

Ms Gail Connolly
General Manager
Georges River Council
PO Box 205
HURSTVILLE NSW 1481

Dear Ms Connolly

Planning Proposal PP_2018_GRIVE_002_00 to amend Hurstville Local Environmental Plan 2012

I am writing in response to Council's request for a Gateway determination under section 3.34 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to rezone, introduce building height, floor space ratio and minimum lot size controls, and amend Schedule 1 to allow for additional permitted uses for land at 12-14 Pindari Road, Peakhurst Heights.

As delegate of the Greater Sydney Commission, I have now determined the Planning Proposal should proceed subject to the conditions in the attached Gateway determination.

It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's Planning Proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 3.32 of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Olivia Hirst to assist you. Ms Hirst can be contacted on (02) 9274 6583.

Yours sincerely



Amanda Harvey 16/3/18
Director Sydney Region East
Planning Services

Encl: Gateway Determination
Local plan-making authority reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2018_GRIVE_002_00): to rezone, introduce planning controls and amend Schedule 1 additional permitted uses for land 12-14 Pindari Road, Peakhurst Heights

I, the Director, Sydney Region East, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Hurstville Local Environmental Plan (LEP) 2012 to rezone, introduce building height, floor space ratio and minimum lots size controls and amend Schedule 1 additional permitted uses for land at 12-14 Pindari Road, Peakhurst Heights should proceed subject to the following conditions:

1. Prior to community consultation the planning proposal is to be updated to:
 - (a) include the proposed minimum lot size control within the explanation of provisions;
 - (b) include maps indicating the current and proposed minimum lot size controls;
 - (c) include a concept or block diagram to demonstrate the proposed built form controls; and
 - (d) discuss in more detail why Council considers the proposed amendment to the zoning, built form controls and Schedule 1 of the LEP is suitable and the best means of achieving the proposal's intended outcomes.

The revised planning proposal is to be provided to the Department for review and approval for public exhibition.

2. Community consultation is required under section 3.34(2)(c) and schedule 1, clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the NSW Department of Education under section 3.34(2)(d) of the Act. The NSW Department of Education is to be provided with

a copy of the planning proposal and any relevant supporting material, 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 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 authority is authorised as the local plan-making authority to exercise the functions 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 16 day of March 2018.



Amanda Harvey
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Attachment 5 – Authorised plan-making reporting template

Reporting template for authorised LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- Planning proposal authority (PPA) is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the PPA should add rows to **Table 2** to include this information
- The PPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the PPA's request to have the LEP notified

Table 1 – To be completed by the Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2018_GRIVE_002_00
Date Sent to DP&E under section 3.34	21/02/2018
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	16/03/2018

Table 2 – To be completed by the PPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Have changes been made to the draft LEP after obtaining final PC opinion?	YES NO	
Date LEP made by GM (or other) under delegation		
Date sent to DPE requesting notification		

Table 3 – To be completed by the Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: