Planning & Environment

Contact: Andrew Watkins
Phone: (02) 8575 4114
Fax: (02)
Email: Andrew.watkins@planning.nsw.gov.au

Our ref: PP_2014_CANAD_003_00 (14/15558)
Your ref:

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

Dear Mr Sawyer,

Planning proposal to amend Canada Bay Local Environmental Plan 2013

I am writing in response to your Council's letter dated 8 September 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 correct drafting errors and anomalies as follows:

- to rezone 2A Hamilton Street East, North Strathfield, from B3 (Commercial Core) to R3 (Medium Density Residential) to reflect the site's current use as residential flat buildings;
- to apply a height control of 8.5m to multiple lots on Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue, Concord; and
- to amend Schedule 1 Additional Permitted Uses to reflect the correct address of 2 Shore Road, and to include 1 Shore Road, Chiswick (part Lots 1 and 2 – SP64846) to reflect the site's current commercial use.

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 1.1 Business and Residential Zones is of minor significance. No further approval is required in relation to this Direction.

Plan making powers were delegated to councils by the Minister 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 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 and Environment's regional team 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 Mr Andrew Watkins of the Department of Planning and Environment's Metropolitan Delivery (CBD) team to assist. Mr Watkins can be contacted on (02) 8575 4114.

Yours sincerely,

Lee Mulvey
Director, Metropolitan Delivery (CBD)
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

NSW GOVERNMENT | Planning & Environment

Gateway Determination

***Planning proposal (Department Ref: PP_2014_CANAD_003_00)**: to correct drafting errors and anomalies as follows:*

- *to rezone 2A Hamilton Street East, North Strathfield, from B3 (Commercial Core) to R3 (Medium Density Residential) to reflect the site's current use as residential flat buildings;*
- *to apply a height control of 8.5m to multiple lots on Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue, Concord; and*
- *to amend Schedule 1 Additional Permitted Uses to reflect the correct address of 2 Shore Road, Chiswick, and to include 1 Shore Road, Chiswick (part Lots 1 and 2 – SP64846) to reflect the site's current commercial use.*

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 correct drafting errors and anomalies, as specified above, 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and 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 LEPs (Department of Planning and Environment 2013)*.

2. 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).

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

Dated 15th day of October 2014.

Lee Mulvey
Director, Metropolitan Delivery (CBD)
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

NSW GOVERNMENT | Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

City of Canada Bay Council is authorised to exercise the functions of the Minister for Planning 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_2014_CANAD_003_00	Housekeeping LEP to correct drafting errors and anomalies as follows: • to rezone 2A Hamilton Street East, North Strathfield, from B3 (Commercial Core) to R3 (Medium Density Residential) to reflect the site's current use as residential flat buildings; • to apply a height control of 8.5m to multiple lots on Burwood Road, Edith Avenue, Corby Avenue, Evelyn Avenue and Finch Avenue, Concord; and • to amend Schedule 1 Additional Permitted Uses to reflect the correct address of 2 Shore Road, Chiswick, and to include 1 Shore Road, Chiswick (part Lots 1 and 2 – SP64846) to reflect the site's current commercial use.

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

Dated 15th October 2014

Lee Mulvey
Director, Metropolitan Delivery (CBD)
Planning Services
Department of Planning and Environment
Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment 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 publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	**PP_2014_CANAD_003_00**
Date Sent to DPE under s56	**23 September 2014**
Date considered at LEP Review Panel (if applicable)	**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 DPE requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: