



Mr Gary Sawyer  
General Manager  
Canada Bay Council  
Locked Bag 1470  
CANADA BAY NSW 1470

Our ref: PP\_2017\_CANAD\_002\_00 (17/05688)

Dear Mr Sawyer

### **Planning proposal to amend Canada Bay Local Environmental Plan 2013**

I am writing in response to your Council's letter dated 10 April 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal 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).

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

Council will still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of 2.3 Heritage Conservation section 117 Direction. Council should ensure this occurs prior to the plan being made.

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 amending Local Environmental Plan (LEP) is to be finalised within 12 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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Ms Ella Wilkinson of the Department's regional office to assist you. Ms Wilkinson can be contacted on (02) 9373 2833.

Yours sincerely

 9.5.17

**Sandy Chappel**  
**Director, Sydney Region East**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template