



Mr George Dedes
General Manager
City of Ryde Council
Locked Bag 2069
NORTH RYDE NSW 1670

Dear Mr Dedes

Planning proposal PP_2018_RYDEC_002_00 to amend Ryde Local Environmental Plan 2014

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone Dunbar Estate from R3 Medium Density Residential to R2 Low Density Residential.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have included a requirement that the proposal be updated prior to Council commencing community consultation to include a savings provision for any current development applications or appeal processes, and to discuss the recently released Greater Sydney Region Plan and North District Plan.

Council will need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of section 9.1 Direction 3.1 Residential Zones. Council should ensure this occurs prior to the plan being made.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office six weeks prior to the projected publication date. A copy of the request should be forwarded to the Department.

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 Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Ms Elvie Magallanes to assist you. Ms Magallanes can be contacted on 9860 1439.

Yours sincerely

 13 April 2018
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination
Local plan-making authority reporting template



Gateway Determination

Planning proposal (Department Ref: PP_2018_RYDEC_002_00): to amend the Ryde Local Environmental Plan 2014 to rezone Dunbar Estate from R3 Medium Density Residential to R2 Low Density Residential.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Ryde Local Environmental Plan (LEP) 2014 to rezone Dunbar Estate from R3 Medium Density Residential to R2 Low Density Residential should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the planning proposal is to be updated to:
 - (a) include a new savings transition clause to ensure the proposed zoning does not affect any current development applications or appeal processes; and
 - (b) address the Greater Sydney Region Plan and North District Plan.
2. Community consultation 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;
 - (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 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016);
 - (c) all landowners within the Dunbar Estate are to be given notice of the proposal and public exhibition.
3. No consultation is required with public authorities/organisations under section 3.34(2)(d) of the Act.
4. 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).



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5. Following community consultation and prior to finalising the LEP, the agreement of the Secretary to the proposal's inconsistency with section 9.1 Direction 3.1 Residential Zones is to be obtained.
6. 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.
7. The time frame for completing the LEP is to be 12 months following the date of the Gateway determination.

Dated 13th day of April 2018.



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission