NSW GOVERNMENT | Planning & Environment

Gateway Determination

Planning proposal (Department Ref: PP_2017_IWEST_19_00): *to rezone land and increase height and floor space ratio controls at 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill*

I, the Executive Director, Regions, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Marrickville Local Environmental Plan (LEP) 2011 to facilitate a mixed-use commercial and residential redevelopment should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be amended to:
   (a) reflect the updated *Environmental Planning and Assessment Act 1979*;
   (b) address the Greater Sydney Region Plan and its priorities;
   (c) address the Eastern City District Plan;
   (d) update the objectives and intended outcomes to clearly describe what is proposed for the site, consistent with *A guide to preparing planning proposals*;
   (e) remove draft clauses from all sections of the planning proposal and replace with plain English explanations of the provisions consistent with *A guide to preparing planning proposals*;
   (f) confirm the proposed RE1 and RE2 zoning of the site;
   (g) include an intent to allow for minor variations to the prescriptive zoning, height and floor space ratio standards on the site by 1m horizontally except the zonings for open space;
   (h) include an acknowledgment that satisfactory arrangements will be required to address state infrastructure needs as the site is in the Sydenham to Bankstown Corridor;
   (i) include an intention to require that a development application pertaining to the site for residential and/or mixed-use development will be lodged within three years of the LEP being made. If no development application is lodged within this time frame, the effect of the amendments to rezone the site will cease;
   (j) undertake an economic impact analysis assessing the loss of industrial zoning and urban service uses on the site with regards to the local economy; and
   (k) update the concept design for the proposal to demonstrate the likely built forms and masterplan layout for the site and reflect the proposed LEP amendments.

2. Prior to community consultation, the revised planning proposal is to be forwarded to the Department for review.

3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

    (a) the planning proposal must be made publicly available for a minimum of **28 days**; and

    (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).

4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

    *   Transport for NSW – Sydney Light Rail;
    *   Roads and Maritime Services; and
    *   Department of Education.

    Each public authority/organisation 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.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).

6. The time frame for completing the LEP is to be **24 months** following the date of the Gateway determination.

Dated 2nd day of November 2018.

Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission