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Our ref: PP_2014_CANAD_001_00 (14/10814)

Mr Gary Sawyer
General Manager
City of Canada Bay Council
Locked Bag 1470
DRUMMOYNE NSW 1470

cc: Marjorie Ferguson, Manager Strategic Planning

Dear Mr Sawyer

Planning proposal to amend Canada Bay Local Environmental Plan 2013

I am writing in response to your Council's request dated 2 July 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("the Act") in respect of the planning proposal to rezone land at 197-199 Lyons Road Drummoyne from R2 Low Density Residential to B1 Neighbourhood Centre, increase the Floor Space Ratio from 0.5:1 (D) to 1.0:1 (N), and remove the minimum lot size.

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

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

Council is to consult the Office of Environment and Heritage in relation to the heritage significance of the existing buildings on the subject land and include any comments received with the planning proposal for exhibition purposes. Council is reminded that it cannot use its delegation under section 59 of the Act where there are unresolved agency objections to the draft LEP.

The amending Local Environmental Plan is to be finalised within 6 months of the week following 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 Local Environmental Plan 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 & Environment for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Helen Wilkins of the Department's Metropolitan Delivery (CBD) branch to assist you. Ms Wilkins can be contacted on (02) 8575 4102.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'J. Mathews', with a circular flourish at the end.

6/8/14

James Mathews
Acting Director, Metropolitan Delivery (CBD)
Housing, Growth and Economics



Gateway Determination

Planning proposal (Department Ref: PP_2014_CANAD_001_00): to rezone land at 197-199 Lyons Road Drummoyne from R2 Low Density Residential to B1 Neighbourhood Centre, increase the Floor Space Ratio from 0.5:1 (D) to 1.0:1 (N), and remove the minimum lot size.

I, the Acting Director, Metropolitan Delivery (CBD) at the Department of Planning & Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* ("the Act") that an amendment to the Canada Bay Local Environmental Plan 2013 to rezone land at 197-199 Lyons Road Drummoyne from R2 Low Density Residential to B1 Neighbourhood Centre, increase the Floor Space Ratio from 0.5:1 (D) to 1.0:1 (N), and remove the minimum lot size should proceed subject to the following conditions:

1. Council is to ensure the existing and proposed zoning, floor space ratio and minimum lot size maps are included for the purposes of public exhibition.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning 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 (Planning & Environment 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Transport for NSW - Roads and Maritime Services
 - Office of Environment and Heritage - in relation to the heritage significance of the subject buildings.

The public authorities are to be provided with a copy of the planning proposal and any relevant supporting material, and given 21 days to comment on the proposal.

The planning proposal is to be amended to include the outcome of this consultation.

4. 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).
5. The timeframe for completing the Local Environmental Plan is to be **6 months** from the week following the date of the Gateway determination.

Dated 6 day of August 2014.

James Mathews
Acting Director, Metropolitan Delivery
(CBD)
Housing, Growth and Economics
Department of Planning and Environment

Delegate of the Minister for Planning