



Contact: Helen Wilkins  
Phone: (02) 8575 4102  
Fax: (02) 9228 6244  
Email: Helen.wilkins@planning.nsw.gov.au  
Postal: GPO Box 39 Sydney NSW 2001

Our ref: PP\_2014\_LEICH\_003\_00 (14/05951)

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

Dear Mr Head,

**Planning proposal to amend Leichhardt Council Local Environmental Plan 2013 –  
Schedule 5 – Environmental Heritage**

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 to remove nine items in Schedule 5 Environmental Heritage of the Leichhardt Council Local Environmental Plan 2013 and to amend the associated maps.

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

In October 2012, the Minister delegated his 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 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 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 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 on 02 8575 4102.

Yours sincerely,

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

7/5/14



# Planning & Environment

## Gateway Determination

### ***Planning proposal (Agency Ref: PP\_2014\_LEICH\_003\_00): to amend Schedule 5 - Environmental Heritage.***

I, the Director, Metropolitan Delivery, 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* (EP&A Act) that an amendment to the *Leichhardt Local Environmental Plan 2013* to remove nine items from Schedule 5 Environmental Heritage, 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. Consultation is required with the Heritage Division of the NSW Office of Environment and Heritage under section 56(2)(d) of the EP&A Act. The 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 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. New maps are to be prepared prior to exhibition, showing the nine sites with current heritage listing removed and with the mapping error at 160-180 Balmain Road Leichhardt corrected, and both the current and new maps are to be exhibited.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 7<sup>th</sup> 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**