

Mr Rik Hart
Interim General Manager
Inner West Council
PO Box 14
PETERSHAM NSW 2049

Dear Mr Hart

Planning proposal PP_2017_IWEST_019_00 to amend Marrickville Local Environmental Plan 2011

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) and additional information received on 26 March 2018 in respect of the planning proposal to rezone land and increase height and floor space ratio controls at 466-480 New Canterbury Road and 26-38 Hercules Street, Dulwich Hill.

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have also agreed, as delegate of the Secretary, that the planning proposal's inconsistencies with section 9.1 Directions 6.2 Reserving Land for Public Purposes and 6.3 Site Specific Provisions are justified in accordance with the terms of the Directions. In relation to section 9.1 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the creation of land for public purposes on the basis that the creation of the public through-site link and open space will contribute positively to the local area. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department of Planning and Environment's Secretary to comply with the requirements of relevant section 9.1 Direction 1.1 Business and Industrial Zones. Council should ensure this occurs prior to the plan being made.

On 5 October 2018, the Greater Sydney Commission issued an information note regarding planning proposals affecting industrial and urban services land. The information note refers to limited instances where the Greater Sydney Commission agrees to planning proposals proceeding that are not consistent with the retain and manage approach for industrial and urban services land of the Greater Sydney Region Plan and District Plans.

In accordance with the information note, as the planning proposal was submitted before the adoption of the Eastern City District Plan and had been referred to and

supported by the Sydney Eastern City Planning Panel, a Gateway determination can be issued.


I have determined not to condition the Gateway for Council to be the local plan-making authority as the planning proposal was the subject of a rezoning review and applies to employment land subject to a retain-and-manage approach in the Eastern City District Plan.

The amending local environmental plan (LEP) is to be finalised within 24 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

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 Greater Sydney Commission may take action under section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Brendan Metcalfe to assist you. Mr Metcalfe can be contacted on 9860 1442.

Yours sincerely

 2 November 2019
Stephen Murray
Executive Director, Regions
Planning Services

Encl: Gateway determination