

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

Our ref: PP_2015_LEICH_004_00
(15/15376)

Dear Mr Head,

Planning proposal to amend Leichhardt Local Environmental Plan 2013

I am writing in response to Council's letter, received 19 October 2015, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal to amend *Leichhardt Local Environmental Plan 2013* (LEP) to:

- prohibit 'Small Bars' and 'Pubs' in Zone B1 Neighbourhood Centre; and
- amend Schedule 2 – Exempt Development to include changes of use between small bars, restaurants and cafes in Zone B2 Local Centre as a type of exempt development.

As delegate of the Greater Sydney Commission, I have now determined the planning proposal should proceed subject to the conditions outlined in the attached Gateway Determination.

The Department is broadly supportive of the intent of the planning proposal to encourage and facilitate small bars and pubs in appropriate locations. However, the Department does not support the prohibition of these uses in the B1 Neighbourhood Centre zone, given that any potential impacts could be suitably addressed by way of development control plan requirements, conditions of development consents and/or liquor licences.

Prior to public exhibition, the planning proposal is to be updated to remove the proposed prohibition of small bars and pubs in the B1 Neighbourhood Centre zone.

Also prior to public exhibition, Council is requested update the discussion of the proposal's consistency with section 117 Direction 3.4 Integrating Land Use and Transport and to remove the reference to Direction 3.5 Development Near Licensed Aerodromes. Direction 3.5 is not considered relevant to the planning proposal.

Direction 1.7 - Grow Strategic Centres of *A Plan for Growing Sydney* is not considered relevant to the proposal and this reference should be removed from the planning proposal prior to exhibition.

The amended Local Environmental Plan 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 Local Environmental Plan should be made to the Department eight weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Andrew Watkins of the Department of Planning and Environment's Sydney Region East Branch to assist you. Mr Watkins can be contacted on (02) 9228 6558.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Marcus Ray', with a stylized flourish at the end.

Marcus Ray
Deputy Secretary
Planning Services

14/03/2016

End: Gateway Determination.

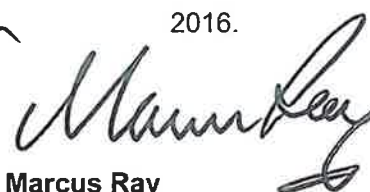
Gateway Determination

Planning proposal (Department Ref: PP_2015_LEICH_004_00): to prohibit 'Small bars' and 'Pubs' in the B1 Neighbourhood Centre zone and make changes of use between small bars, restaurants and cafes in the B2 Local Centre zone a type of exempt development.

I, the Deputy Secretary, Planning Services, at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that amendments to the *Leichhardt Local Environmental Plan 2013* to prohibit 'Small Bars' and 'Pubs' in the B1 Neighbourhood Centre zone and make changes of use between small bars, restaurants and cafes in the B2 Local Centre zone a type of exempt development should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, the planning proposal is to be updated to:
 - a) remove the proposed prohibition of small bars and pubs within the B1 Neighbourhood Centre zone;
 - b) update the discussion of the proposal's consistency with section 117 Direction 3.4 Integrating Land Use and Transport;
 - c) remove the reference to section 117 Direction 3.5 Development Near Licensed Aerodromes, as this direction is not considered relevant to the proposal;
 - d) remove the reference to Direction 1.7 - Grow Strategic Centres of *A Plan for Growing Sydney* as it is not considered relevant to the proposal; and
 - e) include mapping to show the locations of the B2 Local Centre zone within the Leichhardt local government area.
2. Community consultation is required under sections 56(2)(c) and 57 of the *Environmental Planning and Assessment Act 1979* (the Act) as follows:
 - (a) the planning proposal is considered routine as described in *A Guide to Preparing LEPs* (Department of Planning and Environment 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 *A Guide to Preparing LEPs* (Department of Planning and Environment 2013).
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 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. The time frame for completing the LEP is to be 6 months from the week following the date of Gateway determination.

Dated 14th day of March 2016.



Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Greater Sydney Commission