



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

*Gail*  
Dear Ms ~~Connolly~~

**Planning proposal PP\_2018\_GRIVE\_003\_00 to amend Hurstville Local Environmental Plan 2012 and Kogarah Local Environmental Plan 2012**

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* in respect of the planning proposal that responds to the Low Rise Medium Density Housing Code.

In response to your request, the Minister for Planning agreed that the Georges River local government area would be deferred from the commencement of the Code until 1 July 2019. This deferral gives Council the opportunity to work closely with the community and industry to provide housing controls that reflect the area's character.

I also acknowledge Council's need for the planning proposal, which is based on the desire to maintain the strategic intent of low-density residential zones under the Hurstville LEP 2012 and Kogarah LEP 2012.

I note Council's concerns relating to inconsistencies in controls for dual occupancy development in the Code with Council's own local requirements. Consequently, I understand Council's desire to ensure a consistent approach to dual occupancy development throughout the LGA for complying development and development approved under Council's LEPs.

The proposal to amend the Codes SEPP or overrule the requirements of the Code is consequently not supported. A Gateway determination condition requires the planning proposal be revised to remove the references to aligning Council's dual occupancy controls in the Code. Council can consider what additional amendments beyond this subject proposal it may wish to make to correspond to the dual occupancy requirements of the Code, which in part relies on Council's LEPs.

This is so this type of development may better correspond to the dual occupancy requirements of the Code (which in part relies on Council's LEPs) while at the same time seeking to reflect the low-density characteristics sought by Council for dual occupancy development.

Before the planning proposal can be exhibited, additional information is also required to support and clearly explain the effect of the amendments to the Georges River community in relation to housing supply and diversity as follows:

- provide a quantitative analysis to assess the impacts of the proposal on housing diversity and supply as follows, but not limited to:
  - the total area of land zoned R2 Low Density Residential and R3 Medium Density Residential in the LGA; and
  - the number of multi-dwelling housing and dual occupancy developments approved in the R2 Low Density Residential and R3 Medium Density Residential zones in the LGA in the past five years;
- explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community;
- include a new savings transition clause to ensure that proposed amendments do not affect any development applications or appeal processes; and
- provide mapping that demonstrates the proposed amendments.

This additional information and alteration to the planning proposal is necessary to ensure a full understanding of the outcomes of changing the range of permissible uses in the R2 zones and how this may impact on the future provision of housing diversity in the Georges River local government area.

Based on the above and as delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council will need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones and write to all affected landowners about the exhibition of the planning proposal to explain the effect of the proposed changes.

I have also considered the nature of this planning proposal, and given the implications this proposal may have on state policy, have decided not to issue Council with plan-making authority.

The proposal also will need to be finalised by 1 July 2019, in time for end of the deferral period for the Code. Therefore, Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date. Therefore, Council should aim to commence the exhibition of the planning proposal as soon as possible.

The Department is available to discuss these matters in more detail and I have arranged for Mr Douglas Cunningham from the Sydney Region East team to assist you. Mr Cunningham can be contacted on 9274 6357.

Yours sincerely

 31 July 2018  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**

Encl: Gateway determination

## Gateway Determination

***Planning proposal (Department Ref: PP\_2018\_GRIVE\_003\_00): to prohibit multi-dwelling housing in the R2 Low Density Residential zone and increase the minimum lot size for dual occupancies under Hurstville LEP 2012, and repeal Items 17, 18 or 19 of Schedule 1 – Additional Permitted Uses under the Kogarah LEP 2012.***

I, the Executive Director, Regions 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 and the Kogarah Local Environmental Plan (LEP) 2012 should proceed subject to the following conditions:

1. The planning proposal should be updated to:
  - (a) remove reference to amending the Environmental Planning and Assessment Regulation 2000, the Standard Instrument – Principal Local Environmental Plan and State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP);
  - (b) remove references to amendments to controls relating to dual occupancy development under the Codes SEPP;
  - (c) provide additional quantitative analysis to assess the impacts of the proposal on housing diversity and supply as follows, but not limited to:
    - i. the total area of land zoned R2 Low Density Residential and R3 Medium Density Residential in the local government area; and
    - ii. the number of multi dwelling housing and dual occupancy developments approved in the R2 Low Density Residential and R3 Medium Density Residential zoned in the LGA in the past five years;
  - (d) explain whether the proposal is supported by a housing strategy that has been developed in consultation with the community;
  - (e) include a new savings transition clause to ensure that proposed amendments do not affect any development applications or appeal processes; and
  - (f) provide mapping that demonstrates the proposed amendments.
2. The revised planning proposal is to be forwarded to the Department for review and approval prior to exhibition.



3. Public exhibition 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;
  - (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).
  - (c) Council is to write to all affected landowners providing notice of the proposal and public exhibition, explaining the effect of the proposed changes.
4. No consultation is required with public authorities/organisation under section 3.34(2)(d) of the Act.
5. 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).
6. The LEP is to be completed by 1 July 2019.

Dated 31<sup>st</sup> day of July 2018.



**Stephen Murray**  
Executive Director, Regions  
Planning Services  
Department of Planning and Environment  
Delegate of the Greater Sydney Commission