

Mr Rik Hart
Interim General Manager
Inner West Council
260 Liverpool Road
ASHFIELD NSW 2131

Dear Mr Hart

Planning Proposal PP_IWEST_015_00 to amend Ashfield Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under Section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone part of 120C Old Canterbury Road, Summer Hill and to increase the height of buildings and floor space ratio development standards over the whole site.

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

Council may still need to obtain the agreement of the Department's Secretary to demonstrate that the planning proposal is justifiably inconsistent with Section 117 Directions Direction 4.3 Flood Prone Land. Council should ensure this occurs prior to community consultation.

Plan making powers were delegated to Councils by the Minister 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 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.

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 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further questions in relation to this matter, please contact Ms Liza Miller, Planning Officer, Sydney Region East at the Department on 8289 6787.

Yours sincerely


Karen Armstrong
Director, Sydney Region East
Planning Services

Encl: Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Report Templates

Gateway Determination

Planning Proposal (Department Ref: PP_IWEST_015_00): to amend the Ashfield LEP 2013 to rezone part of 120C Old Canterbury Road Summer Hill and to increase the height of buildings and floor space ratio development standards over the whole site.

I, the Director, 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 an amendment to the Ashfield Local Environmental Plan (LEP) 2013 to facilitate a mixed-use development should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - (a) demonstrate consistency with the Draft Greater Sydney Region Plan 2017.
 - (b) demonstrate that the planning proposal is justifiably inconsistent with Section 117 Direction 4.3 - Flood Prone Land ensuring that the plans have regard to the Flood Certificate by WMA Water and a detailed flood study is exhibited with the planning proposal.
 - (c) demonstrate compliance with SEPP 55 – Remediation of Land by ensuring that:
 - i. a Phase 1 Site Assessment is prepared in accordance with the requirements of SEPP 55 – Remediation of Land.
 - (d) include a revised project timeline for the proposal to be completed within 12 months.
2. 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Transport for New South Wales;
 - Sydney Water;
 - NSW Roads and Maritime Services;
 - Office of Environment and Heritage; and,



Planning & Environment

- TransDev.

Each public authority/organisation 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.

4. 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).
5. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated *25TH* day of *OCTOBER* 2017.

A handwritten signature in black ink, appearing to read "Karen Armstrong".

Karen Armstrong
Director, Sydney Region East
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission



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

Attention: Colette Goodwin, Acting Manager Planning Operations

Dear Mr Hart

Planning Proposal PP_IWEST_015_00 to amend Ashfield Local Environmental Plan 2013 - 120C Old Canterbury Road Summer Hill

I refer to Council's correspondence of 24 August 2018 and email of 30 August 2018 addressing the Gateway condition 1(b) regarding the consistency of the above proposal with Section 9.1 Direction 3.4 Flood Prone Land.

I note the Flood Risk Assessment Report prepared by Cardno dated 23 August 2018 will be exhibited with the proposal. I also note Council's advice that it has reviewed this report and considers the inconsistency with Section 9.1 Direction 4.3 Flood Prone Land to be of minor significance.

I have considered this matter, and as a delegate of the Secretary, I have agreed that the inconsistency is justified in accordance with the terms of the Direction.

Council may proceed to exhibit the proposal, once the planning proposal has been updated to reflect the advice provided by Council in its emails of 30 August 2018 and 4 October 2018, and in accordance with Gateway determination dated 25 October 2017.

Should you have any further enquiries about this matter, I have arranged for Ms Charlene Nelson to assist you. Ms Nelson can be contacted on 9274 6570.

Yours sincerely

Amanda Harvey
Director
Sydney Region East



IRF18/5477

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

Attention: Colette Goodwin, Acting Manager Planning Operations

Dear Mr Hart

**Planning proposal PP_IWEST_015_00 – 120C Old Canterbury Road, Lewisham
– Alteration of Gateway determination**

I refer to your letter of 8 October 2018 requesting an extension of timeframe for completion for planning proposal PP_IWEST_015_00 for the rezoning of land at 120C Old Canterbury Road, Summer Hill.

I have determined as delegate of the Greater Sydney Commission, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 25 October 2017 for PP_2017_IWEST_015_00. The alteration of Gateway determination is enclosed.

In making this determination I have agreed to extend the timeframe for completion by 6 months. This is considered sufficient time to conduct community and stakeholder consultation requirements and finalise the LEP following consideration of submissions.

Should you have any further enquiries about this matter, I have arranged for Ms Charlene Nelson, Senior Planning Officer of the Department's Sydney Region East branch to assist you. Ms Nelson can be contacted on 9274 6570.

Yours sincerely

Laura Locke
Acting Director, Sydney Region East
Planning Services

Encl: Alteration of Gateway determination



Alteration of Gateway Determination

Planning proposal (Department Ref: PP_IWEST_015_00)

I, the Acting Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(7) of the *Environmental Planning and Assessment Act 1979* to alter the Gateway determination dated 25 October 2017 for the proposed amendment to the Ashfield Local Environmental Plan 2013 as follows:

1. Delete:

“condition 5”

and replace with:

a new condition 5 “The time frame for completing the LEP is by 25 April 2019”.

2. Delete:

“condition 1(d)”

and replace with:

new condition 1(d) “include a revised project timeline for the proposal”.

Dated 10 day of October 2018.

A handwritten signature in blue ink, appearing to be "LL", written over a horizontal line.

Laura Locke
Acting Director, Sydney Region East
Planning Services
Department of Planning and
Environment

Delegate of the Greater Sydney
Commission