



Planning & Environment

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

Our ref: PP_2014_LEICH_004_00 (14/05965)

Dear Mr Head,

Planning proposal to amend Leichhardt Council Local Environmental Plan 2013

I refer to Council's letter dated 26 February 2014 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) in respect of the planning proposal for amendments to the Leichhardt LEP 2013 to include a clause relating to sex services premises, amendments to the Land Use Table B1 and B2 zones and the inclusion of a new clause 'Residential Accommodation in Zones B1 (Neighbourhood Centre) and B2 (Local Centre)'.

As delegate of the Minister for Planning, I have determined the planning proposal, with the exclusion of the sex services clause, should proceed subject to the conditions in the attached Gateway determination.

I note that a sex services clause (clause 6.16 Location of sex services premises) is already contained in the Leichhardt LEP 2013, having been inserted as a post-exhibition change by the Department, following Council's non-compliance with condition 10 of the revised section 65 Certificate issued on 2 July 2012. The section 65 Certificate was exhibited with the draft LEP 2013 and the proposed clause is consistent with that inserted by the Department. Therefore, this element of the planning proposal is unnecessary and should be removed from the planning proposal prior to its public exhibition.

In October 2012, the previous Minister delegated plan making powers to councils. 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 6 months of the week following the date of the Gateway determination. Council should aim to commence 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 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, please contact Andrew Watkins of the Metropolitan Delivery (CBD) branch on 02 8575 4114.

Yours sincerely,


Lee Mulvey
Director
Metropolitan Delivery (CBD)
Growth Planning and Delivery

19/5/14

Gateway Determination

Planning proposal (Department Ref: PP_2014_LEICH_004_00): Amendments to the Leichhardt LEP 2013 Land Use Table B1 and B2 zones to permit all types of residential accommodation (except 'Group homes' and Hostels' in B1 zone and the inclusion of a new clause 'Residential Accommodation in Zones B1 (Neighbourhood Centre) and B2 (Local Centre)').

I, the Director, Metropolitan Delivery (CBD) at Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that an amendment to the Leichhardt Council Local Environmental Plan (LEP) 2013 to amend the Land Use Table B1 and B2 zones to permit all types of residential accommodation (except 'Group homes' and Hostels' in B1 zone) and the inclusion of a new clause 'Residential Accommodation in Zones B1 (Neighbourhood Centre) and B2 (Local Centre)' should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the 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 & Infrastructure 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 & Infrastructure 2013).
2. Prior to public exhibition, the proposed clause 6.16 Sex Services Premises and related supporting information is to be removed from the planning proposal.
3. 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).
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 19th day of May 2014.


Lee Mulvey
Director
Metropolitan Planning (CBD)
Growth Planning and Delivery
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Leichhardt 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_LEICH_004_00	Planning proposal to amend the Leichhardt LEP 2013 Land Use Table B1 and B2 zones to permit all types of residential accommodation (except 'Group homes' and Hostels' in B1 zone and the inclusion of a new clause 'Residential Accommodation in Zones B1 (Neighbourhood Centre) and B2 (Local Centre)'.

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

Dated 19th May 2014

Lee Mulvey
Director, Metropolitan Delivery (CBD)
Growth Planning and Delivery
Department of Planning and Environment