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

Our ref: PP_2015_LEICH_001_00 (15/07505)

Dear Mr Head,

Planning proposal to amend Leichhardt Local Environmental Plan 2013

I am writing in response to your Council's letter dated 30 April 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to reclassify land at Lot B DP 159831 and part Lot 2 DP 599686, near Church Street, Lilyfield, from 'Community' to 'Operational' land.

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.

The Department agrees with Council's requested 28 day public exhibition period for this planning proposal, in accordance with the Department's *A Guide to preparing Local Environmental Plans*.

Council is reminded of the requirement to hold a public hearing under section 29 of the *Local Government Act 1993*. Further guidance relating to public hearings is provided in the Department's LEP Practice Note PN 09-003 *Classification and reclassification of public land through a local environmental plan*, which can be downloaded from the Department's website at: http://www.planning.nsw.gov.au/lep/pdf/pn09_003_lep_classification.pdf

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 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 Local Environmental Plan 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 of Planning and Environment's regional team for administrative purposes.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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.

Should you have any queries in regard to this matter, I have arranged for Mr Andrew Watkins of the Department of Planning and Environment's regional office to assist. Mr Watkins can be contacted on (02) 8575 4114.

Yours sincerely,

 - 4/6/15
Lee Mulvey
Director, Metropolitan Region (CBD)
Planning Services

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_LEICH_001_00): to reclassify land at Lot B DP 159831 and part Lot 2 DP 599686, near Church Street, Lilyfield, from 'Community' to 'Operational' land.

I, the Director, Metropolitan Region (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 the Leichhardt Local Environmental Plan 2013 to reclassify land at Lot B DP 159831 and part Lot 2 DP 599686, near Church Street, Lilyfield, from 'Community' to 'Operational' land should proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
 - (a) the planning proposal 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)*.
2. Consultation is required with the NSW Department of Primary Industries under section 56(2)(d) of the Act. This 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.
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 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 Local Environmental Plan is to be 6 months from the week following the date of the Gateway determination.

Dated 4th day of June 2015.



Lee Mulvey
Director, Metropolitan Region (CBD)
Planning Services

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_2015_LEICH_001_00	Planning proposal to reclassify land at Lot B DP 159831 and part Lot 2 DP 599686, near Church Street, Lilyfield from 'Community' to 'Operational' land.

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 4 June 2015


Lee Mulvey
Director, Metropolitan Region (CBD)
Planning Services
Department of Planning and Environment

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated Local Environmental Plan 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
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making 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 Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP 2015 LEICH 001 00
Date Sent to Department under s56	30 April 2015
Date considered at LEP Review Panel	N/A
Gateway determination date	4 JUNE 2015

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft Plan exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt Plan		
Date Plan made by GM (or other) under delegation		
Date sent to the Department requesting notification		

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

Stage	Date/Details
Notification Date and details	

Additional relevant information: