

Gateway Determination

Planning proposal (Department Ref: PP_2020_CANAD_001_00): to amend the Canada Bay Local Environmental Plan 2013 to align with the Eastern Sydney District Plan and implement the first stage of the draft Canada Bay Local Strategic Planning Statement (LSPS).

I, the Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that the amendment to the Canada Bay Local Environmental Plan 2013 should proceed subject to the following conditions:

1. Prior to exhibition, the planning proposal is to be amended to:
 - (a) Delete the proposed amendment relating to Local Character Areas including the reference to the proposed exclusion of Local Character Areas from Part 3 and 3B of the SEPP (Exempt and Complying Development Codes) 2008 (Codes SEPP).
 - (b) Include a review of the rental lifting strategy in Council's Affordable Housing Policy in relation to the principles in Schedule 2 of State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes);
 - (c) Exclude Rhodes West from the draft Affordable Housing Contributions Scheme
 - (d) Provide that minimum lot size and street frontage controls for boarding houses in R2 Low Density Residential zone will apply only to newly constructed boarding houses and not to change of use proposals to convert existing dwelling houses to boarding houses
 - (e) Include the justification for the minimum lot size and frontage controls for boarding houses in R2 zone
 - (f) Due to the potential complexity in their drafting, the planning proposal be amended to remove the following specific clauses and replace with plain English explanations for the purpose of community consultation:
 - i. Diversity of apartment sizes
 - ii. Affordable housing
 - iii. Minimum lot size for boarding houses
 - iv. Aircraft noise
 - v. Environmentally sensitive land.

For the purpose of this condition, plain English is taken to mean an explanation of the objectives of the clause, but no exact phrases or numbering. The planning proposal is to be amended to indicate that the controls are in draft form and may change at finalisation stage.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities:
 - Sydney Metro
 - Greater Sydney Commission
 - Office of Environment and Heritage
 - NSW Environment Protection Authority
 - NSW Office of Water
 - Sydney Water
 - Sydney Metro
 - Sydney Airport Corporation
 - Transport for NSW – Roads and Maritime
 - Strathfield Council
 - Burwood Council
 - Cumberland City Council
 - City of Ryde
4. The time frame for completing the LEP is to be **6 months** from the date of the Gateway determination.



5. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.

Dated 28 April 2020

**Malcolm McDonald
Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning and
Public Spaces**