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Our ref: PP_2013_LEICH_002_00 (13/09770)

Mr Peter Head
General Manager
Leichhardt Municipal Council
PO Box 45
LEICHHARDT NSW 2040

Dear Mr Head,

Planning proposal to amend draft Leichhardt Local Environmental Plan 2013

I am writing in response to your Council's letter dated 4 June 2013 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to make various amendments to draft Leichhardt Local Environmental Plan (LEP) 2013 including: amending existing and including additional aims to the plan, amending and including additional objectives to various zones; including controls for the minimum landscaped area to be provided for residential development in the R1 General Residential zone; providing exceptions to the maximum floor space ratio for non-residential development in zone R1 and amending the Floor Space Ratio Map; amending the land use table for various zones; and including photovoltaic cells as complying development.

As delegate of the Minister for Planning and Infrastructure, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

As Council is aware, the department has reviewed the draft aims of the plan and is of the view that some of the aims proposed in the planning proposal are duplicative and excessive. Officers of the department and Council have worked collaboratively to revise the draft aims, as contained in the attached table for inclusion in the planning proposal. I wish to thank Council for its cooperation in addressing this matter with the department. Council is also reminded that the aims are subject to further review and change by Parliamentary Counsel.

I have also agreed the planning proposal's inconsistency with S117 Direction 2.3 Heritage Conservation is of minor significance. No further approval is required in relation to this Direction.

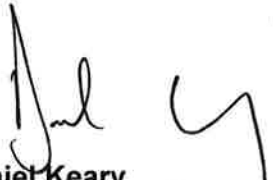
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending LEP 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 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 for administrative purposes.

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

Should you have any queries in regard to this matter, please contact Andrew Watkins of the regional office of the department on 02 9228 6111.

Yours sincerely,



21/6/13

Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_LEICH_002_00): to make various amendments to draft Leichhardt LEP 2013.

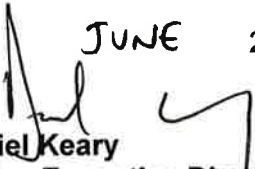
I, the Acting Executive Director, Metropolitan Planning at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that various amendments to the draft Leichhardt Local Environmental Plan (LEP) 2013 including: amending existing and including additional aims to the plan, amending and including additional objectives to various zones; including controls for the minimum landscaped area to be provided for residential development in the R1 General Residential zone; providing exceptions to the maximum floor space ratio for non-residential development in zone R1 and amending the Floor Space Ratio Map; amending the land use table for various zones; and including photovoltaic cells as complying development should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to advise the public that the proposal will amend either the draft Leichhardt LEP 2013 or be an amendment to the made Leichhardt LEP 2013.
2. Prior to undertaking public exhibition, Council is to update the 'explanation of provisions' within the planning proposal to reflect the revised wording contained within the attached 'Table of updated Aims of Plan'.
3. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A 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 LEPs (Department of Planning & Infrastructure 2013)*.
4. Consultation is required with the Office of Environment and Heritage (OEH) under section 56(2)(d) of the EP&A Act. OEH 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 56(2)(e) of the EP&A 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 timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 21st day of JUNE 2013.


Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure

Table of updated Aims of Plan (clause 1.2 draft Leichhardt LEP 2013)

Subclause	Suggested revised wording
(1)	This Plan aims to make local environmental planning provisions for land in Leichhardt Local Government Area in accordance with the relevant standard environmental planning instrument under section 33A of the Act.
(2)	The particular aims of this Plan are as follows: (a) to ensure development applies the principles of ecologically sustainable development. (b) to minimise land use conflict and the negative impacts of urban development on the natural, social, economic, physical and historical environment. (c) to identify, protect, conserve and enhance the environmental and cultural heritage of Leichhardt. (d) to promote a high standard of urban design in the public and private domain. (e) to protect and enhance the amenity, vitality and viability of Leichhardt for existing and future residents and those who work in and visit Leichhardt. (f) to maintain and enhance the sense of place and character of Leichhardt's urban environment. (g) to protect and enhance: i. views and vistas of Sydney Harbour, Parramatta River, Callan Park and Leichhardt and Balmain civic precincts from roads and public vantage points; ii. views and view sharing from and between private dwellings. (h) to ensure that land use zones are appropriately located to maximise access to sustainable transport, community services, employment and economic opportunities, public open space, recreation facilities and the waterfront. (i) to promote accessible and diverse housing types including the provision and retention of housing for seniors or people with a disability and affordable housing. (j) to provide for development that promotes road safety for all users, walkable neighbourhoods and accessibility, reduces car dependency and increases use of active transport through walking, cycling and the use of public transport. (k) to ensure an adequate supply of land and housing to facilitate: i. employment and economic opportunities, and ii. the provision of goods and services which meet the needs of the local

	and sub-regional population. (l) to ensure that development: i. is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works, landscaping and the desired future character of the area, and ii. provides high quality landscaped areas in residential developments. (m) to protect, conserve and enhance the character and identity of the suburbs, places and landscapes of Leichhardt, including the natural, scientific and cultural attributes and accessibility of the Sydney Harbour foreshore and its creeks and waterways, surface rock, remnant bushland, ridgelines and skylines. (n) to prevent undesirable incremental change, including demolition, which reduces the heritage significance of places, conservation areas or heritage items. (o) to make provision for effective community participation and consultation for planning and development. (p) to promote: i. opportunities for equitable and inclusive social, cultural and community activities, and ii. the health and wellbeing of Leichhardt's residents, business operators, workers and visitors. (q) to ensure development applies the principles of crime prevention through design to promote safer places and spaces. (r) to ensure that development responds to, conserves, protects and enhances the natural environment including terrestrial, aquatic and riparian habitats, bushland, biodiversity, wildlife habitat corridors and ecologically sensitive land. (s) to promote energy conservation, water cycle management (incorporating water conservation, water reuse, catchment management, stormwater pollution control and flood risk management) and water sensitive urban design. (t) to ensure that: i. existing landforms and natural drainage systems are protected; ii. risk to the community in areas subject to environmental hazards is minimised, and iii. impacts of climate change are mitigated and adapted to.
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Note: This table has not been subject to legal or Parliamentary Counsel review.



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Leichhardt Municipal Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_LEICH_002_00	Planning proposal to make various amendments to draft Leichardt Local Environmental Plan (LEP) 2013 including: amending existing and including additional aims to the plan, amending and including additional objectives to various zones; including controls for the minimum landscaped area to be provided for residential development in the R1 General Residential zone; providing exceptions to the maximum floor space ratio for non-residential development in zone R1 and amending the Floor Space Ratio Map; amending the land use table for various zones and including photovoltaic cells as complying development.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated

21/6/2013

Daniel Keary
Acting Executive Director
Metropolitan Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department 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 department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_LEICH_002_00
Date Sent to Department under s56	04/06/2013
Date considered at LEP Review Panel	20/06/2013
Gateway determination date	

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 DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: