

Gateway Determination

Planning proposal (Department Ref: PP-2023-2891): To introduce alternative building height and floor space ratio standards for land at 23 Kiora Road and 2- 6 Willock Avenue, Miranda, and a design excellence clause applicable to all land within the Sutherland Shire Local Government Area.

I, the Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 (LEP) 2015* to introduce alternative building height and floor space ratio (FSR) standards for land at 23 Kiora Road and 2- 6 Willock Avenue, Miranda, and a design excellence clause applicable to all land within the Sutherland Shire Local Government Area should proceed subject to the following:

The Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act subject to the following:

- (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the Act or the Secretary has agreed that any inconsistencies are justified; and
- (c) there are no outstanding written objections from public authorities.

The LEP should be completed on or before **28 November 2025**.

Gateway Conditions

1. Prior to community consultation, the planning proposal is to be amended to address the matters set out below and submitted to the Department of Planning, Housing and Infrastructure for endorsement:
 - (a) update the Objectives to clarify that the proposed design excellence clause applies only at the development application stage, not at the planning proposal stage.
 - (b) for both parts of the planning proposal, provide a plain English explanation of the intended effects of the proposed amendments, and include an advisory note to clarify that the draft clauses are indicative and will be subject to legal drafting should the proposal progress to finalisation.
 - (c) clarify the building separation issues outlined in the planning proposal and explain how these are resolved. This should be supported by necessary testing to confirm that the proposed FSR can be accommodated in the proposed building height standard, while achieving appropriate built form and amenity outcomes, and adherence to the Apartment Design Guide.

- (d) reconsider the proposed competitive design process requirements, addressing the following:
 - a. remove the 10,000m² lot area threshold. Instead, map relevant key sites subject to a competitive design process and provide supporting justifications, or consider identifying appropriate sites for this process in future planning.
 - b. the competitive design process is to be optional and supported with appropriate building height and/or FSR bonuses of up to 10% to incentivise participation and minimise financial impacts or delays on developments. For the subject site in Part A of the planning proposal, the proposed building height of 60m and FSR of 5.5:1 should represent the upper limits, when factoring in any competitive design incentives.
 - (e) update the assessment of the *State Environmental Planning Policy (Housing) 2021* to address the proposal's consistency with Chapter 4 of the Policy.
 - (f) for Part A of the planning proposal, updated the Mapping to show the current and proposed FSR and Height of Building Maps.
 - (g) for Part B of the planning proposal, provide an assessment against the relevant planning priorities in the *South District Plan*, Council's Local Strategic Planning Statement and Local Housing Strategy.
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 Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of **30 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 Guideline* (Department of Planning and Environment, August 2023).
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 Act:
 - Transport for NSW
 - Ausgrid
 - Sydney Water

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 **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. Prior to finalisation, appropriate mechanisms are in place for the delivery of affordable housing and infrastructure relating to Part A of the planning proposal.
6. The LEP should be completed on or before **28 November 2025**.

Dated 8 November 2024



Rukshan De Silva
Director Local Planning and Council
support
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces