

Gateway Determination

Planning proposal (Department Ref: PP-2024-2474): Integrated Planning Proposal for Additional Housing, Biodiversity, Character and Foreshore Scenic Protection Area

I, the A/Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, 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 an amendment to the *Georges River Local Environmental Plan (LEP) 2021* to implement recommendations of local studies regarding biodiversity and foreshore scenic character, and create capacity for additional and diverse housing across the residential zones of the Georges River Local Government Area (LGA) should proceed subject to the following:

Gateway Conditions

1. Prior to community consultation, the planning proposal is to be revised to address the matters set out below:
 - (a) Update the Objectives and intended outcomes sections to:
 - i. Address the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and provide a clear and concise description of the proposal in plain English; and
 - ii. Ensure alignment with the Explanation of provisions sections regarding any revisions made to the planning proposal, including revisions to exclude areas adjacent to the Moomba to Sydney Ethane pipeline from Part B, Item 6, and other items as required by this Gateway determination.
 - (b) Update the Explanation of provisions sections to:
 - i. Provide a plain English explanation of the intended effects of the proposed Terrestrial Biodiversity clause in Part B, Item 13, and outline the different requirements for land identified as Terrestrial Biodiversity and as buffer areas;
 - ii. Ensure consistent terminology throughout the planning proposal regarding “high biodiversity significance” and “high biodiversity value”, and alignment with established definitions in relevant legislations;
 - iii. Clarify the term “character of Georges River communities” in Part A, Item 1, including a Plain English explanation of the term, the intent of the proposed changes and why the existing aims are considered insufficient to achieve the intent;
 - iv. Provide further evidence to demonstrate alignment of the proposed minimum subdivision lot size standards in Part A, Item 5, with the objectives of clause 4.1 of the *Georges River LEP 2021*;
 - v. Provide further details of the relevant study findings that support the proposed minimum lot size requirements for dual occupancies in Part A,

Item 6, in relation to land within all proposed unique character area and particularly areas located outside of the Foreshore Scenic Protection Area;

- vi. Further evaluate the development standards for areas proposed to be removed from the Foreshore Scenic Protection Area, and those near existing public transport infrastructure and services, considering their suitability and potential for additional, diverse housing, alignment with Stage 2 of the Low and Mid-Rise Housing Policy and the merit of applying controls consistent with other R2 Low Density Residential zoned land in the LGA;
- vii. Clarify the term “the areas of high terrestrial biodiversity value” in Part A, Item 7, and whether it relates to land identified on the Biodiversity Values Map, prepared under *the Biodiversity Conservation Regulation 2017 (NSW)*;
- viii. Confirm the Foreshore Scenic Protection Area boundary at the eastern end of the Local Government Area in Part A, Item 10 and resolve any mapping discrepancies in the planning proposal;
- ix. Clarify the proposed increase of the minimum landscaped area requirement in Part A, Item 12, noting that the increase for some areas, such as land located within the proposed Foreshore Scenic Protection Area and unique character area, would be greater than 5% stated in the planning proposal;
- x. Clarify how the draft *Moomba to Sydney Ethane Pipeline Hazard Analysis report (August 2024)*, particularly its Recommendation 2, was considered in relation to Part B, Items 3 and 10;
- xi. Confirm and clarify the statement on page 37 of Part B of the proposal regarding whether *Figure 8 Proposed amendment to Minimum Lot Size for Dual Occupancy Map* includes amendments proposed by Part A;
- xii. Explore alternative mechanisms for achieving the intended outcomes for Part B, Item 6, acknowledging the additional permitted use provisions will be subject to legal drafting and further consideration at finalisation;
- xiii. Review and clarify the implications of Part B, Item 6, for all existing matters in *Schedule 1 Additional permitted uses* to the *Georges River LEP 2021*; Additionally, clarify whether the proposed LEP map is intended to exclude any relevant land currently identified in Schedule 1 to the LEP;
- xiv. Review and update the term “minimum density control” in Part B, Item 6, to accurately reflect the intent of the proposed provision;
- xv. Provide mapping for Part B, Item 9, regarding amendments to the Floor Space Ratio map;
- xvi. Include legible map legends and annotations to clearly identify the subject sites and the proposed changes for Part B, Item 11;
- xvii. Review and update the mapping as required for Part B, Item 11 to ensure all proposed changes are accurately represented on the maps, with particular attention to any discrepancies relating to Block L;

- xviii. Provide further commentaries on the proposed changes for Part B, Item 12, including additional background details of the planning control mismatch issues that the proposal seeks to address;
 - xix. Provide additional mapping to show the location of the clusters and subblocks as referred to in Table 9 in Part B of the proposal;
 - xx. Update the mapping changes for Part B, Item 12, to ensure clarity and legibility of proposed changes and clear identification of subject sites; and
 - xxi. Clarify the intent regarding application of any savings provisions relating to development applications.
- (c) Remove the following Items from the planning proposal:
- i. Part A, Item 14 to introduce local provision and mapping relating to unique character area or local character area;
 - ii. Part A, Item 15 to exclude application of the *Low Rise Housing Diversity Code* from the proposed Foreshore Scenic Protection Area and unique character area; and
 - iii. Part B, Item 7 to amend the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* to prohibit manor houses in Zone R2 Low Density Residential within the Georges River LGA.
- (d) Include an advisory clarifying that the Department does not support the proposal as a replacement for the Low and Mid-Rise Housing Policy.
- (e) Address consistency with the following section 9.1 Ministerial Directions:
- i. Direction 1.4 Site Specific Provisions, regarding Part B, Item 6 which relates to proposed additional permitted uses;
 - ii. Direction 4.1 Flooding, undertake a detailed assessment regarding all relevant components of the proposal to which this Direction applies; Any inconsistencies are to be justified in accordance with the terms of the Direction;
 - iii. Direction 4.2 Coastal Management, include suitable mapping of the affected lots located within the coastal zone as noted in the planning proposal, and details of the proposed changes relating to these lots;
 - iv. Direction 4.5 Acid Sulfate Soils, regarding Part B of the proposal; Include suitable mapping to identify any affected sites, details of the Acid Sulfate Soils classification and the proposed changes relating to these sites;
 - v. Direction 5.1 Integrating Land Use and Transport, regarding the areas near Oatley train station where the proposal seeks to reduce dual occupancy development potential;
 - vi. Direction 6.1 Residential Zones, regarding all sites within the Hurstville City Centre that are subject to a reduction in potential residential floor space; and

- vii. Direction 7.1 Employment Zones, regarding all sites within the Hurstville City Centre that are subject to a reduction in potential floor space for employment uses.
- (f) Provide further commentaries in the assessment of State Environmental Planning Policies regarding the Apartment Design Guide, particularly in relation to the testings for residential apartments in Zone R3 Medium Density Residential and the Additional Capacity Areas. This should be supported by analysis demonstrating the proposed development standards are capable of satisfying the Apartment Design Guide, including building heights, building separations and solar access to future development and adjoining properties;
- (g) Provide details on how the recommendations of the *Hurstville City Centre Urban Design Strategy* regarding the need for a feasibility study for the City Centre and the transition areas, and an updated Transport Management and Accessibility Plan, have been addressed;
- (h) High resolution maps are to be made available during public exhibition to facilitate community and agency consultation, ensuring clarity of all proposed changes; and
- (i) Update the project timeline.
2. Prior to community consultation, consultation is required with the Commissioner of the NSW Rural Fire Service, in accordance with section 9.1 Direction - 4.3 Planning for Bushfire Protection.
3. Prior to community consultation, consultation is required with the Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts, in accordance with section 9.1 Direction - 5.3 Development Near Regulated Airports and Defence Airfields. As required by the Direction, where a planning proposal seeks to allow development that would constitute a controlled activity as defined in the *Airports Act 1996*, Council must obtain the permission from the Commonwealth Department, or their delegate, prior to undertaking community consultation.
4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
- (a) the planning proposal is categorised as principal as described in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of **30 working days**; and
- (b) the planning proposal authority must comply with the notice of 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 *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
5. Consultation is required with the following public authorities / organisations and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Airservices Australia
 - APA Group
 - Ausgrid

- Civil Aviation Safety Authority (CASA)
- Commonwealth Department of Infrastructure, Transport, Regional Development, Communications and the Arts
- Crown Lands
- NSW Department of Climate Change, Energy, the Environment and Water
- NSW Health
- NSW Rural Fire Service
- NSW State Emergency Service
- School Infrastructure NSW
- Sydney Airport Corporation
- Sydney Water Corporation
- Transport for NSW.

Each public authority / organisation is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least **30 working 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. Given the nature of the proposal, Council is **not** authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the Act
8. The LEP should be completed on or before **26 May 2026**.

24th March 2025



Daniel Thompson
A/Executive Director Local Planning and
Council support
Department of Planning, Housing and
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Delegate of the Minister for Planning and
Public Spaces