

Office of the Director General

Ms Danielle Dickson
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Our ref: PP_2013_RYDEC_001_00 (13/01580)
Your ref: LEP2012/5/ D12/94082

Dear Ms Dickson,

Planning proposal to amend Ryde Local Environmental Plan (LEP) 2010 or draft Ryde LEP 2011

I am writing in response to Council's letter dated 20 December 2012 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 (LEP) 2010 to permit bulky goods premises, garden centre and hardware and building supplies as additional permitted uses on land at 461-495 Victoria Road, Gladesville or amend the draft Ryde LEP 2011 to permit garden centre and hardware and building supplies and amend the maximum building height on the land.

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

While I support the intended outcome of the planning proposal, Council's proposed provision to include bulky goods premises, garden centre and hardware and building supplies as additional permitted uses on land at 461-495 Victoria Road, Gladesville is not supported as a means of achieving the intended outcome. Council is to zone the site appropriately to reflect the intended land use. Council is to zone the site B5 Business Development or another appropriate business zone to permit bulky goods premises, garden centre and hardware and building supplies on the land.

I have also agreed the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones is of minor significance. No further approval is required in relation to this Direction.

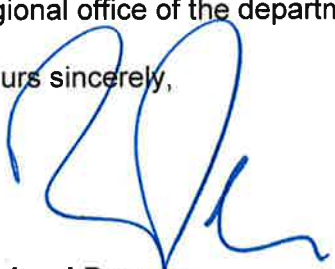
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending 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 for administrative purposes.

The NSW 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 Martin Cooper of the regional office of the department on 02 9228 6111.

Yours sincerely,



Richard Pearson
A/Director General

1/3/13

Gateway Determination

Planning proposal (Department Ref: PP_2013_RYDEC_001_00): to permit additional uses on land at Victoria Road, Gladesville and amend the height controls for the land.

I, the Acting Director General, Department of Planning and Infrastructure 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 (LEP) 2010 to permit bulky goods premises, garden centre and hardware and building supplies as additional permitted uses on land at 461-495 Victoria Road, Gladesville or amend the draft Ryde LEP 2011 to permit garden centre and hardware and building supplies and amend the maximum building height on the land should proceed subject to the following conditions:

1. Council's proposed provision to include 'bulky goods premises', 'garden centre' and 'hardware and building supplies' as additional permitted uses on land at 461-495 Victoria Road, Gladesville is not supported and should be removed from the planning proposal. Council is to zone the site B5 Business Development or another appropriate business zone to permit the above mentioned land uses. Council is to amend the planning proposal and mapping to reflect the above approach prior to proceeding to public exhibition.
2. Prior to undertaking public exhibition, Council is to amend the 'explanation of provisions' within the planning proposal to include advice on the changes proposed to be made to draft Ryde LEP 2011, in the event the draft LEP is notified prior to the making of this planning proposal.
3. 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 must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 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 **9 months** from the week following the date of the Gateway determination.

Dated

1 day of March

2013.

A handwritten signature in blue ink, appearing to be "R. Pearson", written over the year "2013.".

Richard Pearson
A/Director General
Delegate of the Minister for Planning and
Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

City of Ryde Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_RYDEC_001_00	Planning proposal to amend the Ryde Local Environmental Plan (LEP) 2010 to permit bulky goods premises, garden centre and hardware and building supplies as additional permitted uses on land at 461-495 Victoria Road, Gladesville or amend the draft Ryde LEP 2011 to permit garden centre and hardware and building supplies and amend the maximum building height on the land.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated 1 March 2013

Richard Pearson
A/Director General
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

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

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_RYDEC_001_00
Date Sent to Department under s56	20/12/2012
Date considered at LEP Review Panel	31/01/2013
Gateway determination date	01/03/2013

Table 2 – To be completed by the RPA

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

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: