

Gateway Determination

Planning proposal (Department Ref: PP-2024-1595): *To amend the Canada Bay Local Environmental Plan 2013 to introduce new planning controls for land in the Kings Bay, Burwood-Concord and Homebush North Precincts identified in the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS).*

I, the Acting Executive Director, Local Planning & Council Support, at the Department of Planning, Housing and Infrastructure, 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 EP&A Act) that an amendment to the Canada Bay Local Environmental Plan 2013 (Canada Bay LEP 2013) to introduce new planning controls for land in the Kings Bay, Burwood-Concord and Homebush North Precincts identified in the PRCUTS should proceed subject to the conditions listed below.

The LEP should be completed on or before 12 December 2025.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be updated to:
 - (a) Review the proposed densities for the land subject to the planning proposal (in consultation with the Department) and update the planning proposal to support the delivery of more homes near the future Sydney Metro stations at Burwood North and Five Dock. As part of this work, consideration should be given to whether increasing densities would allow Council to apply an affordable housing contribution requirement to more sites.
 - (b) Provide detailed site-specific justification for building heights and FSRs below those recommended by in the Planning and Design Guidelines or currently allowed under the Canada Bay LEP 2013.
 - (c) Clarify whether it is proposed to rezone land along Crane Street from E1 Local Centre to R3 Medium Density Residential.
 - (d) Provide additional justification for the proposal to rezone land along Parramatta Road and Crane Street (if proposed) to R3 Medium Density Residential. The additional justification should address the requirements of both section 9.1 Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy and 7.1 Employment Zones.
 - (e) Address the requirement of Direction 4.1 Flooding and update the support Flood Risk Assessment to:
 - i. Address the requirement of the Direction regarding Special Flood Considerations.
 - ii. Provide an assessment against the most recent version of the Direction.
 - iii. Provide further information on the proposed emergency management strategy and the effectiveness of management measures required to minimise the impact and risk of flooding to the existing and future community. Consideration should be given to the *NSW Flood Risk Management Manual* and the *Flood Impact and Risk Assessment – Flood*

Risk Management Guide LU01.

- (f) Provide further information addressing the planning proposal's consistency with the following section 9.1 Directions: 1.4 Site Specific Provisions; 1.5 Parramatta Road Corridor Urban Transformation Strategy; 3.10 Water Catchment Protection; 6.1 Residential Zones; and 7.1 Employment Zones.
 - (g) Consider the likelihood of adversely affecting critical habitat or threatened species, populations or ecological communities or their habitat. This includes remnants of Sydney Turpentine-Ironbark Forest in Queen Elizabeth Park.
 - (h) Provide additional justification for applying minimum site area requirements for the redevelopment of key sites (that are seeking to take advantage of the incentive building heights and FSRs), particularly on land where the provision of setbacks or delivery of local infrastructure would not be required under clauses 8.5, 8.6, 8.7 and 8.8.
 - (i) Provide a plain-English explanation and clear justification for the proposed objectives for Part 8 of the Canada Bay LEP 2013.
 - (j) Clarify the proposed amendments to clause 8.1 and 8.9.
 - (k) Ensure the setback requirements in clause 8.6 apply consistently between land that is currently subject to the clause and land that is subject to the planning proposal.
 - (l) Remove the proposed requirement to dedicate setback areas required under clause 8.6 to Council.
 - (m) Remove the proposal to exclude the low and mid-rise housing reforms from applying in the 'Schools Precinct'.
 - (n) Make the text and boundaries legible on the draft Land Zoning Map and FSR Map.
 - (o) Include Sheet 003 of the draft Height of Buildings Map.
 - (p) Clarify why no affordable housing rate is proposed for Key Site 44 (or other similar sites in the Precincts).
 - (q) Remove the incentive building heights shown for 1C Henley Marine Drive and 1 Parramatta Road, Five Dock on the draft Incentive Height of Building Map.
 - (r) Clarify the proposed base and incentive FSR for land north of Ada Street, Concord.
 - (s) Clarify the proposed land use zoning for 1 Parramatta Road and 1C Henley Marine Drive, Five Dock.
 - (t) Address consistency with the Out of Sequence Checklist in the Implementation Plan 2016-2023.
2. Prior to exhibition, consultation is required with Transport for NSW regarding the future use and planning controls for land at 1 Parramatta Road and 1C Henley Marine Drive, Five Dock.

3. Prior to exhibition, the planning proposal is to be amended to address conditions 1 and 2 and forwarded to the Minister for review and approval under s 3.34(6) of the EP&A Act.
4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the EP&A Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the EP&A Act:
 - Transport for NSW
 - Sydney Metro
 - NSW Department of Education
 - The Biodiversity, Conservation and Science Group at the NSW Department of Climate Change, Energy, the Environment and Water
 - NSW State Emergency Service
 - Relevant utility providers, including Sydney Water, Ausgrid and Jemena
 - Adjoining councils, including Inner West Council, Strathfield Council and Burwood Council
 - NSW Land and Housing Corporation.
5. The planning proposal should be made available for community consultation for a minimum of 30 working days.
6. 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, in response to a submission or if reclassifying land).



Dated 28 January 2025

Daniel Thompson
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& Council Support
Planning, Land Use Strategy, Housing
and Infrastructure
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces