

Gateway Determination

Planning proposal (Department Ref: PP-2021-6291): to amend Canada Bay Local Environmental Plan 2013 to facilitate a mixed use development at the site at 1 & 7 Ramsay Road and 5 & 7 Harrabrook Avenue, Five Dock

I, the Director, Eastern and South Districts at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, 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 facilitate a mixed use development at 1 & 7 Ramsay Road and 5 & 7 Harrabrook Avenue, Five Dock should proceed subject to the following conditions:

1. Prior to public exhibition the planning proposal is to be updated to:
 - (a) Address consistency with Section 9.1 Direction 1.1 Business and Industrial Zones; and
 - (b) Provide a map for community consultation purposes to clearly identify the land sought to be subject to an Additional Permitted Use for 'residential flat buildings'. The planning proposal should clarify whether it requires the introduction of an Additional Permitted Uses Map in the LEP.
2. The exhibition material must include the draft Affordable Housing Contribution Scheme and supporting Affordable Housing Feasibility Analysis provided on 1 March 2022.
3. 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 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 3 months following the date of the gateway determination.

4. Consultation is required with Transport for NSW under section 3.34(2)(d) of the EP&A Act. Transport for NSW is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 30 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 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).
6. 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.
7. The planning proposal must be reported to Council for a final recommendation within 7 months of the Gateway determination.
8. The LEP should be completed on or before 3 December 2022.

Dated 3 day of March 2022.



Laura Locke
Director, Eastern and South Districts
Eastern Harbour City
Department of Planning and
Environment

Delegate of the Minister for Planning
and Homes