



Planning & Environment

Ms Meredith Wallace
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Our ref: PP_2014_ROCKD_002_00 (14/10459)

Dear Ms Wallace

Planning proposal to amend Rockdale City Council Local Environmental Plan 2011

I refer to Council's letter dated 20 June 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act, 1979* (the Act) in respect of the planning proposal to amend the Rockdale Local Environmental Plan 2011 to include 'restaurant or café' as an additional permitted use under Schedule 1 – Additional Permitted Uses for land at 2 and 2a Princes Highway, Wolli Creek.

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

I have also agreed the planning proposal's inconsistency with S117 Directions 4.1 Acid sulphate Soils and 4.3 Flood Prone Land are of minor significance. No further approvals are required in relation to these Directions.

In October 2012, the previous Minister delegated plan making powers to councils. 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 is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the Local Environmental Plan 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 State Government is committed to reducing the time taken to complete Local Environmental Plans 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, please contact Deewa Baral of the Metropolitan Delivery (CBD) branch on (02) 8575 4127.

Yours sincerely,

James Matthews
Acting Director, Metropolitan Delivery (CBD)
Housing, Growth and Economics

Gateway Determination

Planning proposal (Department Ref: PP_2014_ROCKD_002_00): to amend Rockdale LEP 2011 to include 'restaurant or café' as an additional permitted use under Schedule 1 – Additional Permitted Uses for land at 2 and 2a Princes Highway, Wolli Creek.

I, the Acting Director, Metropolitan Delivery (CBD) 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 the Rockdale Local Environmental Plan (LEP) 2011 to include 'restaurant or café' as an additional permitted use should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **14 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 website).
2. Consultation is required with NSW Crown Lands Division under section 56(2)(d) of the EP&A Act.
3. 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 29 day of July 2014.



James Matthews
Acting Director, Metropolitan Delivery (CBD)
Housing, Growth and Economics

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Rockdale City 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_2014_ROCKD_001_00	Planning proposal to amend the Rockdale LEP 2011 to include 'restaurant or café' as an additional permitted use under Schedule 1 – Additional Permitted Uses for land at 2 and 2a Princes Highway, Wolli Creek.

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

Dated 29/7/14

James Matthews
Acting Director, Metropolitan Delivery (CBD)
Housing, Growth and Economics