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Our ref: PP_2011_RYDEC_004_00 (11/13260)
Your ref: CRS201011347 D11/58048

Mr John Neish
General Manager
Ryde City Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Mr Neish,

Re: Planning Proposal to rezone 283-289 Blaxland Road, Ryde from R2 Low Density Residential to R4 High Density Residential with new height and FSR controls

I am writing in response to your Council's letter dated 19 July 2011 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 amend the Ryde Local Environmental Plan 2010 to rezone 283-289 Blaxland Road, Ryde from R2 Low Density Residential to R4 High Density Residential with new height and FSR controls.

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

It is noted that the subject site was previously used as a petrol station. Council is reminded of the requirements of State Environmental Planning Policy (SEPP) – 55 Remediation of Land when rezoning a site. Council is to ensure that the requirements of the SEPP are complied with in terms of demonstrating the site is, or can be made suitable for residential purposes. Council should ensure a copy of all relevant information relating to site contamination assessment reports including the Preliminary Site Investigation Report are placed on public exhibition.

Council is also to ensure that relevant maps are prepared and included in the public exhibition material. Maps are to be provided for exhibition purposes which demonstrate the proposed Floor Space Ratio, Zoning, and Height of Buildings in accordance with the Department's Technical Guidelines for preparing SI LEP maps.

It is also noted that Council incorrectly refers to the current zone and proposed future zone for the site at page 7 of its planning proposal. The planning proposal should be updated and corrected prior to exhibition commencing.

The amending Local Environmental Plan (LEP) 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 within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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 Danijela Karać-Cooke of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_RYDEC_004_00): to rezone 283-289 Blaxland Road, Ryde from R2 Low Density Residential to R4 High Density Residential with new height and FSR controls.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Ryde Local Environmental Plan 2010 to rezone 283-289 Blaxland Road, Ryde from R2 Low Density Residential to R4 High Density Residential with new height and FSR controls should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("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 2009)* and must be made publicly available for **14**; 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Council is to place a copy of any site contamination assessment reports for the site on public exhibition with the planning proposal.
3. LEP Maps are to be provided for exhibition purposes which demonstrate the proposed Floor Space Ratio, Zoning, and Height of Buildings controls for the site in accordance with the Department's Technical Guidelines for preparing SI LEP maps
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
5. 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).
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

16th

day of

August

2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure