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Mr Brian Barrett
General Manager
Marrickville Council
PO Box 14
PETERSHAM NSW 2049

Our ref: PP_2013_MARRI_002_00 (13/18150)

Dear Mr Barrett,

Planning proposal to amend Marrickville Local Environmental Plan 2011

I am writing in response to your Council's letter dated 11 October 2013 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 land at 1 Leofrene Avenue, Marrickville from R2 Low Density Residential to B2 Local Centre and amend the maximum building height to 59m and Floor Space Ratio (FSR) to 5:1;
- amend the maximum building height to 59m and FSR to 5:1 at 2-18 Station Street and Station Street Road Reserve, Marrickville; and
- include a design excellence clause to require a design competition as part of any development application for buildings of significant scale on the site.

As delegate of the Minister for Planning and Infrastructure, I have now 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 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

The Minister delegated his plan making powers to councils 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 (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal following finalisation and consideration of the peer review. 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 Deewa Baral of the regional office of the department on 02 8575 4110.

Yours sincerely,



Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery

3.12.13

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2013_MARRI_002_00): to rezone and amend building height and FSR controls for certain land at Marrickville.

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 EP&A Act that an amendment to the Marrickville Local Environmental Plan (LEP) 2011 to:

- rezone land at 1 Leofrene Avenue, Marrickville from R2 Low Density Residential to B2 Local Centre and amend the maximum building height to 59m and Floor Space Ratio (FSR) to 5:1;
- amend the maximum building height to 59m and FSR to 5:1 at 2-18 Station Street and Station Street Road Reserve, Marrickville; and
- include a design excellence clause to require a design competition as part of any development application for buildings of significant scale on the site,

should proceed subject to the following conditions:

1. Council is to place on public exhibition with the planning proposal, further information on the outcomes of the peer review of the proposed building envelope and public open space.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include:
 - the objectives or intended outcomes of the proposed design excellence clause;
 - a detailed statement of how the objectives or intended outcomes of the proposed design excellence clause are to be achieved;
 - the development and/or land to which this clause will apply;
 - a set of criteria that demonstrate the desired design excellence; and
 - any competitive design process, if applicable.
3. 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 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 & Infrastructure 2013)*.
4. 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:
 - RailCorp
 - Transport for NSW
 - Civil Aviation Safety Authority (S117 Direction 3.5 Development Near Licensed Aerodromes)
 - Department of Infrastructure and Regional Development (S117 Direction 3.5 Development Near Licensed Aerodromes)

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.

5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

3rd

day of

December

2013.



Neil McGaffin
Acting Deputy Director General
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning &
Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Marrickville 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_MARRI_002_00	Planning proposal to: • rezone land at 1 Leofrene Avenue, Marrickville from R2 Low Density Residential to B2 Local Centre and amend the maximum building height to 59m and Floor Space Ratio (FSR) to 5:1; • amend the maximum building height to 59m and FSR to 5:1 at 2-18 Station Street and Station Street Road Reserve, Marrickville; and • include a design excellence clause to require a design competition as part of any development application for buildings of significant scale on the site.

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 3rd December 2013



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

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

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
- 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_2013_MARRI_002_00
Date Sent to Department under s56	11/10/2013
Date considered at LEP Review Panel	21/11/2013
Gateway determination date	03/12/2013

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: