



Planning & Environment

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Our ref: PP_2015_ROCKD_001_00 (15/05371)

Dear Ms Wallace

I refer to Council's letter dated 23 February 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone 152-206 Rocky Point Road, Kogarah to allow a mix of residential and commercial uses.

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 agreed that the planning proposal's inconsistencies with section 117 Directions 1.1 Business and Industrial Zones and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions. However, the planning proposal should be updated to include a preliminary acid sulphate soils assessment to address the inconsistency with section 117 Direction 4.1 Acid Sulfate Soils. Additionally, the planning proposal should also address any inconsistencies with Direction 1.9 of *A Plan for Growing Sydney*, particularly Action 1.9.2, which requires assessment against the Industrial Lands Strategic Assessment checklist.

I have noted the proposed additional provision of building height plane in the planning proposal. At this stage, it is recommended to include a paragraph explaining the intent of the proposed height plane and its relationship to the proposed development rather than a draft clause.

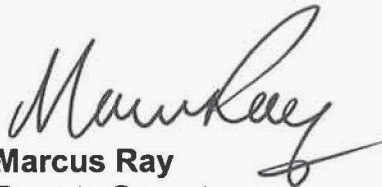
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested delegation for this planning proposal. It is not Department practice to issue delegation for planning proposals which have been subject to a pre-Gateway review. As such, Council's request to exercise delegation to make this plan is not supported.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible.

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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Deewa Baral of the Metropolitan (CBD) branch of the Department of Planning and Environment on (02) 8575 4127.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

Marcus Ray
Deputy Secretary
Planning Services

04/05/2015
Encl:
Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2015_ROCKD_001_00): to amend Rockdale Local Environmental Plan 2011 by rezoning 152-206 Rocky Point Road, Kogarah from mostly IN2 Light Industrial to part B6 Enterprise Corridor and part R4 High Density Residential and amend the associated maximum permissible building height and floor space ratio controls.

I, the Deputy Secretary, 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* (the Act) that an amendment to *Rockdale Local Environmental Plan 2011* to rezone the site and amend the associated maximum permissible building height and floor space ratio controls, should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be amended to include:
 - a. a preliminary acid sulphate soils assessment to address the requirements of section 117 Direction 4.1 Acid Sulfate Soils;
 - b. a site contamination assessment report to address the requirements of *State Environmental Planning Policy 55 - Remediation of Land*;
 - c. an updated traffic report to include cumulative impact of the proposed development on local roads;
 - d. an updated section 4.1.6 of the planning proposal to include the intent of the proposed subclause regarding building height plane, in place of a draft subclause; and
 - e. consideration of the Industrial Lands Strategic Assessment checklist to address Direction 1.9 of *A Plan for Growing Sydney*.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - a. the planning proposal must be made publicly available for a minimum of **28 days**; and
 - b. the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials 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 and Environment website).
3. Consultation is required with the following public authorities under section 56(2) (d) of the Act in relation to the proposal:
 - Roads and Maritime Services
 - Energy Australia
 - Sydney Water
 - Telstra
 - Kogarah City Council

The public authorities are 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.

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 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 **12 months** from the week following the date of the Gateway determination.

Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning and Environment website)

Dated 4th day of May 2015



Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Minister for Planning