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Our ref: PP_2015_ASHFI_001_00 (15/04286)

Dear Ms Chan

Planning proposal to amend the Ashfield Local Environmental Plan 2013

I refer to Council's letter dated 20 February 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act, 1979* (the Act) in respect of the planning proposal to rezone lands from R2 Low Density Residential and B2 Local Centre to SP2 Infrastructure (educational establishment) under *Ashfield Local Environmental Plan 2013*.

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the attached Gateway determination. The Department does not support the rezoning of 8 College Street, Croydon, to SP2 Infrastructure (educational establishment), as it is privately owned residential land not currently owned by Presbyterian Ladies' College Sydney, nor is it currently used for education purposes.

In accordance with the Department's LEP practice notes relating to the zoning of infrastructure (PN11-002 and PN 10-001), land that is proposed to be reserved for infrastructure purposes (and not already owned by an educational establishment) would ordinarily be identified on the Land Reservation Acquisition Map and the relevant acquisition authority identified. The planning proposal is to be updated to remove 8 College Street, Croydon, prior to public exhibition.

I have agreed that the planning proposal's inconsistencies with Section 117 Directions 1.1 Business and Industrial zones, 3.1 Residential zones and 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to these Directions.

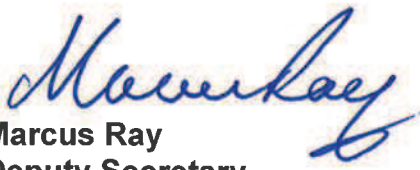
The Minister delegated plan making powers to councils in October 2012. It is noted that Council has requested delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

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 of 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 Act if the timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Ms Helen Wilkins of the Metropolitan (CBD) branch of the Department of Planning and Environment on 02 8575 4102.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

05/05/2015

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan making reporting template

Gateway Determination

Planning Proposal (Department Ref: PP_2015_ASHFI_001_00): to amend Ashfield Local Environmental Plan 2013 by rezoning lands from R2 Low Density Residential and B2 Local Centre to SP2 Infrastructure (educational establishment) and amending the maximum permissible building height and floor space ratio controls on various lands.

I, the Deputy Secretary, 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* (the Act) that an amendment to *Ashfield Local Environmental Plan 2013* to rezone and amend the maximum permissible building height and floor space ratio controls on various lands, should proceed subject to the following conditions:

1. Prior to undertaking exhibition, the planning proposal is to be updated to remove 8 College Street, Croydon, from the planning proposal, including the associated changes to the planning controls.
2. Prior to undertaking exhibition, the planning proposal is to be updated to include current Height of Building and Floor Space Ratio maps that identify the existing development controls on the subject land.
3. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Environment website).
4. Consultation is required with the following public authorities under section 56(2)(d) of the Act in relation to the proposal:
 - Department of Education and Communities; and
 - Office of Environment and Heritage.

The public authorities are 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 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).



Planning & Environment

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

Note: Maps should be prepared to the standards identified in *Standard Technical Requirements for LEP Maps* (Department of Planning and Environment website).

Dated 5th day of May 2015

Marcus Ray
Deputy Secretary
Planning Services

Delegate of the Minister for Planning



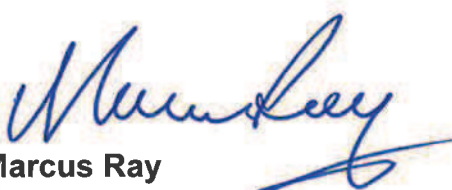
WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Ashfield Council is authorised to exercise the functions of the Minister for Planning 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_2015_ASHFI_001_00	Planning proposal to amend Ashfield Local Environmental Plan 2013 by rezoning lands from R2 Low Density Residential and B2 Local Centre to SP2 Infrastructure (educational establishment) and amending the maximum permissible building height and floor space ratio controls on various lands.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's *A guide to preparing local environmental plans* and *A guide to preparing planning proposals*.

Dated 05/05/ 2015


Marcus Ray
Deputy Secretary
Planning Services

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated Local Environmental Plan amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- The Relevant Planning Authority is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the Relevant Planning Authority should add additional rows to **Table 2** to include this information
- The Relevant Planning Authority must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible Plan Making Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the Relevant Planning Authority's request to have the Local Environmental Plan (the Plan) notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2015_ASHFI_001_00
Date Sent to Department under s56	23 February 2015
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 Plan exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt Plan		
Date Plan made by GM (or other) under delegation		
Date sent to the Department requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: