

## Gateway Determination

**Planning proposal (Department Ref: PP-2024-270):** Amend Sutherland Shire Local Environmental Plan 2015 to rezone and introduce development standards for part of the road reserve adjoining land at 78 Port Hacking Road, Sylvania.

I, the Director, Eastern and South Districts 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 Shire Local Environmental Plan 2015 to part of the road reserve adjoining land at 78 Port Hacking Road, Sylvania to R2 Low Density Residential and introduce development standards should proceed subject to the following:

The Council as planning proposal authority is not authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act.

The LEP should be completed on or before 28 February 2025.

### Gateway Conditions

1. The planning proposal is to be updated to:
  - (a) Include a Preliminary Site Investigation undertaken by a suitably qualified professional to determine whether the site is suitable for residential zoning and update discussion of consistency with Section 9.1 Direction 4.4 Remediation of Contaminated Land.
  - (b) Provide additional information on the closure of the road reserve in accordance with the Roads Act 1993 and address consistency with section 9.1 Direction 5.2 Reserving Land for Public Purposes.
  - (c) Provide further explanation to justify consistency with Direction 4.1 Flooding. The Flood Risk Management Manual (2023) and 2022 Flood Inquiry should also be addressed.
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 standard 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 20 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 Transport for NSW under section 3.34(2)(d) of the EP&A Act. Transport for NSW 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.

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).

Dated 4 April 2024.



**Kelly McKellar**  
**A/Director, Eastern and South Districts**  
**Planning, Land Use Strategy and Housing**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and**  
**Public Spaces**