



Planning & Infrastructure

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Mr Ken Gainger
 General Manager
 Marrickville Council
 PO Box 14
 PETERSHAM NSW 2049

Our ref: PP_2012_MARRI_001_00 (10/02958-3)
 Your ref: 3983

Dear Mr Gainger,

Planning proposal to amend Marrickville Local Environmental Plan (LEP) 2011

I am writing in response to your Council's letter dated 27 July 2012 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 facilitate various amendments to Marrickville Local Environmental Plan (LEP) 2011 including amendments to zoning, floor space ratio and height controls for land, operational changes to Schedule 5 'Environmental Heritage', changes to Schedule 1 'Additional Permitted Uses' and policy changes to clarify the interpretation of various clauses.

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.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 3.4 Integrating Land Use and Transport, 3.5 Development Near Licensed Aerodromes, and 4.1 Acid Sulphate Soils are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) 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 within four (4) weeks from the week following this 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 Megan Hollingsworth of the Regional Office of the Department on 02 9228 6111.

Yours sincerely,


 Sam Haddad
 Director-General

24/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_MARRI_001_00): to facilitate various amendments to Marrickville Local Environmental Plan (LEP) 2011.

I, the Director General, Department of Planning and Infrastructure 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 Marrickville Local Environmental Plan (LEP) 2011 including amendments to zoning, floor space ratio and height controls for land, operational changes to Schedule 5 'Environmental Heritage', changes to Schedule 1 'Additional Permitted Uses' and policy changes to clarify the interpretation of various clauses should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to make the below amendments to the planning proposal:
 - (a) Delete the addition of 'secondary dwellings' from Clause 4.4(2A), as shown in Attachment AD, and delete the existing site area and maximum floor space ratio requirements as shown in Attachment AE and include the following:
 - ≤150 sqm – 1.1:1
 - >150 ≤ 200 sqm – 1.0:1
 - >200 ≤ 250 sqm – 0.9:1
 - >250 ≤ 300 sqm – 0.8:1
 - >300 ≤ 350 sqm – 0.7:1
 - >350 ≤ 400 sqm – 0.6:1 and
 - >400 sqm – 0.5:1
 - (b) Add the words - 'and as part of the conversion of existing industrial and warehouse buildings' to '1 Objectives of zone' in the Land Use Table for zone R1 General Residential which currently reads - 'To provide for office premises and retail premises in existing buildings designed and constructed for commercial purposes'.
 - (c) Do not include the proposed amendments to Clause 6.9 at Attachment AC. The application of Clause 6.9 is to only apply to development for the purposes of - multi-dwelling housing and residential flat buildings in Zone R2 Low Density Residential; residential flat buildings in zone R3 Medium Density Residential; and office premises in zones R1 General Residential, R2 Low Density Residential, R3 Medium Density Residential and R4 High Density Residential.
 - (d) Delete the words 'and will not require significant structural alterations' from Clause 6.11 (3)(b).
 - (e) Amend the key for the proposed Floor Space Ratio (FSR) Map at Attachment H to include an FSR of 1.20 for 'P' code rather than 17.0.
 - (f) Delete any reference to 115-133 Cambridge Road, Stanmore from the planning proposal because this land is already zoned SP2 Educational Establishments. No change to the floor space ratio and height of building map is required in regards to this land.
2. 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)*.
 3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - Transport for NSW (Roads and Maritime Services)
 - Department of Education and Communities
- 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.
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 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).
 5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 24th day of August 2012.


Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure