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

Our ref: PP_2015_HURST_001_00 (15/09493)

Dear Mr Lampe

Planning proposal to amend Hurstville Local Environmental Plan 2012

I am writing in response to your Council's letter dated 15 May 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 amend the height and floor space ratio controls applying to the 'East Quarter' site, located at 93 Forest Road Hurstville.

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.

The amending Local Environmental Plan is to be exhibited for 28 days and finalised within **9 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 draft Plan should be made directly to the Department's Metropolitan (CBD) team at least 8 weeks prior to the projected publication date.

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) 8575 4109.

Yours sincerely,


Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2015_HURST_001_00): to amend the height and floor space ratio controls applying to the 'East Quarter' site, located at 93 Forest Road Hurstville.

I, the 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* that an amendment to the Hurstville LEP 2012, to amend the height and floor space ratio controls applying to the 'East Quarter' site, located at 93 Forest Road Hurstville, should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be updated to incorporate the outcomes of a traffic and transport study which examines the full impact of additional residential and commercial floor space, inclusive of the proposed supermarket. The study should also consider and respond to the recommendations of Council's Transport and Mobility Action Plan (TMAP).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - (a) Transport for NSW;
 - (b) Transport for NSW – Roads and Maritime Services;
 - (c) Transport for NSW – Sydney Trains; and
 - (d) Kogarah Council.

Each public authority 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.

3. 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 considered to be routine as described in *A Guide to Preparing LEPs* (Department of Planning and Environment 2013) and must be made publicly available for a minimum of **28 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 **9 months** from the week following the date of the Gateway determination.

Dated 22 day of June 2015.



Lee Mulvey
Director, Metropolitan (CBD)
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning