



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

Our ref: 15/16611

Dear Mr Sawyer

Planning Proposal to amend Canada Bay Local Environmental Plan 2013

I refer to Council's letter dated 9 October 2015 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 rezone land and amend height and floorspace ratio controls applying at 355 and 357-359 Lyons Road, Five Dock.

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

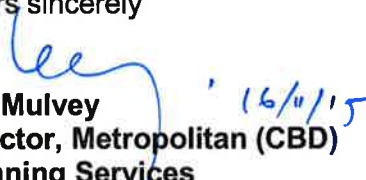
The former Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to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

Should you have any queries in regard to this matter, please contact Mr Andrew Watkins of the Metropolitan (CBD) branch of the Department of Planning and Environment on 02 9228 6558.

Yours sincerely


Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

Encl:
Gateway Determination and Authorisation to exercise delegation



Gateway Determination

Planning proposal (Department Ref: PP_2015_CANAD_006_00): to amend Canada Bay Local Environmental Plan 2013 by rezoning land from R2 Low Density Residential and B1 Neighbourhood Centre to B4 Mixed Use and increasing the maximum floorspace ratio and maximum building height controls for 355 and 357-359 Lyons Road, Five Dock.

I, the Director, Metropolitan (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 rezone land from R2 Low Density Residential and B1 Neighbourhood Centre to B4 Mixed Use; increase the maximum floorspace ratio control from 0.5:1 and 1:1 to 1.3:1; and increase the maximum building height control from 8.5 metres to 11 metres at 355 and 357-359 Lyons Road, Five Dock should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated as follows:
 - a. the two planning proposals are to be consolidated into a single planning proposal consistent with the Department's *Guide to Preparing Planning Proposals*;
 - b. provide a consolidated set of existing and proposed zoning, maximum building height and floorspace ratio maps (including Legends), in accordance with *Standard technical requirements for LEP maps*;
 - c. demonstrate consistency with *A Plan for Growing Sydney*.
2. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and 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)*.
3. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act in relation to the proposal:
 - Transport for NSW – Roads and Maritime Services.

The 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.

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 LEP is to be 9 months from the week following the date of the Gateway determination.

Dated 16th day of November 2015.



Lee Mulvey
Director, Metropolitan (CBD)
Planning Services

Delegate of the Minister for Planning