



Planning & Infrastructure

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

Contact: Tharani Yoganathan
Phone: (02) 8575 4111
Email: tharani.yoganathan@planning.nsw.gov.au
Postal: GPO Box 39 SYDNEY NSW 2001
Our ref: PP_2013_CANA_004_00

Dear Mr Sawyer,

Planning proposal to amend City of Canada Bay Local Environmental Plan 2013

I am writing in response to your Council's email, dated 13 December 2013, requesting a gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the planning proposal to increase floor space ratio and height of building controls within 6-16 and 34 Walker Street, 11-21 and 23 Marquet Street, Rhodes.

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

The planning proposal has the potential for inconsistency with s117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones. Therefore, the attached gateway determination includes a condition requiring Council to address the potential inconsistency with s117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones in the planning proposal prior to public exhibition.

The Minister delegated his 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.

The amending local environmental plan (LEP) is to be finalised within 9 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 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 for administrative purposes.

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 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Ms Tharani Yoganathan of the Metropolitan Delivery (CBD) office of the Department on 02 8575 4111.

Yours sincerely,


Neil McGaffin
A/Deputy Director General
Growth Planning and Delivery

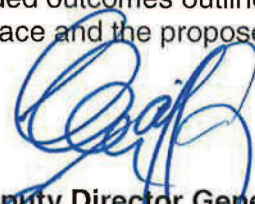
23.12.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_CANAD_004_00): to increase the floor space ratio and height of building controls for sites at 6-16 and 34 Walker Street, 11-21 and 23 Marquet Street, Rhodes.

I, the Acting Deputy Director General, Growth Planning and Delivery at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the *Environmental Planning & Assessment Act 1979* (EP&A Act) that an amendment to the *City of Canada Bay Local Environmental Plan (LEP) 2013*, which increases floor space ratio and height of building controls for sites at 6-16 and 34 Walker Street, 11-21 and 23 Marquet Street, Rhodes should proceed subject to the following conditions:

1. The material to be exhibited for public comment is to include the draft Voluntary Planning Agreement; GTA Consultant's Traffic Study; and Rhodes Economic Viability Study.
2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of 28 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 LEPs* (Department of Planning & Infrastructure 2013).
 - (c) Consultation is required with public authorities under section 56(2)(d) of the EP&A Act:
 - Department of Education and Communities;
 - Transport for NSW – Railcorp;
 - Transport for NSW - Roads and Maritime Services;
 - Transport for NSW – State Transit Authority;
 - Delta Electricity;
 - Energy Australia;
 - Sydney Water;
 - Telstra;
 - NSW Health and Ageing and Disability and Home Care;
 - Ausgrid; and
 - Adjoining LGAs;
 - (d) 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).
 - (e) The timeframe for completing the LEP is to be **9 months** from the week following the date of the gateway determination.
 - (f) The potential inconsistency with s117 Directions 1.1 Business and Industrial Zones and 3.1 Residential Zones must be addressed in the planning proposal prior to public exhibition.
 - (g) Prior to public exhibition the planning proposal must be amended to include a discussion indicating the manner in which the intended outcomes outlined in the Master Plan relating to residential, retail and commercial floorspace and the proposed community facilities and public amenity will be achieved.


A/Deputy Director General
Growth Planning & Delivery
Department of Planning & Infrastructure
Delegate of the Minister for Planning & Infrastructure

23.12.13

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

City of Canada Bay Council is authorised to exercise the functions of the Minister for Planning and Infrastructure under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2013_CANAD_004_00	Planning proposal to increase the floor space ratio and height of building control for sites at within 6-16 and 34 Walker Street, 11-21 and 23 Marquet Street, Rhodes.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guide to preparing local environmental plans" and "A guide to preparing planning proposals".

Dated



23.12.13
A/Deputy Director General
Growth Planning and Delivery

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_CANAD_004_00
Date Sent to Department under s56	13/12/2013
Date considered at LEP Review Panel	N/A
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: