



Mr Peter Gainsford
General Manager
City of Canada Bay Council
Locked Bag 1470
DRUMMOYNE NSW 1470

Dear Mr Gainsford

Planning proposal PP_2020_CANAD_001_00 to amend Canada Bay Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 29 and 30 January 2020 in respect of the planning proposal for amendment to the Canada Bay LEP 2013.

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

The conditions include that the scope of the planning proposal be amended by removing the proposed amendment relating to Local Character Areas. This is due to insufficient information provided to satisfy Part 2 – Character Assessment Toolkit in the Local Character and Place Guideline and in the absence of policy certainty regarding local character overlays in the Standard Instrument Local Environmental Plan.

Council is advised that on 17 April 2020, the Minister for Planning and Public Spaces approved the removal of clause 6 from *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) and transferred the requirements to a Ministerial Direction under section 9.1 of the *Environmental Planning and Assessment Act*.

Direction 2.6 Remediation of contaminated land requires that a planning authority appropriately considers contamination and remediation at any time before the planning proposal is finalised, and not necessarily at the Gateway assessment stage. Council will need to update the planning proposal to address consistency with this Direction prior to submission to the Department to finalise the plan.

I have determined not to condition the Gateway for Council to be the local plan-making authority due to the significance of the planning proposal and the number of amendments required.

The amending local environmental plan (LEP) is to be finalised within **six months** of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date in accordance with the accelerated LEP program deadline.

The 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 section 3.32(2)(d) of the Act if the timeframes outlined in this determination are not met.

The Department supports Council in giving effect to the LSPS and Eastern District Plan and is available to support Council in preparing the planning proposal for exhibition.

Should you have any enquiries about this matter, I have arranged for Ms Charlene Nelson to assist you. Ms Nelson can be contacted on 9274 6570.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. McDonald'.

28 April 2020

Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure

Encl: Gateway determination