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Mr David Backhouse  
General Manager  
Strathfield Municipal Council  
PO Box 120  
STRATHFIELD NSW 2135

Our ref: PP\_2014\_STRAT\_001\_00 (14/02076)

Dear Mr Backhouse,

### **Planning proposal to amend Strathfield Local Environmental Plan 2012**

I am writing in response to your Council's letter dated 27 November 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at 43 Mackenzie Street, Strathfield from R3 Medium Density Residential to R2 Low Density Residential, reduce the minimum lot size to 560sqm and remove the floor space ratio control applicable to the land.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

While the planning proposal is supported, Council is encouraged to consider reducing the minimum lot size on the subject land to permit a greater dwelling yield/density on the site, to offset the down zoning.

I have also agreed the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to this Direction.

Council is to ensure that the landowner of land at 43 Mackenzie Street, Strathfield is consulted with directly on the planning proposal, as part of the public exhibition of this proposal.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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

Should you have any queries in regard to this matter, I have arranged for Mr Lee Mulvey of the Department of Planning and Environment's regional office to assist you. Mr Mulvey can be contacted on (02) 8575 4110.

Yours sincerely,

A handwritten signature in blue ink, appearing to be 'R. Pearson', followed by the date '30/4/14' written in the same ink.

**Richard Pearson**  
**Deputy Director General**  
**Growth Planning and Delivery**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template



## Gateway Determination

**Planning proposal (Department Ref: PP\_2014\_STRAT\_001\_00):** to rezone land at 43 Mackenzie Street, Strathfield from medium to low density residential purposes.

I, the Deputy Director General, Growth Planning and Delivery at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Strathfield Local Environmental Plan (LEP) 2012 to rezone land at 43 Mackenzie Street, Strathfield from R3 Medium Density Residential to R2 Low Density Residential, reduce the minimum lot size to 560sqm and remove the floor space ratio control applicable to the land should proceed subject to the following conditions:

1. Council is to ensure that the landowner of land at 43 Mackenzie Street, Strathfield is consulted with directly on the planning proposal, as part of the public exhibition of this proposal.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and must be made publicly available for a minimum of **14 days**; and
  - (b) the relevant planning 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 LEPs (Department of Planning and Environment 2013)*.
3. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
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 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated

30

day of

April

2014.

**Richard Pearson**  
Deputy Director General  
Growth Planning and Delivery  
Department of Planning and Environment

**Delegate of the Minister for Planning**



## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Strathfield Municipal Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2014_STRAT_001_00	Planning proposal to rezone land at 43 Mackenzie Street, Strathfield from R3 Medium Density Residential to R2 Low Density Residential, amend the minimum lot size and remove the floor space ratio control applicable to the land.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 30 April 2014

A handwritten signature in blue ink, appearing to read "R. Pearson".

**Richard Pearson**  
Deputy Director General  
Growth Planning and Delivery  
Department of Planning and Environment

# Attachment 5 – Delegated plan making reporting template

## Reporting template for delegated LEP amendments

### Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

**Table 1 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Planning Proposal Number	PP_2014_STRAT_001_00
Date Sent to DoP&E under s56	27/11/2013
Date considered at LEP Review Panel	20/03/2014
Gateway determination date	30/04/2014

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

**Table 3 – To be completed by Department of Planning and Environment**

Stage	Date/Details
Notification Date and details	

### Additional relevant information: