



Mr Gary Sawyer
General Manager
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Our ref: PP_2015_CANAD_002_00 (15/15378)

Dear Mr Sawyer,

Planning proposal to amend Canada Bay Local Environmental Plan 2013

I am writing in response to Council's letter, dated 22 September 2015, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to amend Schedule 1 – Additional Permitted Uses of *Canada Bay Local Environmental Plan 2013* to permit a Child Care Centre as an additional use for 25-27 Spencer Street, Five Dock.

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

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 amended 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 to draft and finalise the Local Environmental Plan should be made directly to Parliamentary Counsel's Office six 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, please contact Mr Alan Chen of the Department of Planning and Environment's Metropolitan (CBD) Branch on (02) 9228 6410.

Yours sincerely

Brett Whitworth
A/Executive Director, Regions
Planning Services

Encl: Gateway Determination; Written Authorisation to Exercise Delegation

Gateway Determination

Planning proposal (Department Ref: PP_2015_CANAD_002_00): to amend Schedule 1 of Canada Bay Local Environmental Plan 2013 to permit the use of a child care centre at 25-27 Spencer Street (Lot 12-13 DP 11967).

I, the A/Executive Director, Regions, Planning Services, 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 Schedule 1 of the Canada Bay Local Environmental Plan 2013 to add a Child Care Centre as an additional permitted use for 25-27 Spencer Street, Five Dock (Lot 12-13 DP11967), should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to give consideration to the existing approved sex service premises on the corner of Parramatta Road and Regatta Street. The planning proposal must demonstrate how this potential land use conflict will be mitigated, including the impact the proposed use may have on the operation of the sex services premises with reference to *Clause 6.7 Location of Sex Services Premises* in Canada Bay Local Environmental Plan 2013.
2. Prior to undertaking public exhibition, the planning proposal is to be updated to demonstrate consistency with State Environmental Planning Policy 55 – Remediation of Land (SEPP 55).
3. Prior to undertaking public exhibition, the planning proposal is to be updated to demonstrate consistency with the *Draft New Parramatta Road Urban Transformation Strategy*.
4. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is considered routine as described in A Guide to Preparing LEPs (Department of Planning and Environment 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 and Environment 2013).
5. Consultation is required under section 56(2)(d) of the Act with UrbanGrowth NSW. UrbanGrowth NSW 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.
6. 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).



7. The timeframe for completing the Local Environmental Plan is to be **9 months** from the week following the date of the Gateway determination.

Dated 17th day of November 2015.

Brett Whitworth
A/Executive Director, Regions
Planning Services

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

The 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_2015_CANAD_002_00	Planning proposal to permit a child care centre as an additional permitted use on Lot 12 -13 DP11967 at 25-27 Spencer Street Five Dock.

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

Dated 17th November 2015

Brett Whitworth
A/ Executive Director, Regions
Planning Services