From:	Amanda Harvey
To:	Andrew McAnespie
Cc:	Laura Locke; Ann-Maree Carruthers
Subject:	RE: Gateway Review - Rose Bay
Date:	Thursday, 7 March 2019 3:42:58 PM
Attachments:	image001.png image002.png image003.png image004.png

---

Hi Andrew

In response to the Commission's request the following outlines recent planning proposals where DPE has included a condition of gateway for the proposal to be amended to include a savings provision. We have no recent examples for gateways determination conditions requiring a savings provision where the planning proposal relates the proposed heritage listing.

Where there have been recent planning proposals to list a site/sites as a heritage item and a DA may be sought for the site and the site is at risk of demolition, there has been an Interim Heritage Order in place. In other cases there was no known underdetermined DAs relevant to the site, negating the need for a savings provision to apply. Examples of these types of situations include the following recent proposals:

- 30 Rowe Street, Eastwood – Ryde LEP 2014 - http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5280
- Heritage Review 2018 – Proposal to list new local heritage items – Willoughby LEP 2012 - http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5717
- 9 Centennial Avenue, Chatswood – Willoughby LEP 2012 - http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5674

Recent Gateway determinations where a savings provision has been imposed in the corresponding Gateway determination

1. **Rezoning of land in Prestons from IN3 Heavy Industrial to E2 Environmental Conservation**
   - This proposal seeks to rezone land at 36 Lyn Parade and Part Lot 11 Progress Circuit Prestons from IN3 to E2, and to amend the minimum lot size and height of building controls applying to the site.
   - Condition 1(d) of the Gateway determination requires that a new saving transition clause be included as part of the scope of the planning proposal so as not to affect any development applications or appeal processes.

   See DPE's website for more detail - http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5804

2. **Georges River Council's Low Rise Medium Density Housing Planning Proposal**
   - This proposal seeks to:
   - prohibit multi-dwelling housing and manor homes in R2 zoned land under Hurstville LEP 2012
   - prohibit multi-dwelling housing and manor homes certain land under Kogarah LEP 2012
   - increase minimum lot sizes for dual occupancies development under Hurstville LEP 2012

- prohibit dual occupancies on certain land under Kogarah LEP 2012
- Condition 1(e) of the Gateway determination requires that a savings transition clause be included to ensure that proposed amendments do not affect any development applications or appeal processes.

See DPE's website for more detail **-** http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5578

3. **Canterbury Bankstown Council's Low Rise Medium Density Housing Planning Proposal**
   - This proposal seeks to prohibit multi-dwelling housing in R2 Low Density Residential zoned land under Bankstown LEP 2015.
   - Condition 1(d) of the Gateway determination requires that a savings transition clause be included to ensure that proposed amendments do not affect any development applications or appeal processes.

   See DPE's website for more detail - http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5854

4. **Northern Beaches Council's Low Rise Medium Density Housing Planning Proposal**
   - This proposal seeks to prohibit:
   - dual occupancies and multi dwelling housing in Zone R2 Low Density Residential under Manly Local Environmental Plan (MLEP 2013);
   - dual occupancies in Zone R2 Low Density Residential under Pittwater LEP 2014 (PLEP 2014); and
   - dual occupancies, multi dwelling housing and manor houses on land zoned R3 Medium Density Residential in the Warriewood Valley Release Area as identified on the Urban Release Area Map under PLEP 2014.
   - Condition 1(i) of the Gateway determination requires that a savings transition clause be included to ensure that proposed amendments do not affect any development applications or appeal processes.

   See DPE's website for more detail - http://leptracking.planning.nsw.gov.au/proposaldetails.php?rid=5569

I hope this is helpful to the Commission in its consideration of the Gateway review.

If you have any questions regarding the above please don't hesitate to contact myself or Laura Locke (Ph 8275 1307).

Kind regards,

Amanda Harvey
Director
Sydney Region East
Level 22, 320 Pitt Street | GPO Box 39 | Sydney NSW 2001
T 02 8275 1128 | E amanda.harvey@planning.nsw.gov.au

Subscribe to our newsletter
Please consider the environment before printing this email.

From: Andrew McAnespie
Sent: Monday, 4 March 2019 10:05 AM
To: Laura Locke <Laura.Locke@planning.nsw.gov.au>
Cc: Amanda Harvey <Amanda.Harvey@planning.nsw.gov.au>
Subject: Gateway Review - Rose Bay

Hello Laura

As per the IPC meeting with yourself and Amanda this morning, the Commission is seeking precedents of where the delegate of the GSC/Minister has imposed conditions relating to Savings provisions in relation to DA's lodged prior to a planning proposal being assessed and subsequently exhibited.

Particularly pertinent are precedents relating to heritage proposals which have been put forward for listing under Council LEP's.

Thanks

Andrew McAnespie | Senior Planning Officer
Independent Planning Commission NSW
Level 3, 201 Elizabeth Street SYDNEY NSW 2000
e: andrew.mcanespie@ipcn.nsw.gov.au | p: +61 2 9383 2109 | f: 9383 2133 | www.ipcn.nsw.gov.au

New South Wales Government
Independent Planning Commission

FOLLOW US ON:

Please consider the environment before printing this e-mail.