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

Our ref: PP\_2014\_CANAD\_002\_00 (14/10815)  
Your ref:

Dear Mr Sawyer,

### **Planning proposal to amend Canada Bay Local Environmental Plan 2013**

I am writing in response to your Council's letter dated 27 June 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 expand the B4 Mixed Use zone; to amend height and FSR controls; to identify land to be acquired and to introduce additional active street frontages.

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.

I have also agreed the planning proposal's inconsistency with S117 Direction 4.1 Acid Sulphate Soils is of minor significance. No further approval is required in relation to this Direction.

I draw your attention to the conditions on the attached Gateway determination, particularly Condition 4. Council is to update the planning proposal prior to public exhibition to ensure stakeholders and the community can easily understand the proposed amendments and where they will be applied at the property level in comparison to existing controls. Council is also to prepare a plain-English explanation of the intent of the proposed subclauses to clauses 4.3 and 4.4, as their precise wording may change during the legal drafting process.

The amending Local Environmental Plan 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 for the Department of Planning and Environment to draft and finalise the Local Environmental Plan should be made 6 weeks prior to the projected publication date.

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 Mr Andrew Watkins of the Department of Planning and Environment's regional office to assist. Mr Watkins can be contacted on (02) 8575 4114.

Yours sincerely,



**Lee Mulvey**  
**Director, Metropolitan Delivery (CBD)**  
**Planning Services**

Encl: Gateway Determination



## Gateway Determination

**Planning proposal (Department Ref: PP\_2014\_CANAD\_002\_00):** to expand the B4 Mixed Use zone; to amend height and FSR controls; to identify land to be acquired and to introduce additional active street frontages.

I, the Director, Metropolitan Delivery (CBD) at the Department of Planning and 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 expand the B4 Mixed Use zone; to amend height and FSR controls; to identify land to be acquired and to introduce additional active street frontages should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Environment 2013)*.
  
2. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
  - Transport for NSW (Roads and Maritime Services);
  - Office of Environment and Heritage;
  - NSW Department of Education and Communities;
  - Housing NSW;
  - NSW Department of Health;
  - Sydney Water;
  - Energy Australia; and
  - Adjoining LGA Councils

Each public authority 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, or to indicate that they will require additional time to comment on the

proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal. The planning proposal is to be amended to include the outcome of this consultation.

3. A public hearing is not required to be held into the matter by any person or body under section 56(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).
4. Prior to its public exhibition, the planning proposal is to be updated to:
  - a) provide a 'plain English' explanation of the intent of the proposed new subclauses to be added to existing LEP clauses 4.3 Height of buildings, and 4.4 Floor space ratio; and
  - b) map the individual sites/properties that are subject to the proposed:
    - i. rezoning and expansion of the B4 Mixed Use zone;
    - ii. height controls;
    - iii. active street frontages and;
    - iv. land acquisition.

The planning proposal is to provide a clear comparison with the existing controls on individual sites (where applicable).

5. The Five Dock Town Centre Urban Design Study (October 2013) and the draft City of Canada Bay Development Control Plan for Five Dock Town Centre (18 June 2014) are to be publicly exhibited with the planning proposal.
6. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated 25<sup>th</sup> day of September 2014.

  
**Lee Mulvey**  
**Director, Metropolitan Delivery (CBD)**  
**Planning Services**

**Delegate of the Minister for Planning**