

Gateway Determination

Planning proposal (Department Ref: PP_2017_CANAD_002): to increase the maximum height of buildings and maximum floor space ratio (FSR) at the subject site located on the western side of Waterview Street, between Barnstaple Road and Second Avenue Five Dock, and amend the Heritage Map and Schedule 5 to remove the heritage listing for item I486 (39 Waterview Street, Five Dock).

I, the Director, Sydney Region East at the Department of Planning and Environment as delegate of the Minister for Greater Sydney Commission, 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 (LEP) 2013 to increase the maximum height of buildings from 8.5 metres to part 10.5m and part 14 metres, increase the maximum floor space ratio (FSR) from 0.5:1 to 1.0:1 and amend the Heritage Map and Schedule 5 to remove the heritage listing for item I486 (39 Waterview Street, Five Dock) should proceed subject to the following conditions:

1. Prior to community consultation the following studies are to be prepared, and are required to be placed on public exhibition with the planning proposal:
 - a) a Heritage Impact Assessment to assess the impacts regarding the intention to remove heritage item I486 (39 Waterview Street) from Schedule 5 of the Canada Bay LEP and the relevant Heritage Map Sheet;
 - b) a Traffic and Parking Impact Assessment to address any impacts the proposal may have on the local and wider road network. The study should address the recommendations as outlined in the Exhibition Outcomes Report, and the draft Development Control Plan, and address whether these measures are adequate, or if other measures are required to mitigate the impact on traffic and parking due to the proposed increase in density.
2. Following the preparation of the Heritage Impact Assessment and prior to community consultation, the Office of Environment and Heritage (OEH) is to be consulted, to address the proposals inconsistency with section 117 Direction 2.3 Heritage Conservation. OEH is to be provided with a copy of the planning proposal and all relevant supporting material, and given at least 21 days to comment.

The planning proposal is to be updated to address any advice provided by OEH.

3. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal 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 2016)*.

4. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Ausgrid
- Jemena Gas South
- Department of Health
- Department of Education and Training
- Transport for NSW
- Transport for NSW – Roads and Maritime Services
- Sydney Water Corporation
- Telstra
- Optus

Each 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.

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 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 **12 months** from the week following the date of the Gateway determination.

Dated

9th

day of

May

2017



Sandy Chappel
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission