

Gateway Determination

Planning proposal (Department Ref: PP-2020-465 (PP_2020_CBANK_001_00)):
to amend the Canterbury Local Environmental Plan (LEP) 2012 as it applies to the land at 165-169 Holden Street, Ashbury by rezoning part of the land from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential, amend the curtilage of the heritage listed Ashfield Reservoir, and introduce a maximum height control to part of the land.

I, the Director, Eastern and South Districts 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 Canterbury Local Environmental Plan (LEP) 2012 to rezone part of the land from SP2 Infrastructure (Water Supply System) to R2 Low Density Residential, amend the curtilage of the heritage listed Ashfield Reservoir, and introduce a maximum height control on part of the land should proceed subject to the following conditions:

1. The planning proposal is to be amended to address the following matters prior to public consultation:
 - (a) Provide a detailed description of the site, including the site configuration, land area, existing structures and features, supported by a map clearly showing the allotment boundaries and their respective lot and DP numbers;
 - (b) Include a description of the surrounding area supported by photographs;
 - (c) Clarify that the planning proposal applies to the whole of Lot 1 DP 911478 and Lot 1 DP 115504 to reflect the proposed amendment to the curtilage of the Ashfield Reservoir under the local heritage listing;
 - (d) Provide a full description of all heritage listings affecting the site, including the State Heritage Register, Sydney Water's Section 170 Register and Schedule 5 of the Canterbury Local Environmental Plan 2012;
 - (e) Update the planning proposal to address the all State Environmental Planning Policies (SEPPs) and Sydney Regional Environmental Plans (SREPs) which are in force;
 - (f) Provide details of any other heritage items in the vicinity of the proposal, including those within the neighbouring Inner West Local Government Area; and
 - (g) update the project timeline to reflect the progress of the planning proposal in Part 6.
2. A site-specific development control plan (DCP) is to be prepared to provide more detailed guidance and controls for future development on the site. In particular, the DCP is to address:

- (a) future built form and spatial relationship with the heritage listed Ashfield Reservoir;
- (b) compatibility with the surrounding dwellings within the Ashbury Heritage Conservation Area; and
- (c) potential pedestrian access between Holden Street and Peace Park.

The DCP is to be informed by specialist heritage advice and exhibited concurrently with the planning proposal.

3. Prior to exhibition, further information is to be submitted to the satisfaction of the delegate of the Minister to justify inconsistency of the planning proposal with the following section 9.1 Ministerial Direction:
 - (a) 2.6 Remediation of Contaminated Land – A Remediation Action Plan (RAP) to demonstrate the land can be suitably remediated for the land uses permissible under the R2 Low Density Residential zone, and the method and feasibility of remediation.
4. 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).
5. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Ashbury Public School
 - Ausgrid
 - Environment Protection Authority
 - Heritage NSW
 - Inner West Council
 - School Infrastructure NSW
 - Sydney Water
 - Transport for NSW
 - Local bus operator/s

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.

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).

7. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the 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 section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
8. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 24 day of December 2020.



Laura Locke
Director, Eastern and South Districts
Greater Sydney, Place and Infrastructure

Delegate of the Minister for Planning and
Public Spaces