

Ms Manjeet Grewal
Chief Executive Officer
Sutherland Shire Council
4-10 Eton Street
SUTHERLAND NSW 2232

Our ref: IRF24/444

Attention: Beth Morris, Acting Manager Strategic Planning

Dear Ms Grewal

Planning proposal PP-2024-270 to amend Sutherland Shire Local Environmental Plan 2015

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 13 February 2024 seeking to rezone part of the road reserve at 78 Port Hacking Road, Sylvania from SP2 Infrastructure (Classified Road) to R2 Low Density Residential and introduce associated development standards.

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

I have also agreed, as delegate of the Secretary, the inconsistency of the planning proposal with Direction 4.5 Acid Sulphate Soils of the Minister under section 9.1 of the Act is justified in accordance with the terms of the direction.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant applicable directions of the Minister under section 9.1 of the Act, including 4.1 Flooding, 4.4 Remediation of Contaminated Land and 5.2 Reserving Land for Public Purposes. Council should ensure this occurs prior to the LEP being made.

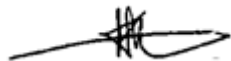
I have determined not to authorise Council to be the local plan-making authority as Council has a vested interest in the sale of the land that will occur as a result of the planning proposal.

The amending local environmental plan (LEP) is to be finalised on or before 28 February 2025. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Housing and Infrastructure to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning, Housing and Infrastructure, August 2023) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Mr Bailey Williams to assist you. Mr Williams can be contacted on 8275 1306.

Yours sincerely

A handwritten signature in black ink, appearing to be 'KM', with a long horizontal stroke extending to the left.

Kelly McKellar
A/Director, Eastern and South Districts
Planning, Land Use Strategy and Housing
4 April 2024

Encl: Gateway determination