to:
  - (a) Remove the proposed Additional Permitted Use of 'shop' due to insufficient strategic justification;
  - (b) Address consistency with Ministerial 9.1 Direction 4.1 Flooding to address all relevant matters associated with the Directions requirements;
  - (c) Address consistency with Ministerial 9.1 Direction 4.5 Acid Sulfate Soils to address all relevant requirements including providing an Acid Sulfate Soils Study;
  - (d) Reflect the current section 9.1 Ministerial Directions applicable to the proposal;
  - (e) Reflect the current State Environmental Planning Policies applicable to the proposal;
  - (f) Remove references to the B7 Business Park Zone and refer to the new Zone SP4 Enterprise which will apply to the site and provide an analysis against the SP4 Zone;
  - (g) 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;
  - (h) 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.
  - (i) Clarify the intended approach for the delivery of appropriate car parking provision and traffic infrastructure works to inform consultation with TfNSW as required under Condition 3.
- 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 3 months following the date of the gateway determination

- 3. Consultation is required with the following public authorities/organisations 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:
  - Environment Protection Authority;
  - Fisheries NSW;
  - Transport for NSW;
  - Environment and Heritage Group (EHG) of the Department of Planning and Environment;
  - Water NSW;
  - Natural Resource Access Regulator
  - Department of Planning and Environment Water Group
  - Ausgrid; and
  - NSW State Emergency Service

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 days to comment on the proposal.

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

- 3.1 Conservation Zones;
- 4.1 Flooding;
- 4.2 Coastal Management; and
- 5.1 Integrating 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. Prior to finalisation, the proposal and relevant technical studies must be updated (as required and in consideration of agency comments) to address the following flood matters:
  - (a) The full range of flooding events on the site, up to a Probable Maximum Flood (PMF) event;
  - (b) Identify and map all flooding hazards associated with the full range of flooding events up to PMF;
  - (c) Any flooding impacts which may arise from cut and fill on the site;
  - (d) Any flooding impacts which may arise from development which may occur within a 1% AEP impacted area of the site;
  - (e) Climate change impacts; and
  - (f) Evacuation management for the site.
6. 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.
7. The timeframe for completing the LEP is to be 10 months from 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 13th day of January 2023.



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

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