



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

Our ref: PP\_2017\_SUTHE\_003\_00 (17/01472)

Attention: Con Colot

Dear Mr Hart

**Planning proposal to amend *Ashfield Local Environmental Plan 2013 – 55-63 Smith Street, Summer Hill***

I am writing in response to your Council's letter dated 16 December 2016 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 and amend development standards for land at 55-63 Smith Street, Summer Hill.

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.

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 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 Local Environmental Plan 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's regional team for administrative purposes.

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 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 queries in regard to this matter, I have arranged for Mr Douglas Cunningham of the Department's Sydney Region East section to assist. Mr Cunningham can be contacted on (02) 9274 6357.

Yours sincerely,

 10/2/17  
**Karen Armstrong**  
**Director, Sydney Region East**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Delegated Plan Making Reporting Template

## Gateway Determination

**Planning proposal (Department Ref: PP\_2017\_IWEST\_003\_00): to amend Schedule 1 – Additional Permitted uses for 55-63 Smith Street, Summer Hill**

I, the Director, Sydney Region East, 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 an amendment to the *Ashfield Local Environmental Plan 2013* to amend Schedule 1 – Additional Permitted uses for 55-63 Smith Street, Summer Hill, should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) include a plain English explanation of the intent of the planning proposal; and
  - (b) amend the planning proposal to include a discussion regarding how the proposal is consistent with the draft Central District Plan, released on 21 November 2016.
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is considered to be routine 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 Local Environmental Plans' (Department of Planning and Environment 2016).
3. No consultation is required with public authorities under 56(2)(d) of the Act.
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 Local Environmental Plan is to be 12 months from the week following the date of the Gateway determination.

Dated 10<sup>TH</sup> day of FEBRUARY 2017.

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

**Delegate of the Greater Sydney Commission**

## Written Authorisation to Exercise Delegation

Sutherland Shire 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_2017_IWEST_003_00 | Planning proposal to amend Schedule 1 – Additional Permitted uses for 55-63 Smith Street, Summer Hill |

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 10TH FEBRUARY 2017

  
**Karen Armstrong**  
Director, Sydney Region East  
Planning Services  
Department of Planning and Environment  
  
Delegate of the Greater Sydney Commission

# Planning proposal to amend *Ashfield Local Environmental Plan 2013* – 55-63 Smith Street, Summer Hill

## 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_2017_IWEST_003_00 |
| Date Sent to Department under s56   | 16/12/16             |
| Date considered at LEP Review Panel | N/A                  |
| Gateway determination date          | 10/02/17             |

**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: