

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

Our ref: PP\_2017\_IWEST\_006\_00 17/04249

Attention: Peter Wotton

Dear Mr Hart

**Planning proposal to amend Marrickville Local Environmental Plan 2011**

I am writing in response to Council's letter dated 7 March 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to remove 'Shop top housing' from the Land Use Table for the B7 Business Park zone of the Marrickville Local Environmental Plan 2011.

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

The planning proposal includes references to a number of State Environmental Planning Policies which are not considered relevant to this planning proposal, and which should be deleted from the planning proposal prior to its public exhibition.

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 the planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

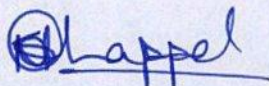
The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal as soon as possible. Council's request to draft and finalise the Local Environmental Plan should be made 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 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 Andrew Watkins of the Department's Sydney Region East section to assist. Mr Watkins can be contacted on (02) 9274 6558.

A handwritten signature in blue ink, appearing to read 'Sandy Chappel', with a circular mark at the start of the first name.

3.4.17

**Sandy Chappel**  
**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\_2016\_IWEST\_006\_00):** to remove 'Shop top housing' from the Land Use Table for B7 Business Park zone in Marrickville Local Environmental Plan 2011.

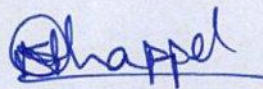
I, the Director, Sydney Region East, Planning Services at the Department of Planning and Environment as delegate of the Greater Sydney Commission, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Marrickville Local Environmental Plan (LEP) 2011 to remove 'Shop top housing' from the Land Use Table for B7 Business Park zone in *Marrickville Local Environmental Plan 2011* should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (a) remove references to the following State Environmental Planning Policies (SEPPs):
    - SEPP No 1 – Development Standards;
    - SEPP No 19 – Bushland in Urban Areas;
    - SEPP No 21 – Caravan Parks;
    - SEPP No 30 – Intensive Agriculture;
    - SEPP No 33 – Hazardous and Offensive Development;
    - SEPP No 50 – Canal Estate Development;
    - SEPP No 55 – Remediation of Land;
    - SEPP No 62 – Sustainable Aquaculture;
    - SEPP No 64 – Advertising and Signage;
    - SEPP No 65 – Design Quality of Residential Apartment Development;
    - SEPP (Housing for Seniors or People with a Disability) 2004;
    - SEPP (Building Sustainability Index: BASIX) 2004;
    - SEPP (State Significant Precincts) 2005;
    - SEPP (Mining, Petroleum Production and Extractive Industries) 2007;
    - SEPP (Temporary Structures) 2007;
    - SEPP (Infrastructure);
    - SEPP (Exempt and Complying Development Codes) 2008;
    - SEPP (State and Regional Development) 2011; and
    - SEPP (Affordable Rental Housing) 2009
2. Community consultation is required under sections 56(2)(c) and 57 of the Act as follows:
  - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2016)* and must be made publicly available for a minimum of 14 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



- (c) section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2016)*.
3. No consultation is required with public authorities under section 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 LEP is to be 6 months from the week following the date of the Gateway determination.

Dated 3<sup>rd</sup> day of April 2017



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



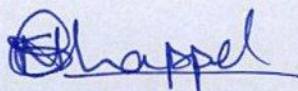
## WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Inner West 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_006_00	Planning proposal to <i>remove 'Shop top housing' from the Land Use Table for B7 Business Park zone in Marrickville Local Environmental Plan 2011.</i>

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 3 April 2017



**Sandy Chappel**  
Director, Sydney Region East,  
Planning Services  
Department of Planning and Environment

Delegate of the Greater Sydney Commission



## Attachment 5 – Delegated plan making reporting template

### Reporting template for delegated LEP 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
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP 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 RPA's request to have the LEP notified

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

Stage	Date/Details
Planning Proposal Number	PP_2017_IWEST_006_00
Date Sent to DoP&E under s56	
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	3 APRIL 2017

**Table 2 – To be completed by the RPA**

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

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

Stage	Date/Details
Notification Date and details	

#### Additional relevant information: