



Gateway Determination

Planning proposal (Department Ref: PP_2021_6099): to amend Canada Bay Local Environmental Plan 2013 to amend land use zoning, height and floor space ratio controls, and introduce site specific provisions for the Bushells Factory site at 160 Burwood Road, Concord.

I, the Deputy Secretary, Greater Sydney Place and Infrastructure, 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 rezone land at 160 Burwood Road, Concord from IN1 General Industrial to part B1 Neighbourhood Centre part R3 Medium Density residential part RE1 Public recreation, amend height and floor space ratio controls, and introduce site specific provisions.

1. Prior to public exhibition, the planning proposal is to be revised to address the following:
 - a. Ministerial Direction 2.3 Heritage Conservation as it relates to the proposal and include the Aboriginal Due Diligence Assessment for public exhibition, subject to the redaction of any culturally sensitive information.
 - b. Ministerial Direction 2.6 as it relates to the proposal and prepare a Detailed Site Investigation (DESI) to address the recommendations of report 13188/2, prepared by Geotechnique Pty Ltd.
 - c. Ministerial Direction 4.3 Flooding by assessing the proposal against the requirements of the Direction.
 - d. Demonstrate that future development is capable of achieving the minimum solar access requirements in the Apartment Design Guide (3D and 4A) to apartments and communal open space.
 - e. Clarify the proposed FSR controls. The planning proposal is to include a FSR map showing the proposed site FSR, and a supporting plan showing the resulting block by block distribution of FSR across the site.
 - f. Include provisions to ensure spatial needs of light industry uses are addressed, including requirements for light industry to be located on the lower and upper ground floor levels of the Central Roasting Hall, and appropriate floor-to-ceiling heights.
 - g. Consolidated update of technical documentation, including but not limited to:
 - i. update the Explanation of Provisions to acknowledge the need to amend Clause 6.12 Affordable Housing in the LEP in accordance with the Affordable Housing Contribution Scheme.

- ii. the draft DCP to address the spatial needs of light industrial uses as well as detailed design considerations such as floor to ceiling height spans, loading docks and vehicle access/parking, vehicle circulation, waste disposal, storage and service areas/ corridors, etc.
2. Prior to finalisation, the planning proposal is to be revised to:
 - a. Address the inconsistency with Ministerial Direction 6.3 to provide further justification that the inconsistency with Direction 6.3 is a minor inconsistency.
 - b. Update the Transport Impact Assessment to reflect the current proposal and following consultation with Transport for NSW.
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 Group
 - Environmental Protection Agency
 - Greater Sydney Commission
 - Department of Education
 - Ausgrid
 - Sydney Water
 - Jemena
 - Metropolitan LALC and other relevant Aboriginal groups
 - Roads and Maritime Service
 - Transport for NSW
 - Massey Park Golf Club

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. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make the plan.
7. The time frame for completing the LEP is to be **12 months** from the date of the Gateway determination.

Dated 31 October 2021



**Brett Whitworth
Deputy Secretary,
Greater Sydney Place and
Infrastructure,
Department of Planning, Industry and
Environment**

**Delegate of the Minister for Planning
and Public Spaces**