



Office of the Director General

Ms Meredith Wallace
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Rockdale City Council
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Our ref: PP_2012_ROCKD_006_00 (12/20090)
Your ref: F12/534

Dear Ms Wallace,

Planning proposal to amend Rockdale Local Environmental Plan 2011

I am writing in response to Council's letter dated 5 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 Rockdale Local Environmental Plan (LEP) 2011 to remove heritage item I64 at 192 Wollongong Road, Arncliffe from Schedule 5 Environmental Heritage.

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.

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 for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 Emily Marriott-Brittan of the regional office of the department on 02 9228 6111.

Yours sincerely,

**Sam Haddad
Director General**

10/1/2013

Gateway Determination

Planning proposal (Department Ref: PP_2012_ROCKD_006_00): to remove a property at 192 Wollongong Road, Arncliffe from the heritage schedule.

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 Rockdale Local Environmental Plan (LEP) 2011 to remove heritage Item I64 at 192 Wollongong Road, Arncliffe from Schedule 5 Environmental Heritage should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to address the proposal's inconsistency with Section 117 Direction 2.3 Heritage Conservation and Direction 7.1 Implementation of the Metropolitan Plan for Sydney 2036. Council is to provide strategic reasoning behind the removal of Item I64 from Schedule 5.
2. As part of the public exhibition material, Council is to exhibit the assessment undertaken by its heritage advisor and any other alternative advice it has received concerning the significance of item I64.
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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)*.
4. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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

10th

day of

January

2013



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