



Mr Gary Sawyer
General Manager
City of Canada Bay Council
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Our ref: PP_2015_CANAD_001_00 (15/01661)

Dear Mr Sawyer,

Planning proposal to amend Canada Bay Local Environmental Plan 2013

I refer to Council's letter dated 12 January 2015 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 Canada Bay Local Environmental Plan 2013 by providing for an increase in permissible building heights and floor space ratios on land at the Station Precinct, Rhodes.

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

The Department agrees with Council's requested 28 day exhibition period for this planning proposal, in accordance with the Department's *A Guide to Preparing LEPs*.

The former Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested 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 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 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 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 Mr Andrew Watkins of the Metropolitan Region (CBD) branch of the Department of Planning and Environment on 02 8575 4114.

Yours sincerely,



Simon Manoski
Acting General Manager, Metropolitan
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2015_CANAD_001_00):

I, the A/General Manager, Metropolitan, 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* (EP&A Act) that an amendment to *Canada Bay Local Environmental Plan (LEP) 2013* to include provisions for increased permissible building height and floor space ratio controls relating to land at 6-14 Walker Street; 34 Walker Street; 1-9 Marquet Street and 4 Mary Street; 11-21 Marquet Street; and 23 Marquet Street, Rhodes should proceed subject to the following conditions:

1. Prior to undertaking exhibition, the planning proposal is to be updated to:
 - a) demonstrate that it satisfies the requirements of State Environmental Planning Policy 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning, and this is to be included as part of the public exhibition material;
 - b) include Standard Instrument-format proposed Height of Buildings and Floor Space Ratio maps to be included as part of the public exhibition material;
 - c) ensure maps are prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning and Infrastructure 2013); and
 - d) provide an updated project timeline.
2. Community consultation is required under sections 56(2)(c) and 57 of the 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 & Infrastructure 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 & Infrastructure 2013).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act in relation to the proposal:
 - Transport for NSW - Roads and Maritime Services;
 - Transport for NSW - Sydney Trains;
 - Transport for NSW - State Transit Authority;
 - Department of Education and Communities;
 - NSW Family and Community Services – Ageing, Disability and Home Care;
 - NSW Department of Health;

- NSW Police Force;
- Fire and Rescue NSW;
- State Emergency Service;
- Delta Electricity;
- Energy Australia;
- Sydney Water;
- Telstra;
- Ausgrid;
- Adjoining LGAs, including Auburn, Ryde and Hunters Hill.

The public authorities are 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.

4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 16th day of March 2015


16.3.15

Simon Manoski
A/General Manager,
Metropolitan
Planning Services

Delegate of the Minister for
Planning



Planning & Environment

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

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_001_00	Planning proposal to amend the Canada Bay Local Environmental Plan 2013 by providing for an increase in permissible building heights and floor space ratios on land at the Station Precinct, Rhodes.

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 16 March 2015

Simon Manoski
A/General Manager, Metropolitan
Planning Services

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated Local Environmental Plan amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2015_CANAD_001_00
Date Sent to Department under s56	12 January 2015
Date considered at LEP Review Panel	N/A
Gateway determination date	March 2015

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft Plan exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt Plan		
Date Plan made by GM (or other) under delegation		
Date sent to the Department requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: