



Ms Gail Connolly
Georges River Council
PO BOX 205
HURSTVILLE NSW 1481

Dear Ms Connolly

Planning Proposal PP_2017_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 56 of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 17 July 2017 in respect of the planning proposal to rezone and amend the building height, floor space ratio and active street frontage controls for 37-41 Treacy Street, Hurstville.

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. I have considered Council's request for delegation and determined not to issue an authorisation as the proposal seeks to amend planning controls for a Council owned site.

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 for the Department of Planning and Environment to draft and finalise the LEP should be made 8 weeks prior to the projected publication date.

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 Greater Sydney Commission may take action under Section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

I note Council's request for a provision for affordable housing to be incorporated in any development on the site. The NSW Government has recognised the need to deliver more opportunities for affordable housing in both A Plan for Growing Sydney and the draft District Plans. As part of this work, a number of housing related State Environmental Planning Policies (SEPPs) are being reviewed including *State Environmental Planning Policy No. 70 - Affordable Housing (Revised Schemes)*

(SEPP 70) and *State Environmental Planning Policy (Affordable Rental Housing) 2009*.

The planning proposal for 37-41 Treacy Street, Hurstville seeks to include a provision for affordable housing to be incorporated in any development on the site equivalent to not less than 5% of the gross floor area of the development. This is proposed to be undertaken through a new affordable housing clause in the Hurstville LEP 2012.

I can confirm that an amendment to clause 9 of SEPP 70 would be required prior to any planning proposal introducing affordable housing requirements. It is noted that the draft South District Plan outlines an action to support Councils to achieve affordable housing through amending SEPP 70. Before lodging a formal request seeking an amendment to SEPP 70 I encourage Council to prepare a local housing strategy in line with Action L1 of the draft South District Plan.

Further, I note Council's request for a provision for public car parking to be provided in any development on the site. I understand Council officers are currently preparing a Car Parking Strategy for Georges River LGA which will recommend the provisions for both public and paid car parking within the Hurstville City Centre. Given that the future provision of car parking within the Hurstville City Centre is currently under review, it is considered premature, at this stage, to include a site-specific car parking requirement for this site within the Hurstville LEP 2012.

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

 8/8/17
Karen Armstrong
Director, Sydney Region East
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2017_GRIVE_002_00): to rezone and amend the building height, floor space ratio and active street frontage controls for 37-41 Treacy Street, Hurstville.

I, the Director, Sydney Region East, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under Section 56(2) of the *Environmental Planning and Assessment Act, 1979* (the Act) that an amendment to the Hurstville Local Environmental Plan (LEP) 2012 to rezone and amend the building height, floor space ratio and active street frontage controls for 37-41 Treacy Street, Hurstville should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) remove reference to a provision for affordable housing;
 - (b) remove reference to a provision for public car parking; and
 - (c) include a revised Urban Design report illustrating the proposed built form taking into consideration the requirement for a minimum non-residential floor space of 1:1. The report is to be placed on public exhibition with the planning proposal and the planning proposal is to be updated to reflect the revised Urban Design report.
2. Community consultation is required under Sections 56(2)(c) and 57 of the Act as follows:
 - (d) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (e) the relevant planning 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 following public authorities and / organisations under Section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Transport for NSW;
 - Roads and Maritime Services;
 - Sydney Airport Authority;
 - Civil Aviation Safety Authority; and
 - Commonwealth Department of Infrastructure and Regional Development.



Planning & Environment

Each public authority/organisation 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 56(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 timeframe for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated *8TH* day of *AUGUST* 2017.


Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission