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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND INFRASTRUCTURE

Plan Making and Urban Renewal

PLANNING PROPOSAL EXTENSION OF TIME – SOUTH SYDNEY LOCAL ENVIRONMENTAL PLAN (LEP) 1998 AMENDMENT 21

PURPOSE

- To recommend the Minister's delegate alter the Gateway Determination for a Planning Proposal to amend South Sydney LEP 1998 PP_2010_SYDNE_003_00.

RECOMMENDATION

- It is recommended that the Minister's delegate:
- agree** pursuant to s.56(7) of the Environmental Planning and Assessment Act, 1979 ('the Act') to amend the Gateway Determination to extend the time to complete the Planning Proposal for South Sydney LEP 1998 (Amendment 21) for 301-303 Botany Road, Waterloo;
- sign** the letter to Council (**Tag A**).

CURRENT POSITION

- Council has not requested the extension. The Department considers a three month extension appropriate to allow completion of the Voluntary Planning Agreement (VPA) and Planning Proposal.

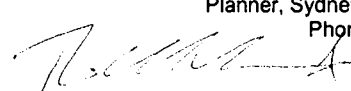
BACKGROUND

- Council prepared a draft LEP to amend the prescriptive land use controls applying to 301-303 Botany Road, Waterloo to facilitate the redevelopment of the site.
- The Gateway Determination issued on 20 October 2010 determined that the planning proposal:
 - shall be exhibited concurrently with a proposed stage 1 DA;
 - be amended to include consideration of s.117 directions;
 - be amended to remove deferred matters status applying to site No. 6;
 - be forwarded for consultation to several public agencies;
 - be publicly exhibited for 14 days; and,
 - be finalised by 27 July 2011.
- The delay in meeting the original Gateway Determination timeframe has arisen due to ongoing negotiations between Council and the land owner on the terms of a Voluntary Planning Agreement (VPA) to provide essential infrastructure for the Green Square Town Centre.
- On 21 and 25 July 2011, Council and the Central Sydney Planning Committee (CSPC) approved the Planning Proposal for submission to the Department once a VPA had been signed.
- On 6 September 2011, Council wrote a letter requesting that the Department instruct the Parliamentary Counsel's Office (PCO) to commence preparing the plan prior to the formal submission under s.58 of the Act.
- The Department's preference is to only submit planning proposals once they have been formally endorsed by Council to avoid unnecessary amendments to draft plans prepared by Parliamentary Counsel.
- Nevertheless, the Department will prepare draft documentation necessary to make the proposal into a LEP in anticipation of Council's formal submission. This will ensure the matter is processed as quickly as possible once received.

Contact Officer: Tharani Yoganathan
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Regional Director
Sydney Region East


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Plan Making and Urban Renewal



Planning & Infrastructure

Ms Monica Barone
Chief Executive Officer
City of Sydney Council
GPO Box 1591
SYDNEY NSW 2001

Attention: Andrew Thomas

Dear Ms Barone

Planning Proposal PP_2010_SYDNE_003_00 – Gateway Determination extension of time

I refer to Council's recent request that the Department instruct the Parliamentary Counsel's Office to prepare a draft Local Environmental Plan (LEP) giving effect to the subject planning proposal. The request was not made formally under section 58 of the *Environmental Planning and Assessment Act 1979* (the Act).

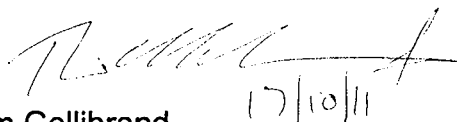
Parliamentary Counsel's Office will be requested to prepare the draft plan once Council has formally lodged the planning proposal under section 58 of the Act. The Department has begun drafting the necessary documentation in anticipation of Council's formal submission to ensure that the matter can be dealt with quickly.

I note Council's reluctance to formally submit the planning proposal until a Voluntary Planning Agreement (VPA) requiring the land owner to provide essential public infrastructure is finalised. To ensure adequate time for finalisation of the VPA, I have determined as the delegate of the Minister, to extend the timeframe for completion of the planning proposal.

I have amended the Gateway Determination under section 56(7) of the Act and the planning proposal is now due for completion three months from the date of this letter. Council's request that the Department draft and finalise the LEP should be made 6 weeks prior to the proposed finalisation date.

If you have any questions in relation to this matter, please contact Ms Rosalind Louis, Team Leader, of the Department of Planning and Infrastructure's Sydney Region East Branch on (02) 9228 6419.

Yours sincerely



Tom Gellibrand
Deputy Director General
Plan Making and Urban Renewal