

**Item C3: Kogarah Local Environmental Plan - Amendment No. 2 -
Exhibition of Planning Proposal for New City Plan**

Author: Rod Logan - Director Planning and Environmental Services (RV)

Reason for report: To seek endorsement to publicly exhibit the Planning Proposal for the amendment to Kogarah Local Environmental Plan (LEP) following receipt of the Gateway Determination from the NSW Department of Planning and Environment.

Recommendation:

- a) That the Planning Proposal (Department Ref SI_2014_KOGAR_001_00) to amend Kogarah Local Environmental Plan (LEP) 2012 be placed on public exhibition in accordance with the requirements of the Gateway Determination dated 15 December 2014 and the revised Engagement Strategy as summarised in the body of the report.
- b) That the Planning Proposal be placed on public exhibition for a minimum of 56 days (8 weeks).
- c) That the section 149 Planning Certificate be updated to include the relevant notation as outlined in the body of the report.
- d) That Council proceed with the reclassification of certain land as listed in paragraph 13 of the report from community to operational and that a public hearing be held in accordance with section 29 of the Local Government Act 1993 and section 57 of the Environmental Planning and Assessment Act 1979 during the public exhibition of the Planning Proposal.

Background

1. Council, at its meeting on 28 July 2014, considered a report on a Planning Proposal to make amendments to Kogarah Local Environmental Plan (LEP) 2012 for the new City Plan for the City of Kogarah. The proposed amendments include options for additional housing opportunities across the City to meet the future needs of our community.
2. The Planning Proposal proposes to amend zonings and land use tables, introduce height and floor space ratio controls (principal development standards) and review and amend the associated maps.
3. As a result of that report, Council resolved the following (Min No. 86/2014):
 - a) That the recommendations and amendments as included in the body of the report and associated Annexures attached to the report be incorporated into a draft Planning Proposal to amend Kogarah Local Environmental Plan (LEP) 2012 in accordance with the provisions of Section 55 of the Environmental Planning & Assessment Act 1979, as amended.*
 - b) That the draft Planning Proposal be submitted to the Department of Planning and Environment to issue a Gateway determination under Section 56 that*

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would allow Council to proceed to public exhibition and formal government agency consultation.

- c) *That in accordance with the requirements of the Local Government Act 1993, the following properties be reclassified from community to operational land:*
 - a) *No. 1A Stuart Street, Blakehurst (Lot 2, DP794233),*
 - b) *No. 21A Queens Road, Connells Point (Lot E, DP 373733),*
 - c) *No. 8A Wyong Street, Oatley (LOT: 15 DP: 746853).*
- d) *That the Engagement Strategy included in the body of the report be included in the draft Planning Proposal.*
- e) *That the following notation be applied to all properties on the section 149 Planning Certificate, effective from 29 July 2014:*

Council has prepared a draft Planning Proposal to amend Kogarah Local Environmental Plan 2012 for the whole Kogarah Local Government Area. The draft Planning Proposal will reflect the recommendations made in the report to Council on 28 July 2014. The draft Planning Proposal includes amendment of zoning, land use and development standards that, if implemented, may change development potential of individual properties. The draft Planning Proposal will be publicly exhibited once it has been approved for exhibition by the NSW Department of Planning and Environment. For further information on the amendments to Kogarah Local Environmental Plan 2012 please refer to Council's website www.kogarah.nsw.gov.au"

Gateway Determination

4. A Planning Proposal for the new City Plan for Kogarah was prepared in accordance with Section 55 of the Environmental Planning & Assessment Act 1979 and submitted to the Department of Planning and Environment in August 2014.
5. The 'Gateway Determination' to publicly exhibit the proposed changes in the Planning Proposal was issued by the Minister for Planning on 15 December 2014. A copy of the 'Gateway Determination' is included in the annexure.
6. The 'Gateway Determination' allows Council to proceed with the public exhibition of the Planning Proposal and formal government agency consultation.
7. In accordance with the requirements of the 'Gateway Determination', the Planning Proposal and associated documentation, including a copy of the draft amended instrument and maps are required to be placed on public exhibition for a minimum period of **28 days** and completion of the Local Environmental Plan (LEP) must be within 18 months of the date of the Gateway Determination.

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Exhibition of the Planning Proposal

8. It is proposed to publicly exhibit the Planning Proposal for a period of 56 days (8 weeks) in accordance with the revised Engagement Strategy as outlined below.
9. The Engagement Strategy has been revised to incorporate the mail-out of a generic letter to all property owners (approximately 25,000) in the Local Government Area (LGA). This will be in addition to the distribution to all households and businesses of a special edition KogarahLife.
10. This will ensure that all property owners, non-resident property owners and residents in the Kogarah LGA are aware of the exhibition of the Planning Proposal, are informed of the details and have the opportunity to seek clarification from Council staff on any aspect of the Proposal and provide feedback by way of a submission.
11. The details of the revised Engagement Strategy are outlined below:

STAKEHOLDERS	PROPOSED ACTION
General Community	<ul style="list-style-type: none"> ▪ Detailed information to be included prominently on Council's website with facility for the community to provide comments through the website portal. Contact details of Council officers to be included to obtain additional information and clarification. ▪ Exhibition posters and information to be placed at Council's Customer Service Centre and local libraries.
Affected Landowners	<ul style="list-style-type: none"> ▪ A special edition of KogarahLife (Council's newsletter) to be issued with detailed information on the draft Planning Proposal including a feedback form delivered to all residential properties and businesses in the Local Government Area (LGA). ▪ A generic letter will be sent to all property owners advising them of the exhibition of the Planning Proposal. The letter will provide an overview of the proposed changes and will advise of the special KogarahLife edition and direct them to the information on Council's website. The letter will advise of the exhibition locations and the dates for close of submissions.
Councillors	<ul style="list-style-type: none"> ▪ Memo to be sent to all Councillors at least one week prior to the commencement of the exhibition period advising of the exhibition dates and other relevant information. ▪ Copies of all related information to be made available at Council's offices. ▪ Director – Planning & Environmental Services and Coordinator Strategic Planning to be available to discuss the contents of the draft plan on a request basis.

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Media	<ul style="list-style-type: none"> ▪ Media Release to be sent to local paper prior to the commencement of the exhibition. ▪ Advertisement to appear in the local paper and other relevant newspapers (Greek and Chinese) at the commencement of the exhibition and during the exhibition of the Planning Proposal (2 advertisements in total).
Government Agencies	<ul style="list-style-type: none"> ▪ Letters to be sent to relevant Government Agencies, in accordance with the Department's requirements with relevant information attached. ▪ In accordance with the 'Gateway Determination', Council will notify the following Agencies and give 21 days to comment on the proposed changes: <ul style="list-style-type: none"> - Transport for NSW - Roads and Maritime Services - NSW Health - Department of Education and Communities - Office of Environment and Heritage - Adjoining local government areas, particularly Hurstville City Council regarding the proposed uplift in the Hurstville Town Centre - Sydney Water - Ausgrid
Planning & Environment	<ul style="list-style-type: none"> ▪ Email to be sent to the Regional Office advising of the commencement of the exhibition and link to relevant website.
Internal Council Departments	<ul style="list-style-type: none"> ▪ Email to be sent to all relevant staff advising of the commencement of the exhibition period.

Notation on s149 Planning Certificates

12. Pursuant to the Environmental Planning and Assessment Act 1979 and Regulations 2000, Council is required to note the draft amendment to the Kogarah LEP 2012, and the proposed zoning changes for individual properties, on section 149 Planning Certificates. Accordingly, it is proposed that the following notations be included for:

- all properties;
- properties affected by a proposed change to the land use zone; and
- properties affected by a proposed change to the height and floorspace ratio development standards (with no proposal to change the land use zone).

(a) For all properties:

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A Planning Proposal is being exhibited from <insert exhibition dates> to amend Kogarah Local Environmental Plan 2012. The Planning Proposal proposes changes to zonings and planning controls across the City of Kogarah.

- (b) Properties affected by a proposed change to the land use zone with the following to be added:

It proposes to rezone this property from <insert zone> zone to <insert zone> zone. It also proposes to include height and floor space ratio (FSR) controls. For more information on the Planning Proposal refer to Council's website at www.kogarah.nsw.gov.au or contact Council's Customer Service Centre on 9330 9400.

- (c) Properties affected by a proposed change to development standards (with no proposal to change the land use zone) with the following to be added:

*It **DOES NOT** propose to rezone this property. It does propose to include height and floor space ratio (FSR) controls in the Local Environmental Plan. These may vary from the existing height and floor space controls that apply to the property. It may also alter the range of permissible uses in the zone. For more information on the Planning Proposal refer to Council's website at www.kogarah.nsw.gov.au or contact Council's Customer Service Centre on 9330 9400.*

Public hearing for the reclassification of land

13. Council, at its meeting on 28 July 2014 resolved to reclassify the following properties from community to operational land:
- No. 1A Stuart Street, Blakehurst (Lot 2, DP794233)
 - No. 21A Queens Road, Connells Point (Lot E, DP 373733)
 - No. 8A Wyong Street, Oatley (LOT: 15 DP: 746853).
14. In accordance with the Gateway Determination, Council is required to hold a public hearing on the proposed reclassification of Council land. The public hearing details will be notified during the public exhibition of the Planning Proposal.

Conclusion

15. As outlined above, a 'Gateway Determination' has been issued by the Minister for Planning to amend Kogarah LEP 2012 to provide additional housing opportunities across the City to meet the future needs of our community. This now allows Council to proceed with the public exhibition and formal government agency consultation for the Planning Proposal.
16. It is recommended that the Planning Proposal be publicly exhibited for a minimum period of 56 days and that notification be undertaken as outlined in the revised Engagement Strategy.

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17. At the conclusion of the public exhibition a further report will be presented to Council summarising any submissions received during the exhibition period.

Operational Plan Budget

18. Within budget allocation.

Attachments/Annexures

1	Gateway Determination from the NSW Department of Planning & Environment	3 Pages	Annexure
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End of Report

- G4.3. **Subject:** Kogarah Local Environmental Plan - Amendment No. 2 - Exhibition of Planning Proposal for New City Plan Rod Logan - Director Planning and Environmental Services (RV)
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16/2015 *Resolved:* (Katris/Stratikopoulos)

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Speaker for the Motion: Councillor Nick Katris.

Planning Decision Voting Record Division

For the Motion:	Councillors:	Platt (Mayor) Katris Agius Tang (Deputy Mayor) Stratikopoulos Landsberry Smith Katsabaris Petroni
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Against the Motion:	Councillor:	McLean
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As a result of the division the motion was declared carried.

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As a result of the division the motion was declared carried.