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Our ref: PP_2013_LEICH_005_00 (13/17056)

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

Dear Mr Head,

Planning proposal to amend the Leichhardt Local Environmental Plan 2013

I am writing in response to your Council's letter dated 1 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 35 Edna Street, Lilyfield and 250 Annandale Street, Annandale.

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 inconsistencies with S117 Directions 3.1 Residential Zones and 6.2 Reserving Land for Public Purposes are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purpose on the basis that this land is surplus land to the operational requirements of Sydney Water.

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 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 Ms Nava Sedghi on 02 8575 4117.

Yours sincerely,



17/1/14

**A/ Director
Metropolitan Delivery
Growth Planning & Delivery**

Gateway Determination

Planning proposal (Department Ref: PP_2013_LEICH_005_00): to rezone Lot 1 DP 343175 at 35 Edna Street, Lilyfield and Lot 2 DP 1046985 at 250 Annandale Street, Annandale.

I, the Director, 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 & Assessment Act 1979* (EP&A Act) that an amendment to the Leichhardt Local Environmental Plan (LEP) 2013 to rezone Lot 1 DP 343175 at 35 Edna Street, Lilyfield and Lot 2 DP 1046985 at 250 Annandale Street, Annandale should proceed subject to the following conditions:

1. Council to ensure a peer review of all previous studies for both sites are undertaken to reflect the planning proposal. These studies relate to traffic, heritage, retaining walls and utility servicing. Site studies are to be included in the public exhibition material for the planning proposal.
2. The addendum dated 11 November 2013, to the flood impact assessment prepared by Northrop Consulting Engineers in 2009, is to be included in the public exhibition material for the planning proposal.
3. The remediation action plans endorsed by Council for both sites are to accompany the planning proposal during the public exhibition period.
4. Council will need to prepare amending maps in accordance with the Standard Technical Requirements for LEP maps. Amending maps that are required include:
 - land zoning maps;
 - floor space ratio maps; and
 - minimum lot size maps.

The proposed maps are to be included in the public exhibition material of the planning proposal.

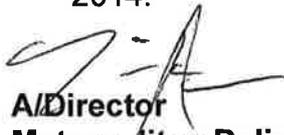
5. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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)*.
6. 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:

- Sydney Water;
- Telstra;
- Integral Energy; and
- NSW Office of Environment and Heritage.

Each public authority is to be provided with a copy of the planning proposal and the additional technical assessments and given at least 21 days to comment on the proposal.

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

Dated 17th day of January 2014.


**A/Director
Metropolitan Delivery
Growth Planning & Delivery
Department of Planning and
Infrastructure**

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



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Leichhardt Municipal 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_005_00	Planning proposal to rezone 35 Edna Street, Lilyfield and 250 Annandale Street, Annandale.

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 17th January 2014

**A/Director
Metropolitan Delivery
Growth Planning and 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_LEICH_005_00
Date Sent to Department under s56	3/10/2013
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	

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: