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Mr Brian Barrett
General Manager
Marrickville Council
PO Box 14
PETERSHAM NSW 2049

Our ref: PP_2015_MARRI_001_00 (15/10678)

Attn: Maxine Bayley

Dear Mr Barrett

Planning proposal to amend Marrickville Local Environmental Plan 2011

I am writing in response to Council's letter dated 22 April 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to amend planning controls at 141-161 New Canterbury Road, Lewisham.

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.

I am satisfied that the proposal's inconsistencies with Section 117 directions 1.1 Business and Industrial Zones, and 6.3 Site Specific Provisions are of minor significance.

I note that the planning proposal has considered the provisions of Council's *Marrickville Urban Strategy 2007* which focusses on new development in highly accessible areas. Notwithstanding, to provide certainty for the broader area, I encourage Council to undertake strategic planning for the entire New Canterbury Road corridor, and bring forward a comprehensive planning proposal to that effect.

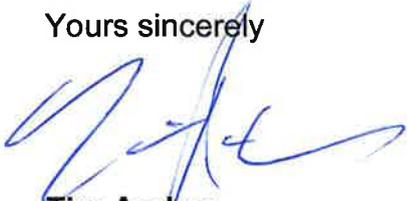
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise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

The amending Local Environmental Plan 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 the 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 Act if the time frames outlined in this determination are not met.

If you have any queries in regard to this matter, please contact Ms Casey Farrell, of the Metropolitan (CBD) branch on (02) 9228 6577.

Yours sincerely



15.7.15

Tim Archer
Acting Director, Metropolitan (CBD)
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2015_MARRI_001_00): to amend various planning controls applicable to land at 141-161 New Canterbury Road, Lewisham.

I, the Acting Director, Metropolitan (CBD), at the 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* (the Act) that an amendment to planning controls at 141-161 New Canterbury Road, Lewisham, should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal be updated as follows:
 - (a) the 'Planning Proposal Supplementary Report' and Council Resolution dated 2 December 2014 are to be incorporated into a single planning proposal document;
 - (b) a maximum building height of 14 metres is to be applied to the site;
 - (c) delete the proposed amendment to Schedule 1 Additional Permitted Uses and provide a plain English statement of intent relating to intended permissible land uses and associated specific-use restrictions for future development on the site;
 - (d) include a discussion to demonstrate how future built form will comply with the updated State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development and the Apartment Design Guide;
 - (e) incorporate the findings of a preliminary site contamination investigation; and
 - (f) include mapping that details the current and proposed controls for the site.

2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal is considered to be routine as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Environment 2013)*.

3. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant s17 Directions:
 - (a) Roads and Maritime Services;
 - (b) Transport for NSW;
 - (c) Department of Education and Communities; and

(d) Office of Environment and Heritage.

Each public authority 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.

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 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 time frame for completing the LEP is to be 9 months from the week following the date of Gateway determination.

Dated 15th day of July 2015.



15.7.15
Tim Archer
Acting Director, Metropolitan (CBD)
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Marrickville 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_2015_MARRI_001_00	Amendment of various planning controls applicable to land at 141-161 New Canterbury Road, Lewisham.

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

Dated

15th July 2015

Tim Archer
Acting Director, Metropolitan (CBD)
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

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_2015_MARRI_001_00
Date Sent to DPE under s56	
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	15 JULY 2015

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 DPE requesting notification		

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

Stage	Date/Details
Notification Date and details	

Additional relevant information: