



Office of the Director General

Mr Gary Sawyer
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Our ref: PP_2012_CANAD_001_00 (12/19201)

Dear Mr Sawyer,

Planning proposal to amend Canada Bay Local Environmental Plan 2008

I am writing in response to Council's letter dated 23 November 2012 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 Canada Bay Local Environmental Plan (LEP) 2008 to rezone land at 64-66 Victoria Avenue, Concord West from RE1 Public Recreation to SP2 Infrastructure - School and reclassify part of the land from 'community land' to 'operational land.'

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

I have agreed the planning proposal's inconsistency with S117 Direction 2.3 Heritage Conservation is of minor significance. In regards to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land used for public purposes. No further approval is required in relation to these Directions.

It is noted Council does not propose to undertake community consultation in regards to this planning proposal and does not propose to hold a public hearing into the reclassification of land because community consultation for this rezoning and reclassification was undertaken as part of Council's comprehensive LEP. I have agreed to the planning proposal proceeding without community consultation, however Council should be satisfied it has met its obligations for reclassifying public land under the requirements of the Local Government Act 1993.

Furthermore, Council is to consult with the Department of Education and Communities on the SP2 Infrastructure – School zone proposed for land at 64-66 Victoria Avenue, Concord West.

The amending LEP is to be finalised within 3 months of the week following the date of the Gateway determination. Council should aim to commence consultation with public authorities on the planning proposal as soon as possible. Council's request for the department to draft and finalise the LEP should be made as soon as consultation is undertaken and a response confirmed.

The NSW 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 Glenn Horal of the regional office of the department on 02 9228 6111.

Yours sincerely,


Sam Haddad
Director General

24/12/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_CANAD_001_00): to facilitate a rezoning and reclassification at Concord West.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to Canada Bay Local Environmental Plan (LEP) 2008 to rezone land at 64-66 Victoria Avenue, Concord West from RE1 Public Recreation to SP2 Infrastructure and reclassify part of the land from 'community land' to 'operational land' should proceed subject to the following conditions:

1. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land. Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone.
2. Council is to update the planning proposal's consideration of S117 Direction 4.1 Acid Sulfate Soils once information on acid sulfate soils has been obtained.
3. Council is to update the planning proposal's consideration of S117 Direction 4.3 Flood Prone Land once information on flooding has been obtained.
4. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act").
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Education and Communities
 - Transport for NSW (Roads and Maritime Services)

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.

6. 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).
7. The timeframe for completing the LEP is to be **3 months** from the week following the date of the Gateway determination.

Dated 24th day of December 2012


Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure