

## Gateway Determination

***Planning proposal (Department Ref: PP\_2020\_IWEST\_001\_00): to amend Marrickville Local Environmental Plan (LEP) 2011 to permit retail premises, business premises, centre-based child care facilities, medical centres and community facilities on the site at 13-55 Edinburgh Road, Marrickville; and allow the additional permitted uses only in conjunction with the approved shopping centre extension under Major Project Approval MP09\_0191.***

I, the Acting 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 Marrickville Local Environmental Plan (LEP) 2015 to facilitate development at 13-55 Edinburgh Road, Marrickville by permitting retail premises, business premises, centre-based child care facilities, medical centres and community facilities; and allow the additional permitted uses only in conjunction with the approved shopping centre extension under Major Project Approval MP09\_0191 should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated and amended to:
  - (a) revise the planning proposal to include a draft Key Sites Map and discussion on why the map is needed;
  - (b) update references to the Employment and Retail Lands Strategy to recognise the strategy has been finalised;
  - (c) address consistency with section 9.1 Direction 2.6 Remediation of Contaminated Land, through a supplementary contamination report to determine the suitability of the site to be developed for childcare purposes;
  - (d) address consistency with section 9.1 Direction 4.3 Flood Prone Land, through a supplementary Flood Assessment Emergency Response Plan to consider the unique sensitivity of a childcare centre;
  - (e) include contextual details of the Major Project Approval for the site in Part C, 8 to explain how the impacts of the development have been considered;
  - (f) include further information on the need for the proposed land uses and social benefits provided by permitting them in Part C, 9; and
  - (g) include a revised project timeline.
2. Prior to community consultation, the amended planning proposal responding to condition 1 is to be forwarded to the Department for review and endorsement.
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).

(Note: In accordance with section 10.18 of the Act, exhibition documents are no longer required to be made available at a physical location during the current COVID-19 pandemic. Council is now able to exhibit the planning proposal and associated documents on Council's website or the NSW Planning Portal, in lieu of displaying them in Council's Libraries and Administration Building.)

4. Consultation is required with the State Emergency Service (SES) under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions.

The SES 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, in response to a submission or if reclassifying land).
6. Given Council's request and the nature of the planning proposal, Council is authorised to be the local plan-making authority.
7. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated 15<sup>th</sup> day of September 2020.



**Brendan Metcalfe**  
**A/Director, Eastern and South Districts**  
**Eastern Harbour City**  
**Greater Sydney, Place and Infrastructure**  
**Department of Planning, Industry and**  
**Environment**

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