



Contact: Andrew Watkins
Phone: (02) 9228 6111
Fax: (02) 9228 6244
Email: Andrew.Watkins@planning.nsw.gov.au
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP_2011_LEICH_001_00 (11/13142-1)

Mr Peter Head
General Manager
Leichhardt Municipal Council
PO Box 45
LEICHHARDT NSW 2040

Dear Mr Head,

Re: Planning Proposal to rezone land at 118 -124 Terry Street, Rozelle from 'Industrial' to 'Residential', with some additional permissible uses and controls, to facilitate redevelopment of industrial land

I am writing in response to your Council's letter dated 22 July 2011 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 amend the Leichhardt Local Environmental Plan 2000 to rezone land at 118 -124 Terry Street, Rozelle from 'Industrial' to 'Residential', with some additional permissible uses and controls, to facilitate redevelopment of industrial land.

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

The Department supports the general principles and intent of this planning proposal. Notwithstanding the potential inconsistencies with the broader strategic planning framework, in this instance, the proposal is seen as an opportunity to provide additional housing choice; a range of local employment opportunities; and the potential to rejuvenate a former industrial site adjoining residential areas. For these reasons, the Department considers it appropriate to proceed with this planning proposal.

Council's proposed approach of limiting the individual tenancy areas to 300sqm up to a total of 1300sqm GFA is not supported. Council is instead to include appropriate FSR and building height controls which will achieve the desired overall site GFA, and exhibit these provisions with the planning proposal.

Council is required to ensure that the provisions of State Environmental Planning Policy (SEPP) No 55 – Remediation of Land are complied with as part of the rezoning process. Council is to ensure that in accordance with the SEPP a Preliminary Site Contamination Assessment Report is prepared and placed on public exhibition with the planning proposal.

Council is encouraged to exhibit the planning proposal concurrently with the Development Application and the Voluntary Planning Agreement, to provide clarity and certainty to the community about Council's intended future outcome for the site.

The Director General's delegate has determined that the planning proposal is consistent with S117 Directions 3.1 Residential Zones and 3.4 Integrating Land Use Transport. The Director General's delegate has also agreed that the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones, 6.3 Site Specific Provisions and 7.1 Implementation of the Metropolitan Strategy are of minor significance. No further approval is required in relation to these Directions.

Generally a site specific enabling clause is not supported. In this particular circumstance, there is merit in the planning proposal which achieves a mixture of residential development and light industry activities; rejuvenates the land; and potentially retains employment in the locality. However, Council is encouraged to ensure that the land is appropriately zoned in the Standard Instrument comprehensive LEP so that site specific provisions will not be required.

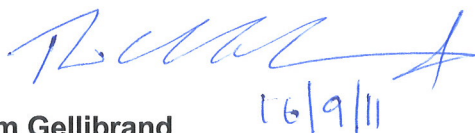
Further clarification of the drafting provisions proposed to be inserted into the enabling clause is required to be submitted to the Department's Sydney Region East office prior to exhibition. Council is also encouraged to consider preparing and exhibiting a site specific Development Control Plan (DCP). The DCP can provide further clarity in terms of the location and proportions of the proposed onsite mix of uses.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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, please contact Andrew Watkins of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_LEICH_001_00): to rezone land at 118 -124 Terry Street, Rozelle from 'Industrial' to 'Residential', with some additional permissible uses and controls, to facilitate the redevelopment of industrial land.

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Leichhardt Local Environmental Plan 2000 to rezone land at 118 -124 Terry Street, Rozelle from 'Industrial' to 'Residential', with some additional permissible uses and controls, to facilitate the redevelopment of industrial land should proceed subject to the following conditions:

1. Council is required to ensure that the provisions of State Environmental Planning Policy (SEPP) No 55 – Remediation of Land are complied with as part of the rezoning process. Council is to ensure that in accordance with the SEPP a Preliminary Site Contamination Assessment Report is prepared and placed on public exhibition with the planning proposal.
2. Further clarification of the drafting provisions proposed to be inserted into the enabling clause is required to be submitted to the Department's Sydney Region East office prior to exhibition. Council is to include appropriate FSR and building height controls which will achieve the desired overall site GFA and proportions for residential, retail and commercial uses, and exhibit these provisions with the planning proposal.
3. 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 must be made publicly available for **28 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Sydney Metro
 - Office of Environment and Heritage
 - Housing NSW
 - Department of Transport NSW
 - Roads and Traffic Authority
 - State Transit Authority of NSW
 - Sydney Water
 - Adjoining LGAs

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 16th day of September 2011.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure