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Department Generated Correspondence (Y)

DEPARTMENT OF PLANNING AND ENVIRONMENT

Growth Planning and Delivery

LEICHHARDT COUNCIL GATEWAY DETERMINATION

PP 2014 LEICH 005 00

The attached draft Gateway determination and letter is submitted for the Director, Metropolitan Delivery (CBD)'s signature.

Contact Officer: Helen Wilkins
Metro Delivery - CBD
Phone: 02 8575 4102

 13/6/14
Lee Mulvey
Director
Metropolitan Delivery (CBD)
Growth Planning and Delivery



Planning & Environment

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Our ref: PP_2014_LEICH_005_00 (14/08142)

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

Dear Mr Head

**Planning proposal to amend Leichhardt Council Local Environmental Plan 2013
Clause 4.3A Landscaped Area for Residential Development in Zone R1 (Amendment
No. 3)**

I refer to Council's letter dated 24 April 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 to amend Clause 4.3A Landscaped Area for Residential Development in Zone R1 of the Leichhardt Council Local Environmental Plan (LEP) 2013.

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

The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested 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 LEP is to be finalised within 6 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 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 Helen Wilkins of the Metropolitan Delivery (CBD) Branch of the Department on 02 8575 4102.

Yours sincerely,


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

Gateway Determination

***Planning proposal (Department Ref: PP_2014_LEICH_005_00): to amend
Clause 4.3A Landscaped Area for Residential Development in Zone R1.***

I, the Director, Metropolitan Delivery (CBD) 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 *Clause 4.3A Landscaped Area for Residential Development in Zone R1* of Leichhardt Council Local Environmental Plan (LEP) 2013 should proceed subject to the following conditions:

1. 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* (former *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* (former *Department of Planning & Infrastructure 2013*).
2. 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).
3. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 13 day of June 2014.


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

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Leichhardt Council is authorised to exercise the functions of the Minister for Planning and Environment 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_005_00	Amendments to Clause 4.3A Landscaped Area for Residential Development in Zone R1 (Amendment No. 3)

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 13 June 2014

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