

## Gateway Determination

**Planning proposal (Department Ref: PP-2021-6749):** to amend Georges River Local Environmental Plan 2021 to permit (with consent) a residential care facility with a maximum FSR of 1.6:1 and maximum permissible height ranging from 12m, 14m and 16.9m at 53A-59A Gloucester Road, Hurstville.

I, the Director, Eastern and South Districts, at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 2021 to permit (with consent) a residential care facility with a maximum FSR of 1.6:1 and maximum permissible height ranging from 12m, 14m and 16.9m at 53A-59A Gloucester Road, Hurstville should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) ensure the planning proposal addresses the current Georges River LEP 2021 including existing development standards and land use permissibility;
  - (b) correct discrepancies relating to the description of surrounding development and land uses;
  - (c) update the Explanation of Provisions to provide a clear preferred mechanism to achieve the intended outcomes of the planning proposal;
  - (d) provide sufficient mapping to inform community consultation and clarify whether any LEP mapping is intended to be amended;
  - (e) address the Georges River Local Housing Strategy 2020;
  - (f) address the SEPP (Housing) 2021 and its relationship to the intended outcomes of the planning proposal;
  - (g) remove references to repealed SEPP's and correctly address all existing applicable SEPP's; and
  - (h) update the supporting overshadowing diagrams to clearly outline the difference between the existing and intended overshadowing outcome of the planning proposal.
2. 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 standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 days; and
  - (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 3 months following the date of the gateway determination.

3. Consultation is required with Transport for NSW under section 3.34(2)(d) of the EP&A Act. Transport for NSW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 days to comment on the proposal.
4. 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 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
  - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;
  - (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
  - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 28 November 2022.

Dated 28<sup>th</sup> day of February 2022.



**Laura Locke**  
**Director, Eastern and South Districts**  
**Eastern Harbour City**  
**Department of Planning and Environment**

**Delegate of the Minister for Planning and Homes**