

Ms Meredith Wallace
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Our ref: PP_2014_ROCKD_001_00 (13/19777)

Dear Ms Wallace

Planning proposal to amend Rockdale City Council Local Environmental Plan 2011

I refer to Council's letter dated 2 April 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) in respect of the planning proposal for amendments to the Rockdale LEP 2011 to include an exception subclause allowing two storey residential developments irrespective of the maximum height shown under Height of Buildings Map for land zoned R2 Low Density Residential and R3 Medium Density Residential.

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 note that Council has considered other options to achieve the intended outcome. I request that Council outline these options in the planning proposal to provide further justification for adopting the current approach as the most suitable in the existing circumstances.

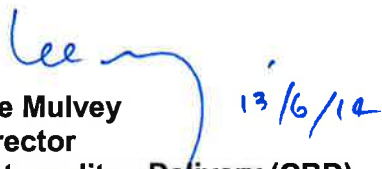
In October 2012, the previous Minister delegated plan making powers to councils. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise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

The amending Local Environmental Plan (LEP) 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 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 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 section 54(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 Deewa Baral of the Metropolitan Delivery (CBD) branch on 02 8575 4127.

Yours sincerely,



Lee Mulvey
Director
Metropolitan Delivery (CBD)
Growth Planning and Delivery



Gateway Determination

Planning proposal (Department Ref: PP_2014_ROCKD_001_00): Amendments to Rockdale LEP 2011 to add an exception clause which allows two storey residential developments irrespective of the maximum height shown under Height of Buildings Map for land zoned R2 Low Density Residential and R3 Medium Density Residential.

I, the 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 for addition of an exception clause 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. Prior to undertaking exhibition, the proponent is to revise the planning proposal to include explanations of other options considered and provide justification for the preferred option to achieve the intended outcome.
3. No consultation with government agencies is required.
4. 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 13 day of June 2014.


Lee Mulvey
Director
Metropolitan Delivery (CBD)
Growth Planning and Delivery

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 allow two storey residential developments irrespective of the maximum height shown under Height of Buildings Map for land zoned R2 Low Density Residential and R3 Medium Density Residential.

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 13 June 2014


Lee Mulvey
Director, Metropolitan Delivery (CBD)
Growth Planning and Delivery