



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

Dear Mr Gainsford

Planning proposal PP_2018_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) in respect of the planning proposal to amend zoning, floor space ratio and height controls for 53-69 Victoria Road, 45 Day Street and 46 Thornley Street, Drummoyne.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 6.3 Site Specific Provisions.

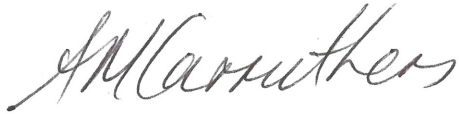
It is noted that Council has requested to be authorised as the local plan-making authority. I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Ms Lawren Drummond to assist you. Ms Drummond can be contacted on 9274 6185.

Yours sincerely



29/10/18

Ann-Maree Carruthers
Director, Sydney Region West
Planning Services

Encl: Gateway determination
Local plan-making authority reporting template

Gateway Determination

Planning proposal (Department Ref: PP_2018_CANAD_001_00): to amend zoning, FSR and height controls for 53-69 Victoria Road, 45 Day Street and 46 Thornley Street, Drummoyne.

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Canada Bay Local Environmental Plan (LEP) 2013 to amend zoning, floor space ratio and height controls for 53-69 Victoria Road, 45 Day Street and 46 Thornley Street, Drummoyne should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) update the project timeline, outlining the anticipated timeframes for the plan making process;
 - (b) update the proposal to address the provision of affordable housing;
 - (c) include additional information to address the cross ventilation and solar access requirements of the Apartment Design Guide;
 - (d) address and justify the inconsistency with section 9.1 Direction 6.3 Site Specific Provisions as the proposal seeks to introduce a site-specific clause that does not currently exist in the zone; and
 - (e) include the Site Investigation Report prepared by Woolacotts Consulting Engineers that is referenced in the proposal.
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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Ambulance Service of NSW;
 - Office of Environment and Heritage;
 - NSW Department of Education;
 - Environment Protection Authority;
 - Transport for NSW;

- Roads and Maritime Services;
- Energy Australia;
- Sydney Water; and
- NSW Fire and Rescue.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 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 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 24th day of October 2018



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Attachment 5 – Authorised plan-making reporting template

Reporting template for authorised LEP amendments

Notes:

- The planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal.
- The Department will fill in the details of Tables 1 and 3.
- The local plan-making authority is to fill in the details of Table 2.
- If the planning proposal is exhibited more than once, the local plan-making authority should add rows to **Table 2** to include this information.
- The local plan-making authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date.
- The plan should be signed using the following format:
 [Name]
 [Title]
 [Council name]
 Delegate of [Council name], the local plan-making authority [date]
- A copy of this completed report must be provided to the Department with the local plan-making authority's request to have the LEP notified.

Table 1: To be completed by the Department of Planning and Environment

Stage	Date/Details
Planning proposal number	PP_2018_CANAD_001_00
Date sent to DPE under section 3.34(1)	26 September 2018
Gateway determination date	

Table 2: To be completed by the local plan-making authority

Stage	Date/Details	Notified regional office
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date draft LEP requested from PCO		
Date draft LEP received from PCO		
Date PCO Opinion requested		
Date PCO Opinion received		
Date GIS data or maps provided/requested		
Date ePlanning confirmed mapping is suitable and sent to PCO		
Date LEP finalised		
Date sent to DPE requesting notification		

Table 3: To be completed by the Department of Planning and Environment

Stage	Date/Details
Notification date and details	

Additional relevant information: