

Amendments to draft Leichhardt LEP 2013 relating to LEP Aims and Zone Objectives, Landscaped area controls, Exceptions to maximum FSR, Land Use Table, Complying Development controls.

Proposal Title : Amendments to draft Leichhardt LEP 2013 relating to LEP Aims and Zone Objectives, Landscaped area controls, Exceptions to maximum FSR, Land Use Table, Complying Development controls.

Proposal Summary : This planning proposal relates to proposed changes to the draft Leichhardt LEP 2013 resulting from the public exhibition of the draft LEP:

1. Inclusion of an additional 22 Aims of the Plan (clause 1.2) and amendments to the wording of 3 exhibited aims;
2. Inclusion of additional zone Objectives for Zones R1, B1, B2 and RE1;
3. Amendments to draft local clause 4.3A Landscaped Area for Residential Development in Zone R1 to provide a two-tier control dependent on site area;
4. Inclusion of new subclause 4.4B Exceptions to maximum floor space ratio for non-residential development in R1 General Residential zone and subsequent amendments to Floor Space Ratio maps;
5. Amendments and additions to the Land Use Table, involving minor corrections and administrative changes;
6. Inclusion of Complying Development (Schedule 3) controls for the installation of photovoltaic cells.

For information, the following Tables are attached:

Table 1: Proposed Aims of the Plan (Clause 1.2):

- Provides the actual wording of the proposed new clause and includes further justification provided by Council.

Table 2: Proposed Zone Objectives - Zones R1, B1, B2 and RE1:

- Provides the wording of the exhibited and currently proposed zone objectives.

Table 3: Proposed Landscaped Area Controls:

- Includes the existing (LEP 2000) landscaping controls and those of the exhibited draft LEP 2013 and the planning proposal, including further justification provided by Council.

PP Number : PP_2013_LEICH_002_00 Dop File No : 13/09770

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions :**
- 1.1 Business and Industrial Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions
 - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : Delegation of this planning proposal is permitted, and has been requested by Council. Given the relatively minor nature of the planning proposal, it is recommended that the plan making function be delegated to Council.

The planning proposal should be supported and should proceed with the following conditions:

Amendments to draft Leichhardt LEP 2013 relating to LEP Aims and Zone Objectives, Landscaped area controls, Exceptions to maximum FSR, Land Use Table, Complying Development controls.

1. Council is to prepare the necessary proposed floor space ratio maps in accordance with the Standard Technical Requirements for LEP Maps (DP&I, November 2012). Council is to ensure that these maps are publicly exhibited with the planning proposal in accordance with the community consultation requirements specified below.

2. Community consultation is required under sections 56(2) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

(a) the planning proposal and all associated studies/assessments and reports must be made publicly available for 28 days; and

(b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for materials that must be made publicly available as identified in the current Guide to Preparing LEPs (DP&I).

3. Consultation is required with the following public authority under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage

This public authority is to be provided with a copy of the planning proposal and any relevant supporting material. This public authority is to be given at least 21 days to comment on the proposal, or to indicate that it will require additional time to comment on the proposal. The public authority may request additional information or additional matters to be addressed in the planning proposal.

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 EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing.

5. The timeframe for completing the LEP is 9 months from the week following the date of the Gateway Determination.

Supporting Reasons :

The Department supports this planning proposal because, as a whole:

- it builds upon the mandatory Standard Instrument Aims and Zone objectives and reflects the feedback received during exhibition and Council's internal review of the draft LEP, and those aims/objectives used by other Councils in Sydney Region East in their gazetted comprehensive LEPs.

- it is consistent with Council's own strategic plans and the statutory planning framework;

- it provides a more accurate translation of Council's existing clauses;

- it provides for the inclusion of a clause that had not been translated into the Standard Instrument draft LEP;

- it makes some minor changes and corrects administrative errors;

- it is consistent with the NSW strategic planning framework.

Panel Recommendation

Recommendation Date : 20-Jun-2013

Gateway Recommendation : Passed with Conditions

Panel

The Planning Proposal should proceed subject to the following conditions:

Recommendation :

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. 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

Amendments to draft Leichhardt LEP 2013 relating to LEP Aims and Zone Objectives, Landscaped area controls, Exceptions to maximum FSR, Land Use Table, Complying Development controls.

Preparing LEPs (Department of Planning & Infrastructure 2013).

- 3. 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.
- 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 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).
- 5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Signature:

M. Mann

Printed Name:

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Date:

21/6/13