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Our ref: PP_2010_KOGAR_001_00 (10/20434)
Your ref: Rita Vella

Mr Paul Woods
General Manager
Kogarah City Council
Locked Bag 8
KOGARAH NSW 2217

Dear Mr Woods,

Re: Planning Proposal to rezone land at Kogarah

I am writing in response to your Council's letter dated 29 September 2010 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to amend the Kogarah Local Environmental Plan 1998 to rezone land at Kogarah consisting of: 2-8 Princes Highway (Lot 1, DP 1108502), 1-9 Rocky Point Road (Lot 1, DP 86795, Lot 47, DP 512033, Lot 48 & 49, DP 975331, Lot 50 & 51, DP 81627 & Lot 52, DP 81626), and 60A Gray Street (Lot 11 DP 1101064, Lot 1 & 2, DP 91359) from the existing Industrial 4(a) Industrial (Light) Zone to the Business 3(b) Business (Town Centre) Zone.

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

The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones are of minor significance. No further approval is required in relation to this Direction.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be 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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) 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 s54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Nathan Herborn of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,

25/10/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_KOGAR_001_00): to rezone land at Kogarah consisting of: 2-8 Princes Highway (Lot 1, DP 1108502), 1-9 Rocky Point Road (Lot 1, DP 86795, Lot 47, DP 512033, Lot 48 & 49, DP 975331, Lot 50 & 51, DP 81627 & Lot 52, DP 81626), and 60A Gray Street (Lot 11 DP 1101064, Lot 1 & 2, DP 91359) from the existing Industrial 4(a) Industrial (Light) Zone to the Business 3(b) Business (Town Centre) Zone.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Kogarah Local Environmental Plan 1998 to rezone land at Kogarah consisting of: 2-8 Princes Highway (Lot 1, DP 1108502), 1-9 Rocky Point Road (Lot 1, DP 86795, Lot 47, DP 512033, Lot 48 & 49, DP 975331, Lot 50 & 51, DP 81627 & Lot 52, DP 81626), and 60A Gray Street (Lot 11 DP 1101064, Lot 1 & 2, DP 91359) from the existing Industrial 4(a) Industrial (Light) Zone to the Business 3(b) Business (Town Centre) Zone should proceed subject to the following conditions:

1. Residential development is to be a permissible development on the subject site. Council is able to control this type of development by the inclusion of provisions which limit the amount of residential development to a maximum level. Such controls could be in the form of maximum FSR gross floor area or the like.
2. The exhibition material is to include a site specific DCP and any VPA applying to the site.
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 classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority
 - Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. 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).



Planning

6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 25th day of October 2010.

A handwritten signature in black ink, appearing to read "Tom Gellibrand".

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning