

## 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