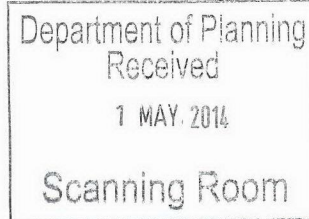


Contact: Vasiliki Andrews
Phone: 9367 9114
Date: 24 April 2014



Minister for Planning and Infrastructure
NSW Department of Planning and Infrastructure
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Attention: Lee Mulvey, Director – Metropolitan Delivery Program

Dear Madam,



**Re: Leichhardt Local Environmental Plan 2013 – Amendment 2
Extension of Gateway Determination Timeframes
Submission of Revised Planning Proposal for Amendments to Clause 4.3A
(Landscaped Provisions)**

Background

Leichhardt Local Environmental Plan (LEP) 2013 Amendment 2 includes the following planning proposal items:

1. Amendments/additions to Aims of Plan and Zone Objectives;
2. Amendments to **Clause 4.3A Landscaped Provisions** - Landscaped areas for residential accommodation in Zone R1;
3. Inclusion of new subclause 4.4B Exceptions to maximum floor space ratio for non-residential development and subsequent amendments to Floor Space Ratio maps;
4. Amendments/additions to Land Use Tables;
5. Inclusion of Complying Development Controls for the installation of photovoltaic panels; and
6. Rezoning 55 Justin Street, Lilyfield from IN2 Light Industrial to B7 Business Park.

Gateway Determination Timeframes

On 21 June 2013 Council received the Gateway Determination for Items 1, 2, 3, 4 and 5 and on 14 June 2013 Council received the Gateway Determination in relation to Item 6 (Rezoning of 55 Justin Street, Lilyfield). In both instances Council was advised that the timeframe for completion of the amendments to the *Leichhardt LEP 2013 (Amendment 2)* was nine (9) months from the date of the Gateway Determinations. This means that the amendments were due to be completed as follows:

- 21 March 2014 – Items 1, 2, 3, 4 & 5.
- 14 March 2014 – Item 6 Rezoning of 55 Justin Street, Lilyfield.

The Gateway Determinations also issued authorisations for Council to exercise delegation from the Minister of Planning and Infrastructure to make the amendments to the *Leichhardt LEP 2013 (Amendment 2)*.

IMPORTANT

This letter contains important information. If you do not understand it please ask a relative or friend to translate it or come to Council and discuss the letter with Council's staff using the Telephone Interpreter Service.

English

IMPORTANTE

Questa lettera contiene delle informazioni importanti. Se non capisce il contenuto è pregata di chiedere aiuto ad un parente o un amico, oppure La Invitiamo di venire in prersona al Municipio a parlarne con un nostro implegato, utilizzando il Servizio Interprete Telefonico.

Italian

IMPORTANTE

Esta carta contiene información importante. Si usted no la entiende, pídale a un familiar o a un amigo que se la traduzca, o venga a la Oficina de la Municipalidad y hable acerca de la misma con el personal de la oficina a través del Servicio Telefónico de Intérpretes.

Spanish

TIN QUAN TRỌNG

Tin tức trong thư này rất quan trọng. Nếu bạn không hiểu, hãy nhờ thân nhân hoặc bạn bè dịch cho bạn nghe hoặc tới văn phòng Hội Đồng Thành Phố để thảo luận với nhân viên qua dịch vụ thông ngôn điện thoại.

Vietnamese

ΠΡΟΣΟΧΗ

Το γράμμα αυτό περιέχει σπουδαίες πληροφορίες. Αν δεν το καταλαβαίνετε, παρακαλέστε ένα συγγενή ή φίλο να σας το μεταφράσει, ή ελάτε στο Δημαρχείο και συζητείστε το γράμμα με το προσωπικό του Δημαρχείου χρησιμοποιώντας την Τηλεφωνική Υπηρεσία Διερμηνέων.

Greek

重要信息

此信包含重要內容。若有不明白之處，可請親戚或朋友幫助翻譯。或請到市政會來，通過電話傳譯服務與市政會人員討論信的內容。

Chinese

Public Exhibition

The amendments were on exhibition for a period of 38 days from 24 June 2013 to the 31 July 2013.

Council considered the following reports on the outcomes of public exhibition on the 24 September 2013:

- Item E14 Amendments to *Draft Leichhardt LEP 2013* – Public Exhibition.
- Item E15 Supplementary Report to address late submission in relation to *Draft Development Control Plan 2013* and amendments to *Draft Leichhardt LEP 2013* - dealt with in conjunction with Item E14.

On 24 September 2013 Council resolved (**C432/13**) to:

- adopt the proposed amendments outlined in the planning proposals Items 1, 2, 3, 4 and 6;
- not proceed with the proposed amendment outlined in planning proposal item 5 as it was inconsistent with State Environmental Planning Policy Infrastructure 2007 and could not be legally made; and
- delegate authority to the General Manager to finalise the amendments and ensure that the legal drafting by Parliamentary Counsel is consistent with this resolution of Council.

Legal Drafting and Post Exhibition Changes Proposed to Clause 4.3A

On 2 October 2013, pursuant to the resolution of 24 September 2013 (**C432/13**) Council requested that Parliamentary Counsel prepare a draft instrument under section 59(1) of the *Environmental Planning and Assessment Act 1979*.

The content of Amendment 2 has now been finalised with the exception of Item 2 (amendments to Clause 4.3A), at the request of Council. This has occurred because it was found when applying the draft Clause 4.3A that it is not an accurate translation of Clause 19(3) of *Leichhardt LEP 2000*. Council has therefore reviewed and redrafted Clause 4.3A in the context of the published *Leichhardt LEP 2013* and *Development Control Plan 2013* to ensure that Clause 4.3A more closely reflects the provisions of *LEP 2000* whilst being consistent with the provisions of the Standard Instrument.

Council advised Parliamentary Counsels Office that it would seek advice from Planning and Infrastructure on the proposed modifications to the draft Clause 4.3A before proceeding to finalise Amendment 2.

Extension of Gateway Determination Timeframes and Revised Planning Proposal for Amendments to Clause 4.3A

On 8 April 2014 Council considered a report on the status and progress of Amendment 2 and a revised planning proposal for amendments to Clause 4.3A. In the report it was noted that Council requires an extension of time to complete Amendment 2. The report and resolution (**BDC72/14**) are attached.

In accordance with this resolution (**BDC72/14**), Council:

- requests an extension to the Gateway Determinations timeframes for Amendment 2 to the *Leichhardt LEP 2013*; and
- submits a revised planning proposal for amendments to Clause 4.3A Landscaped areas for residential accommodation in Zone R1 (Attachment 5 to report) in accordance with section 58(1) of the *Environmental Planning and Assessment Act 1979*.

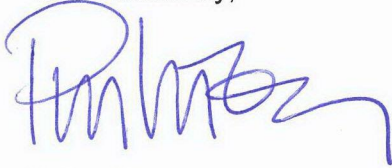
Deferment of Amendments to Clause 4.3A from *Leichhardt LEP 2013 Amendment 2*

Council prefers that community consultation be required for the revised planning proposal for amendments to Clause 4.3A. If the revised Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* reflects that preference it is proposed that the General Manager:

- defer the inclusion of amendment to Clause 4.3A Landscaped areas for residential accommodation in Zone R1 in the *Leichhardt LEP 2013 (Amendment 2)* in accordance with section 59(4) of the *Environmental Planning and Assessment Act 1979*;
- exhibit the revised planning proposal for Clause 4.3A in accordance with Council's community engagement plan and any requirements of the Gateway Determination; and
- finalise *Leichhardt LEP 2013 (Amendment 2)* with Parliamentary Counsel and Planning and Infrastructure and ensure that any technical and legal requirements are met.

Should you have any further questions regarding this matter, please contact Vasiliki Andrews on 9367 9114, or by email at vasilikia@lmc.nsw.gov.au

Yours sincerely,



Peter Conroy

Director

Environmental & Community Management

Enclosed

Report	Update on the progress of proposed amendments to Leichhardt LEP 2013 (Amendment 2)
Attachment 1	Gateway Determination 21 June 2013 – Items 1, 2, 3, 4, & 6.
Attachment 2	Gateway Determination 14 June 2013 – Item 5, 55 Justin Street, Lilyfield.
Attachment 3	Council Resolutions –24 September 2013 (C432/13) and 10 December 2013 (C584/13)
Attachment 4	Justification for modification to Clause 4.3A Landscaped Area
Attachment 5	Revised Planning Proposal Item 2: Amendments to Clause 4.3A Landscaped areas for residential accommodation in Zone R1
Resolution BDC72/14	Building and Development Committee 8 April 2014 Agenda Item 19: Update on the progress of the proposed amendments to Leichhardt LEP 2013 (Amendment 2)