

Gateway Determination

Planning proposal (Department Ref: PP-2022-4003) to permit Recreation Facilities (Indoor) on certain R1 General Residential zoned land within Mortlake and Breakfast Point as an additional permitted use (APU), make housekeeping updates to align all APUs under Schedule 1 and introduce a new APU map set in the Canada Bay LEP 2013.

I, the Manager, City of Sydney and Eastern Districts at the Department of Planning and Environment, as delegate of the Minister for Planning, 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 2013 to permit Recreation Facilities (Indoor) on certain R1 General Residential zoned land within Mortlake and Breakfast Point as an additional permitted use (APU), make housekeeping updates to align all APUs under Schedule 1 and introduce a new APU map set should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to provide a single map clearly showing all properties affected by the introduction of the new recreation facilities (indoor) APU.
2. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as standard as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 20 working 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).

Exhibition must commence within 2 months following the date of the gateway determination.

3. No consultation is required with public authorities or government agencies under section 3.34(2)(d) of the EP&A Act
4. 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 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 Council as planning proposal authority is authorised to exercise the functions of the local plan-making authority under section 3.36(2) of the EP&A Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the gateway determination;

- (b) the planning proposal is consistent with applicable directions of the Minister under section 9.1 of the EP&A Act or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The LEP should be completed on or before 23 September 2023.

Dated 23 day of December 2022.



Alexander Galea
Manager, City of Sydney and Eastern
District
Department of Planning and Environment
Delegate of the Minister for Planning