



Planning & Infrastructure

Contact: Andrew Watkins
Phone: (02) 8575 4114
Email: Andrew.Watkins@planning.nsw.gov.au

Our ref: PP_2013_LEICH_004_00

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

Dear Mr Head

Planning proposal to amend draft Leichhardt Local Environmental Plan 2013

I refer to Council's letter 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 rezone 141 and 159 Allen Street, Leichhardt from IN2 Light Industrial to R1 Residential.

As delegate of the Minister for Planning and Infrastructure, I have determined the planning proposal should proceed subject to the conditions in the attached gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Direction 1.1 Business and Industrial Zones is of minor significance. The planning proposal is considered consistent with all the other relevant S117 Directions. No further approval is required in relation to these Directions.

The Minister delegated his 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 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 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.

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Leichhardt Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_LEICH_004_00	Planning proposal to rezone 141 and 159 Allen Street, Leichhardt from light industrial to residential

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 11 October 2013

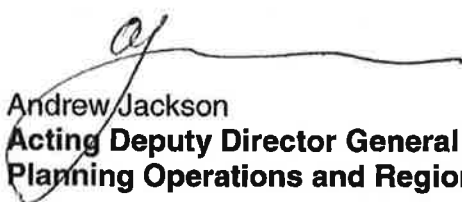


Acting Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

I acknowledge Council's preference for a number of studies to be completed to support the proposal, however the gateway determination reflects the recommendations of the Sydney East Joint Regional Planning Panel by only requiring preparation of an urban design study. Notwithstanding, I understand that the proponent has agreed to undertake the majority of Council's requested studies. This does not include preparation of an economic feasibility study as this work has generally been undertaken previously as part of Council's Employment Lands Study.

If you have any queries in regard to this matter, please contact Sandy Shewell of the Sydney Region East office of the Department on 02 8575 4115 or sandy.shewell@planning.nsw.gov.au

Yours sincerely



Andrew Jackson
Acting Deputy Director General
Planning Operations and Regional Delivery

Attachment 5 – Delegated plan making reporting template

Notes:

- Planning proposal number will be provided by the Department following receipt of the planning proposal;
- The Department 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 department's publicly accessible LEP Tracking System is kept up to date; and
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_LEICH_004_00
Date Sent to Department under s56	28/08/2013
Date considered at LEP Review Panel	
Gateway determination date	11 OCT 2013

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 DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information:

Gateway Determination

Planning proposal (Department Ref: PP_2013_LEICH_004_00): to rezone 141 and 159 Allen Street, Leichhardt from Light Industrial to Residential

I, the Acting Deputy Director General, Planning Operations and Regional Delivery, at the Department of Planning and Infrastructure, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the *Environmental Planning and Assessment Act, 1979* (EP&A Act) that an amendment to the draft Leichhardt Local Environmental Plan 2013 (LEP 2013) to rezone 141 and 159 Allen Street, Leichhardt 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 the Department's *A Guide to Preparing LEPs 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 the Department's *A Guide to Preparing LEPs 2013*.
2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 - Remediation of Land. Any required site contamination investigation report is to be included as part of the public exhibition material.
3. Council is to prepare the necessary maps in accordance with the Department's *Standard Technical Requirements for LEP Maps 2012*. Council is to ensure that the maps are publicly exhibited with the the planning proposal in accordance with the exhibition requirements above.
4. Council is to arrange for an urban design study that deals with contextual analysis, height, comparative floor space ratio analysis, solar access, separation between buildings, privacy impacts and deep soil landscaping. Council is to ensure that this study is publicly exhibited in accordance with the exhibition requirements below.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Department of Education and Communities
 - Office of Environment and Heritage
 - Transport for NSW
 - Roads and Maritime Services
 - Sydney Water

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.

6. 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).
7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated *11* day of *October* 2013.



**Acting Deputy Director General
Planning Operations & Regional
Delivery
Department of Planning and
Infrastructure**

**Delegate of the Minister for Planning
and Infrastructure**