

Gateway Determination

Planning proposal (Department Ref: PP-2021-3619): to amend Canada Bay Local Environmental Plan 2013 to implement Stage 1 (2016-2023 release areas) of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS). The planning proposal seeks to amend land zoning, height and floor space ratio controls in response to the recommendations in PRCUTS and introduce new local provisions to address local infrastructure delivery, design excellence, flooding, remediation, active street frontages and sustainability.

I, the Executive Director, Eastern Harbour City, at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Canada Bay Local Environmental Plan (LEP) 2013 to implement Stage 1 (2016-2023 release areas) of the Parramatta Road Corridor Urban Transformation Strategy:

1. Prior to public exhibition, the planning proposal is to be revised to address the following:
 - a. include an explanatory note that future development will be subject to state/regional infrastructure contributions in accordance with the implementation actions in the *Parramatta Road Urban Corridor Transformation Strategy Implementation Update 2021*.
 - b. remove the proposed amendment to the Flood Planning Map.
 - c. remove the proposed remediation provisions and proposed Remediation Map.
 - d. remove the provisions specifically relating to rooftop shading and rooftop greening associated with the proposed tree canopy provisions from the planning proposal. For clarity, the tree canopy target is not required to be removed from the planning proposal.
 - e. remove all references to a Department led amendment to State Environmental Planning Policy (BASIX) 2004 from the planning proposal.
 - f. confirm the proposed incentive to support the proposed BASIX targets in the planning proposal.
 - g. confirm the maximum car parking rates as recommended in the PRCUTS will be included in Council's development control plan.
 - h. confirm the proposed additional permitted uses in the Kings Bay Precinct as follows:
 - i. Clarify whether 'Commercial Premises' as defined in the Standard Instrument is proposed to be included as an additional

- permitted use for land in the proposed R3 Medium Density Residential Zone fronting Parramatta Road; and
- ii. Clarify whether 'Depot' is proposed to be included as an additional permitted use in the proposed B4 Mixed Use zone at 15-17 Regatta Road, Five Dock.
 - i. include a table, within the planning proposal, that clearly demonstrates the:
 - i. Description of the relevant land(s) to be rezoned,
 - ii. Zoning(s) that currently applies to the land(s) (under the existing LEP),
 - iii. Zoning(s) sought in the proposal,
 - iv. Indicative zoning under the employment zones reform, and
 - v. Associated commentary/relevant information.
 - j. include an advisory note that the proposed provisions in Appendix A of the planning proposal have been prepared by Council. Provisions will be subject to drafting by Parliamentary Counsel Office (PCO) at finalisation.
 - k. clarify the reason for the proposed 8.5m height to 75A Victoria Avenue, Concord West.
2. Prior to finalisation, the planning proposal is to be revised to:
- a. address the Implementation Actions in the *Parramatta Road Urban Corridor Transformation Strategy Implementation Update 2021* to:
 - i. ensure the planning proposal aligns with any transport or infrastructure plan developed by the NSW Government in response to Sydney Metro West; and
 - ii. address the recommendations and outcomes of the Precinct-wide traffic studies.
 - b. Demonstrate how the PRCUTS tree canopy target of 25% can be achieved.
 - c. Provide feasibility analysis considering the zoning, height and floor space ratio and other requirements for development including design excellence competitions, affordable housing contributions, state or local contributions, dual reticulation requirements and BASIX targets etc.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act:

- Environment, Energy and Science (EES) Group
- Environmental Protection Agency (EPA)
- Sydney Metro
- Department of Education
- Transport for NSW
- Sydney Water
- Ausgrid
- Jemena Gas
- State Emergency Service
- Adjoining councils: Inner West, Strathfield and Burwood councils

Each public authority / organisation is 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.

5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, if reclassifying land).
6. The planning proposal must be reported to council for a final recommendation **9 months** from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.
8. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make the plan.

Dated 24 November 2021



Malcolm McDonald
Executive Director, Eastern Harbour
City,
Greater Sydney Place and
Infrastructure,
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning
and Public Spaces