



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

Dear Mr Deegan

Planning proposal PP_2020_IWEST_001_00 harmonisation of existing LEP's to establish the Inner West Local Environmental Plan

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 harmonise the Ashfield Local Environmental Plan (LEP) 2013, Leichhardt LEP 2013 and Marrickville LEP 2011 into a new LEP, to be known as the Inner West LEP.

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed, subject to the conditions in the enclosed Gateway determination. I would like to thank Council's staff for their cooperation to collaboratively resolve and clarify aspects of the proposal submitted.

I note that Council states that the consolidated instrument will provide the basis for the next stage – the future, comprehensive review of planning controls across the local government area. It is understood that this will be informed by state strategies, local evidence based strategies, plans and the Inner West Local Strategic Planning Statement. I invite Council to work with the Department in the delivery of further planning proposals to implement the findings of this strategic work.

I note Council has not stipulated if it wishes to be the local plan making authority. It is considered that, in this case, Council should not be given plan making authority due to the scale of the proposal which affects the entire LGA. The Department also considers it is best placed to ensure compliance with the Standard Instrument LEP and model clause requirements at finalisation.

The amending LEP is to be finalised within nine months of the date of the Gateway determination. However, it is acknowledged that to meet the priority funding arrangements, Council is required to submit its LEP to the Department for finalisation by 30 June 2020.

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

A handwritten signature in blue ink, appearing to read 'M. McDonald', is positioned below the 'Yours sincerely' text.

11 March 2020

Malcolm McDonald
Acting Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure

Encl: Gateway determination

Gateway Determination

Planning proposal (Department Ref: PP_2020_IWEST_001_00): to consolidate the Ashfield Local Environmental Plan (LEP) 2013, Leichhardt LEP 2013 and Marrickville LEP 2011 to create a single Local Environmental Plan for the Inner West local government area.

I, the A/Executive Director, Eastern Harbour City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that a proposal to consolidate the Ashfield Local Environmental Plan (LEP) 2013, Leichhardt LEP 2013 and Marrickville LEP 2011 to create a single Local Environmental Plan for the Inner West local government area, should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is required to amend the planning proposal to:
 - a) Clearly state that the draft instrument attached to the planning proposal is for exhibition purposes only and is subject to change as part of the drafting of the final LEP;
 - b) Prepare draft LEP maps to reflect the provisions of the planning proposal;
 - c) Clarify the intent of retaining a parcel of the Moore Street Industrial Precinct currently zoned as IN2 Light Industrial (at its north eastern corner); and
 - d) Include a savings provision which will not result in the proposed amendments affecting current development applications or appeal processes.
2. The final LEP should be updated where required to have regard to any endorsed Local Housing Strategy and Local Strategic Planning Statement, should the endorsement of either document occur prior to finalisation.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
4. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- Transport for NSW
- Sydney Airport
- Civil Aviation Safety Authority
- Commonwealth Department of Infrastructure, Transport, Regional Development and Communications
- NSW Land and Housing Corporation
- Office of Environment, Energy and Science
- Environmental Protection Agency
- Sydney Water Corporation
- NSW Department of Education
- NSW Health
- Heritage NSW, Department of Premier and Cabinet
- Canterbury-Bankstown Council
- City of Sydney Council
- Bayside Council
- Burwood Council
- City of Canada Bay Council

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.

5. 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).
6. The time frame for completing the LEP is to be **9 months** following the date of the Gateway determination.

Dated: 11th of March 2020.



Malcolm McDonald
A/Executive Director, Eastern Harbour City
Greater Sydney, Place and Infrastructure
Department of Planning, Industry and Environment

Delegate of the Minister for Planning and Public Spaces