

Gateway Determination

Planning proposal (Department Ref: PP_GRIVE_001_00): to consolidate the Kogarah Local Environmental Plan (LEP) 2012, Hurstville LEP 2012 and Hurstville LEP 1994 to create a single Local Environmental Plan for the Georges River local government area.

I, the A/Executive Director, Eastern Harbour City, at the Department of Planning, Industry and Environment, 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 a proposal to consolidate the Kogarah Local Environmental Plan (LEP) 2012, Hurstville LEP 2012 and Hurstville LEP 1994 to create a single Local Environmental Plan for the Georges River local government area, should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the conditions outlined in the Schedule of Conditions (attached) are to be satisfied.
2. The final LEP should be updated where required to have regard to any endorsed Local Housing Strategy and Local Strategic Planning Statement, should the endorsement of either document occur prior to finalisation.
3. Prior to the commencement of community consultation, the following public authorities/organisations must be consulted with in order to meet the requirements of the relevant section 9.1 Directions:
 - a. NSW Rural Fire Service
 - b. Sydney Airport
 - c. Commonwealth Department of Infrastructure, Regional Development and Cities - Should Council be advised that permission by this Department is required in accordance with the s9.1 Direction 35 and/or the Airports Act 1996, this permission must be granted prior to the commencement of community consultation and written evidence of this permission must be submitted to the Department of Planning, Industry and Environment.
4. 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**; 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Bayside Council
- City of Canterbury Bankstown
- Sutherland Shire Council
- Office of Environment, Energy and Science
- NSW Land and Housing Corporation
- NSW Health
- NSW Department of Education
- Sydney Water Corporation
- Environmental Protection Authority
- Heritage, Department of Premier and Cabinet
- Transport for NSW

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.

6. 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).
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated: 10th day of March 2020.



Amanda Harvey 10 March 2020
A/Executive Director, Eastern
Harbour City
Greater Sydney, Place and
Infrastructure
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces

Attached: Schedule of conditions

Planning proposal (Department Ref: PP_GRIVE_001_00): to consolidate the Kogarah Local Environmental Plan (LEP) 2012, Hurstville LEP 2012 and Hurstville LEP 1994 to create a single Local Environmental Plan for the Georges River local government area.

Schedule of conditions

The following conditions are to be satisfied in accordance with **Condition 1** of the Gateway determination.

a) Additional justification for land use table changes

The planning proposal is to be amended prior to community consultation to include explicit justification for:

- i. The prohibition of recreation facilities (indoor) from the R2 and R3 zones of HLEP 2012 land;
- ii. The prohibition of hotel or motel accommodation from the R3 zone of KLEP 2012 land;
- iii. The prohibition of home based childcare in the proposed R4 zone for land presently within the HLEP R3 zone (under the hierarchy rezonings); and
- iv. The prohibition of the large number of developments permissible in the business and industrial zones of KLEP 2012 land.

b) Registered clubs are to be prohibited in Zone RE1 Public Recreation

The planning proposal is to be amended prior to community consultation to prohibit registered clubs in Zone RE1. The following two sites may be added to Schedule 1: Additional permitted uses to allow their continued use under the new LEP:

- i. 7 Holley Road, Beverly Hills (Old Park Sports Club); and
- ii. 87A Jubilee Avenue, Beverley Park (Beverley Park Golf Club).

c) Deferred Matters

The planning proposal is to be amended prior to community consultation to delete the inclusion of the Civic Precinct and Westfield sites. Insufficient information is provided to enable assessment of the rezoning of these sites for Gateway determination. Council is encouraged to pursue rezoning of these sites as part of a future planning proposal.

With regards to the Treacy Street Carpark site, the planning proposal is to be amended prior to community consultation to clearly differentiate the proposal from the former proposal granted Gateway in 2017, including an explanation of the difference in development standards and the reason for no longer providing public benefits.

d) Riverwood Community Centre (31 Thurlow Street, Riverwood)

The planning proposal is to be amended prior to community consultation to explicitly state Council's intentions for the future of this land, given the likely public interest in the future of operational Council land which presently hosts a community facility.

e) Specialised retail premises in Zone IN2 Light industrial

Specialised retail premises are to be prohibited in Zone IN2 in order to protect industrial employment lands in accordance with Practice Note Practice Note PN 11-002 and Planning Priority S10 of the South District Plan.

f) Sensitive land use rezonings

In accordance with the SEPP 55 planning guidelines, the planning proposal is to be amended prior to community consultation to:

- i. Prohibit centre-based child care facilities in the proposed Zone SP2 Infrastructure; and
- ii. Delete the proposed rezoning of 141-143A Stoney Creek Road, Beverley Hills from SP2 'Public Administration' to R2 Low Density Residential. The land is to remain SP2 Infrastructure under the proposed LEP.

g) References to the proposed provisions of *PP_2017_GRIVE_005_01*

The planning proposal is to be amended prior to community consultation to explain that it will implement the final plan made under *PP_2017_GRIVE_005_01*.

All references to the provisions under that planning proposal are to reflect the most current state of drafting, or the completion of that plan.

h) Flood planning clause

In order to resolve inconsistency with s9.1 Ministerial Direction 4.3 Flood Prone Land, the planning proposal is to be amended prior to community consultation to:

- i. Adopt the Model Provision for Flood Planning; and
- ii. Delete the proposed Probable Maximum Flood Map and all flood mapping layers from the proposed Flood Planning Map except the existing flood planning area of the existing Flood Planning Map in KLEP 2012.

i) Riparian Lands and Watercourses

The planning proposal is to be amended prior to community consultation to include a specific Riparian Lands local provision which applies to the land depicted on the Riparian Lands and Watercourses Map. The Coastal Hazards and Risks clause is not to apply to the land mapped as riparian lands and watercourses.

j) Foreshore area and coastal hazards and risks and foreshore scenic protection area clauses

In order to ensure consistency with Ministerial Direction 2.2 Coastal Management, the planning proposal is to be amended prior to community consultation to provide an explicit justification of its consistency with the *Georges River Estuary Coastal Zone Management Plan*, as per (4)(d) of that Direction.

k) Clauses to be exhibited in plain English

Due to the potential complexity in their drafting, the following clauses are to be explained in plain English for the purpose of community consultation:

- i. Design excellence;
- ii. Environmental sustainability in certain business, industrial and residential zones;

- iii. Landscaped areas in certain residential and environmental protection zones; and
- iv. Creative industries in Zone IN2

For the purpose of this condition, plain English is taken to mean an explanation of the objectives of the clause, but no exact phrases or numbers. Explanation of the landscaped area clause may include draft numerical controls, with the planning proposal amended to indicate that the controls are in draft form and may change at finalisation stage.

l) Acquisition authorities are to be consulted

Consistency with Ministerial Direction 6.2 is unresolved, since it requires Council to provide the approval of the relevant public authority when proposing to alter or reduce existing reservations of land.

Council is to clarify the consistency of the planning proposal with the clause.

Should the approval of public authorities be required for the proposed changes to the Land Reservation Acquisition Map, this can be conducted during public consultation of the planning proposal.

m) Rezoning to be deleted

The proposed rezoning and changes to development standards shown for the following land are to be deleted to due insufficient justification:

- i. 129 Laycock Road, Hurstville Grove; and
- ii. 29-31 Rocky Point Road, Kogarah.

n) References to the Low Rise Medium Density Housing Code (LRMDHC)

All proposed provisions, including development standards, relating to LRMDHC land uses are to be deleted.

o) Housing investigation areas

The planning proposal is to be amended prior to community exhibition to include justification for the proposed rezoning of the investigation areas, including:

- i. A detailed consistency assessment with all applicable SEPPs and Section 9.1 Ministerial Directions which explicitly addresses each investigation area;
- ii. An explicit consideration of the development standards recommended in the urban design analysis report;
- iii. The complete traffic study which supports the proposals; and
- iv. The detailed justification contained in the draft *Local Housing Strategy*.

The Department will endorse Council's compliance with this condition at finalisation stage.

p) Hurstville Heritage Review

Prior to the commencement of community consultation, the document containing the recommendations of the Hurstville Heritage Review, which is to be placed on exhibition alongside the planning proposal, is to be amended to include the signature of its author. The relevant qualifications of the author are to be stated.

q) Office premises in Zone IN2

The planning proposal is to be amended prior to the commencement of community consultation to delete the proposed Office Premises in Zone IN2 local provision.

The clause is deleted because:

- i. The planning proposal does not make clear whether the clause restricts all development for the purpose of office premises in Zone IN2. If so, the clause is considered unreasonably restrictive and complex;
- ii. Council have not demonstrated the need in the LGA for a local provision which differentiates between primary and secondary office uses as ancillary to an existing industrial use;
- iii. It is considered preferable that such development be considered office development ancillary to an industrial use;
- iv. The Department is not aware of a precedent for such a clause, (with the planning proposal in apparent error when citing Clause 7.22 of *Liverpool LEP 2008*), nor is it convinced of the need for one; and
- v. Should Council wish to prohibit office premises in Zone IN2 as a result of the deletion of this local provision, this amendment should occur prior to the commencement of community consultation.

r) Local Housing Strategy

The planning proposal is to be amended prior to the commencement of community consultation to include the latest draft local housing strategy. This condition is imposed in order to assist in resolving the planning proposal's inconsistency with Section 9.1 Ministerial Direction 3.2 Residential Zones and will be reviewed at finalisation stage, at which time it is anticipated that the local housing strategy will be endorsed by the Department.