

Kogarah Local Environment Plan 2012 (KLEP 2012) - Minor Housekeeping Amendments

Proposal Title : **Kogarah Local Environment Plan 2012 (KLEP 2012) - Minor Housekeeping Amendments**

Proposal Summary : **The Planning Proposal seeks to address a number of errors and inconsistencies in the principal instrument:**

- 1. Amend a number of clauses - 'Minimum subdivision lot size', 'Limited development on foreshore area' and 'Location of sex services premises' to ensure consistency with Council's policy.**
- 2. Make minor changes to Schedule 1 - Additional Permitted Uses and Schedule 5 - Environmental Heritage.**
- 3. Correct minor errors to the Heritage Map.**

PP Number : **PP_2013_KOGAR_001_00** Dop File No : **13/05087**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **3.4 Integrating Land Use and Transport**

Additional Information : **It is recommended that the Planning Proposal proceed subject to the following conditions:**

- 1. The Planning Proposal is exhibited for 14 days; and**
- 2. The Planning Proposal is completed in 9 months time.**
- 3. Council proposes to progress the Planning Proposal under delegation. This matter is considered to be of local significance and the use of Council's delegation is supported.**

The RPA should be advised that:

- 1. The Planning Proposal be amended prior to exhibition to include the following in the 'Objectives' section of the Planning Proposal.**
 - a) Add lots 401 and 403 Rocky Point Road, Sans Souci under subclause 16 (1) of Schedule 1 to ensure consistency with the repealed KLEP 1998.**
 - b) Include 'shop top housing' and 'multi dwelling housing' as permissible uses under subclause 16 (2) and reword subclause 16(3)(b) to ensure consistency with the intent of clause 24 of the repealed KLEP 1998.**
- 2. No consultation with public authorities is required.**
- 3. No further studies are required.**

Supporting Reasons : **The Planning Proposal is minor in nature and is considered to be the most efficient means of achieving the stated objectives and intended outcomes.**

Panel Recommendation

Recommendation Date : **04-Apr-2013** Gateway Recommendation : **Passed with Conditions**

Panel Recommendation : **The Planning Proposal should proceed subject to the following conditions:**

- 1. Prior to undertaking public exhibition, Council is to update the planning proposal**

to include the below in the 'objectives or intended outcomes' section of the planning proposal:

- a. lots 401 and 403 Rocky Point Road, Sans Souci under subclause 16(1) of Schedule 1; and
- b. 'shop top housing' and 'multi dwelling housing' as permissible uses under subclause 16(2) and reword subclause 16(3)(b) of Schedule 1.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012) and must be made publicly available for a minimum of 14 days; and
- (b) 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 LEPs (Department of Planning & Infrastructure 2012).

3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

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 EP&A 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 from the week following the date of the Gateway determination.

Gateway Determination

Decision Date :

Gateway Determination : **Passed with Conditions**

Decision made by :

Exhibition period :

14 Days

LEP Timeframe :

9 Month

Gateway

Determination :

The Planning Proposal should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to include the below in the 'objectives or intended outcomes' section of the planning proposal:
 - a. lots 401 and 403 Rocky Point Road, Sans Souci under subclause 16(1) of Schedule 1; and
 - b. 'shop top housing' and 'multi dwelling housing' as permissible uses under subclause 16(2) and reword subclause 16(3)(b) of Schedule 1.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal is classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012) and must be made publicly available for a minimum of 14 days; and
- (b) 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 LEPs (Department of Planning & Infrastructure 2012).

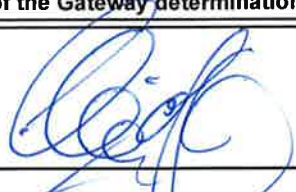
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

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 EP&A 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).

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5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

Neil W. Gaffin Date: 8.4.13.