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Mr Victor Lampe
General Manager
Hurstville City Council
PO Box 205
HURSTVILLE BC NSW 1481

Our ref: PP_2015_HURST_002_00 (15/09494)

Dear Mr Lampe

Planning proposal to amend Hurstville Local Environmental Plan 2012

I am writing in response to Council's letter dated 10 June 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to repeal Clause 4.4A Exceptions to floor space ratios for buildings on land in certain zones and amend Clause 6.6 Active street frontages.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I note that Council is currently preparing an Employment Lands Study which will review Hurstville's industrial and business zones. I encourage Council to consider the proposed changes to its active street frontage and non-residential floor space provisions in the context of the Study's outcomes, in particular the ability to deliver employment growth in Hurstville's business zones.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has not requested to be issued with delegation for this planning proposal. However, I have considered the nature of Council's planning proposal, and due to the local nature of the proposal, have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan is to be exhibited for 14 days and finalised within **6 months** of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

Council's request to draft and finalise the LEP should be made directly to the Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 Minister may take action under section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Mr Martin Cooper, of the Metropolitan (CBD) branch on (02) 9228 6582.

Yours sincerely,



Tim Archer
A/Director, Metropolitan (CBD)
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Template



Gateway Determination

Planning proposal (Department Ref: PP_2015_HURST_002_00): Repeal of Clause 4.4A Exceptions to floor space ratios for buildings on land in certain zones, and amendment to Clause 6.6 Active street frontages, in Hurstville Local Environmental Plan 2012.

I, the Acting Director, Metropolitan (CBD), at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Hurstville LEP 2012, to repeal Clause 4.4A Exceptions to floor space ratios for buildings on land in certain zones and amend Clause 6.6 Active street frontages, should proceed subject to the following conditions:

1. Prior to public exhibition, Part 4 of the planning proposal is to be updated to include a plain English explanation of the intent of the proposed amendments to Clause 6.6 Active Street Frontages.
2. The Hurstville LEP 2012 Active Street Frontage Map series is to be exhibited with the planning proposal.
3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is considered to be low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* 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 and Environment 2013)*.
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 **6 months** from the week following the date of the Gateway determination.

Dated 17th day of July 2015.


Tim Archer
A/Director, Metropolitan (CBD)
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Hurstville City Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_HURST_002_00	Repeal of Clause 4.4A - Exceptions to floor space ratios for buildings on land in certain zones, and amendment to Clause 6.6 - Active street frontages, in Hurstville Local Environmental Plan 2012.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 17th July 2015

Tim Archer
A/Director, Metropolitan (CBD)
Planning Services
Department of Planning and Environment