



Mr Michael Deegan
General Manager
Inner West Council
PO BOX 14
PETERSHAM NSW 2049

Dear Mr Deegan

Planning proposal PP_2019_IWEST_001_00 to amend Ashfield Local Environmental Plan 2013

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) in respect of the planning proposal to amend Clause 4.1A(2) and amend Schedule 2 of the Ashfield Local Environmental Plan 2013 (ALEP 2013).

As delegate of the Minister for Planning & Open Space, I have now determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

I have considered the nature of Council's planning proposal and have conditioned the Gateway for Council to be authorised as the local plan-making authority. The amending local environmental plan (LEP) is to be finalised within six 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 of Planning and Environment 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 Minister 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 Kris Walsh to assist you. Mr Walsh can be contacted on 9274 6299.

Yours sincerely


Amanda Harvey 18/4/19
Director, Sydney Region East
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2019_IWEST_001_00): to amend clause 4.1A(2) and a section of Schedule 2 of the Ashfield LEP 2013.

I, the Director, Sydney Region East at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to Ashfield Local Environmental Plan (LEP) 2013 to amend Clause 4.1A(2) and remove a section of Schedule 2 should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to provide an updated project timeline outlining the anticipated time frames for the plan-making process.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 Office of Environment and Heritage under section 3.34(2)(d) of the Act. The Office of Environment and Heritage 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 3.34(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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - a. the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - b. the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - c. there are no outstanding written objections from public authorities.

6. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated *18th* day of *April* 2019.


Amanda Harvey
Director, Sydney Region East
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning