



Contact: Emily Marriott-Brittan
 Phone: (02) 9228 6111
 Fax: (02) 9228 6244
 Email: Emily.Marriott-Brittan@planning.nsw.gov.au
 Postal: GPO Box 39 Sydney NSW 2001

Mr Chris Watson
 General Manager
 Rockdale City Council
 PO Box 21
 ROCKDALE NSW 2216

Our ref: PP_2012_ROCKD_001_00 (10/03660)
 Your ref: 12/16319(F12/51)

Dear Mr Watson,

Planning Proposal to make a number of housekeeping amendments to Rockdale Environmental Plan 2011

I am writing in response to your Council's letter dated 20 April 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 Rockdale Local Environmental Plan 2011 to:

- Correct anomalies in the land use table;
- Include additional objectives for the R2 and R3 zones;
- Amend clause 4.1(3B) in relation to existing dual occupancy development;
- Amend clause 4.4(2D) to provide a floor space ratio incentive only for commercial premises for land within Wolli Creek;
- Amend Schedule 2 Exempt Development in relation to certain sign types;
- Amend the Heritage Schedule and Heritage Map; and
- Amend various LEP Maps

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 Council are proposing to permit A-frame signage and sandwich boards on public land as exempt development, provided the signage is situated within a designated area subject to a Footway Trading Agreement, thus removing the requirement for a development application to be lodged and considered by Council. This outcome is supported by the Department. However, Council should consider including as a condition that development for the purpose of A-frame signs and sandwich boards should comply with the requirements of the Roads Act 1993, are not be erected on classified roads and are not to be illuminated. Council is to amend the planning proposal prior to the commencement of public exhibition to indicate consideration of including reference to these additional development standards.

It is noted that the proposed inclusion of additional zone objectives for the R2 and R3 zones are intended to apply to non-residential land uses adjoining residential development. Council is to ensure that the new objectives have regard to the overall character and amenity of the streetscape and adjoining residential area. Council is to liaise with the Department's Regional Team when drafting the new objectives.

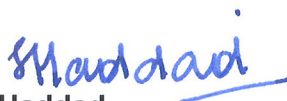
The proposed amendments to the land use table are supported by the Department. However, it is noted that the amendments propose to insert additional land uses as either 'permitted with consent' or 'prohibited'. Given that these are new land uses applicable to certain zones, it is considered that the amendments are not corrections of an anomaly, rather the insertion of additional land uses to the land use table. Therefore, Council is to amend the planning proposal to remove references to the correction of anomalies under the 'Explanation' column of Table 1 – Proposed land use table amendments, and include an accurate explanation for the amendment. Council is to undertake the amendments to Table 1 of the planning proposal prior to the commencement of public exhibition and provide a copy of the revised planning proposal to the Department's Regional Team.

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 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 Emily Marriott-Brittan of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,


Sam Haddad
Director-General

22/5/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_ROCKD_001_00): to amend several Schedules and Parts of Rockdale Environmental Plan 2011.

I, the 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 Rockdale Local Environmental Plan 2011 to amend several Schedules and Parts of Rockdale Environmental Plan 2011 should proceed subject to the following conditions:

1. Council should consider including as a condition that development for the purpose of A-frame signs and sandwich boards should comply with the requirements of the Roads Act 1993, should not be erected on classified roads and should not to be illuminated. Council is to amend the planning proposal prior to the commencement of public exhibition to indicate consideration of including reference to these additional development standards.
2. Council is to amend the planning proposal to remove references to the correction of anomalies under the 'Explanation' column of Table 1 – Proposed land use table amendments, and include an accurate explanation for the amendment. Council is to undertake the amendments to Table 1 of the planning proposal prior to the commencement of public exhibition and provide a copy of the revised planning proposal to the Department's Regional Team.
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 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage

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

22nd

day of

May

2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure