



PMU043309

SECRETARY'S CORRESPONDENCE

PRIORITY:

☐

URGENT

Date due: / /

☐

Early (2 weeks)

ACTION REQUIRED:

DRAFT LETTER FOR SIGNATURE BY:

Secretary

(Full brief ☐

Short Brief ☐

☐

Deputy Secretary

☐

Executive Director

☐

Director

☐

General Manager

☐

BRIEFING NOTES FOR SECRETARY

☐

DISCUSSION WITH SECRETARY

☐

DEPARTMENTAL ACTION

Planning Services

☒

INFORMATION ONLY

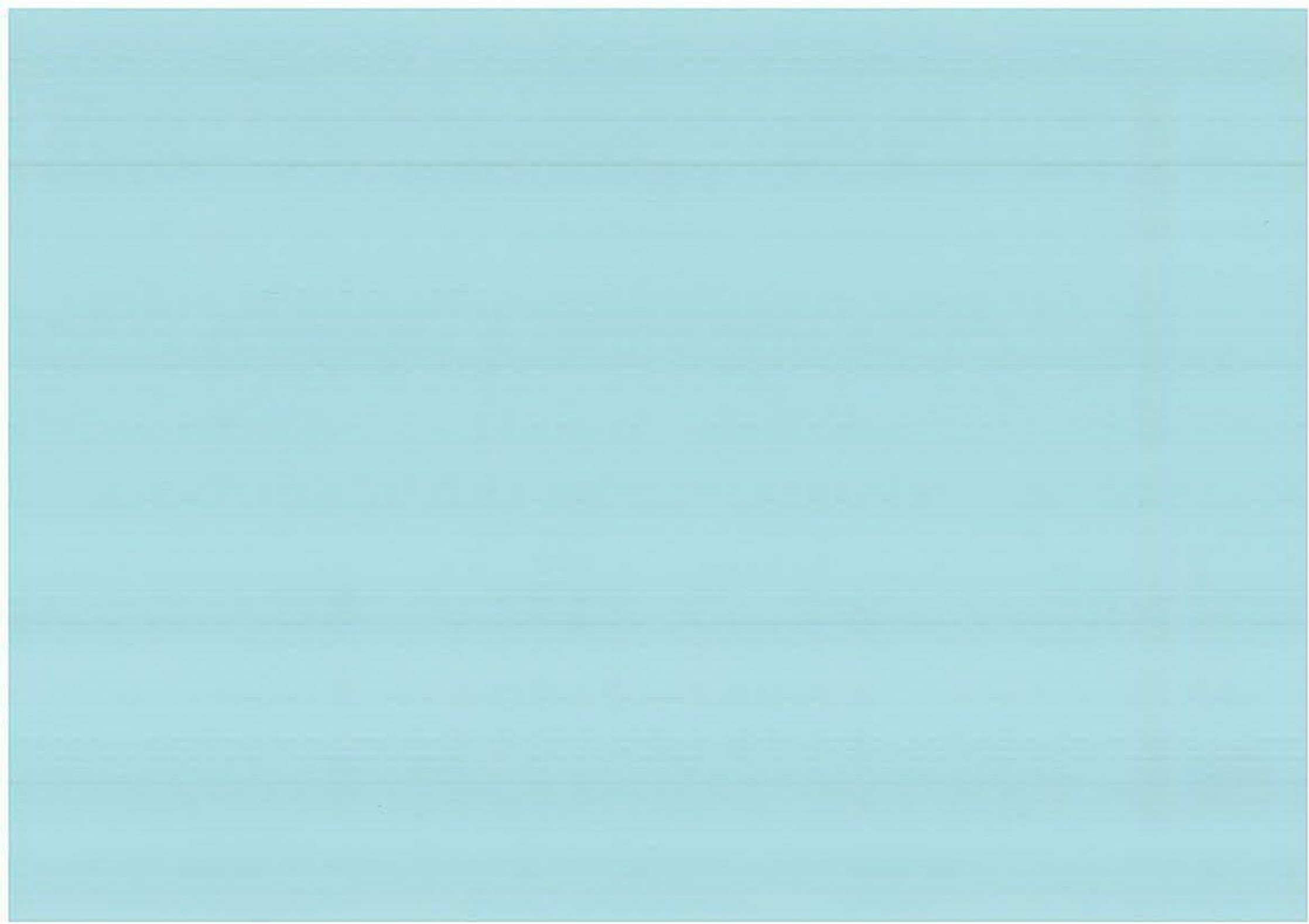
☐

OTHER:

☐

INSTRUCTIONS/COMMENTS

R. Hammond 4/5/15.



Contact: Katie Miles
Phone: 9367 9114



30 April 2015

Ms Carolyn McNally
Secretary (Chair)
NSW Department of Planning and Environment
GPO Box 39
Sydney NSW 2001

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7-15 Wetherill Street, Leichhardt NSW 2040
PO Box 45, Leichhardt NSW 2040
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Email: leichhardt@lmc.nsw.gov.au
www.leichhardt.nsw.gov.au

Attn: Mr Marcus Ray
Deputy Secretary, Planning Services



Dear Ms McNally,

**Submission of Planning Proposal for Gateway Determination
Leichhardt Local Environmental Plan 2013 amendment to reclassify land at Lot
B DP 159831 and Part of Lot 2 DP 599686, near Church Street, Lilyfield, from
Community to Operational land.**

At its Ordinary Council Meeting on 14 August 2015 Leichhardt Council considered a Planning Proposal to reclassify land at Lot B DP 159831, and part of Lot 2 DP 599686, near Church Street, Lilyfield, from Community to Operational land. It was resolved that the Planning Proposal be forwarded to the Minister for Planning to commence the Gateway process (refer Attachment 1 Resolution C131/15P).

Please find enclosed a copy of the Planning Proposal prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the Department's guides titled, "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Leichhardt Council requests that the Minister for Planning issue a Gateway Determination on the Planning Proposal in accordance with section 56 of the Act. Council also confirms that it wishes to have the plan making function for the proposed amendment to *Leichhardt Local Environmental Plan 2013* delegated to Council (refer Attachment 1 Resolution C131/15P).

Leichhardt Council looks forward to working with the Department of Planning and Environment to progress this Planning Proposal. Should you have any further questions regarding this matter please contact Katie Miles, Strategic Planner on 9367 9114 or by email at katiem@lmc.nsw.gov.au.

Yours sincerely

Clare Harley

MANAGER ENVIRONMENT AND URBAN PLANNING

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 persona al Municipio a parlarne con un nostro impiegato, 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 συζητήστε το γράμμα με το προσωπικό του Δημαρχείου χρησιμοποιώντας την Τηλεφωνική Υπηρεσία Διερμηνέων.

Greek

重要借息

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

Attachments Enclosed

	<i>Documents for Proposed Amendment to Leichhardt LEP 2013</i>
<i>Item 1</i>	Council Meeting Minutes resolution C131/15P
<i>Item 2</i>	Council Report 14 April 2015
<i>Item 3</i>	Planning Proposal

ITEM 3.8

**LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013
RECLASSIFICATION AMENDMENT**

C131/15P

RESOLVED

STAMOLIS/ HANNAFORD

That Council:

1. Notes that prior to consideration of this report special disclosure of pecuniary interest forms for the Councillors present have been tabled as required under Section 451 of the *Local Government Act 1993*.
2. Endorses the Planning Proposal to amend the *Leichhardt Local Environmental Plan 2013*, to reclassify land, namely Lot B DP 159831 and part of Lot 2 DP 599686 near Church Street, Lilyfield, from Community to Operational Land.
3. Forward the Planning Proposal to the Minister for Planning and Environment requesting a Gateway Determination in accordance with section 56 of the *Environmental Planning and Assessment Act 1979* and request Written Authorisation to Exercise Delegation (the Authorisation) from the Minister (or delegate) of plan making functions for the reclassification amendment.
4. If approved by the Minister (or delegate), proceed with the public exhibition of the Planning Proposal in accordance with the Gateway Determination.

The vote for and against the above RESOLUTION is shown below for the record;

FOR VOTE - Cr Rochelle Porteous, Cr Craig Channells, Cr Daniel Kogoy, Cr Michele McKenzie, Cr John Stamolis, Cr John Jobling, Cr Vera-Ann Hannaford, Cr Tony Costantino, Cr Darcy Byrne, Cr Simon Emsley, Cr Linda Kelly, Cr Frank Breen
AGAINST VOTE - Nil

ABSENT. DID NOT VOTE - Nil

PRESENT. DID NOT VOTE - Nil

LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013 RECLASSIFICATION AMENDMENT

Division	Environment and Community Management
Author	Manager of Property Services Strategic Planner
Meeting date	14 April 2015 Policy meeting
Strategic Plan Key Service Area	A Sustainable Environment Accessibility Business In The Community Sustainable Services And Assets Community Well-Being Place Where We Live And Work

SUMMARY AND ORGANISATIONAL IMPLICATIONS

Purpose of Report	The purpose of this report is to outline a proposed amendment to the <i>Leichhardt Local Environmental Plan 2013</i> to reclassify a small parcel of Council-owned land from Community to Operational Land for the purposes of leasing the area, which is currently used for approximately eight (8) car parking spaces and vehicle circulation aisles by the Le Montage Function Centre.
Background	The subject site is owned by Council and comprises Lot B DP 159831 and part of Lot 2 DP 599686, near Church Street, Lilyfield, which are zoned R1 General Residential and RE1 Public Recreation respectively under the <i>Leichhardt Local Environmental Plan 2013</i> . Its classification as Community Land is inappropriate as its location surrounded by car park makes it unsuitable to be used as open space and it has been used for car parking by the Le Montage Function Centre, and before that the APIA Club since 1978. The function centre uses this parking to meet the minimum parking requirements for its operation as specified in the development consent. The adopted Plan of Management for Leichhardt Park recommended the reclassification of this land to enable it to be leased at market rent. Council resolved to adopt the PoM and its recommendations.
Current Status	NIL
Relationship to existing policy	<i>Leichhardt Local Environmental Plan 2013, the proposed reclassification is in accordance with the recommendation in the adopted Plan of</i>

	<i>Management for Leichhardt Park.</i>
Financial and Resources Implications	NIL
Recommendation	That Council: 1. Notes that prior to consideration of this report special disclosure of pecuniary interest forms for the Councillors present have been tabled as required under Section 451 of the <i>Local Government Act 1993</i>. 2. Endorses the Planning Proposal to amend the <i>Leichhardt Local Environmental Plan 2013</i>, to reclassify land, namely Lot B DP 159831 and part of Lot 2 DP 599686 near Church Street, Lilyfield, from Community to Operational Land. 3 Forward the Planning Proposal to the Minister for Planning and Environment requesting a Gateway Determination in accordance with section 56 of the <i>Environmental Planning and Assessment Act 1979</i> and request Written Authorisation to Exercise Delegation (the Authorisation) from the Minister (or delegate) of plan making functions for the reclassification amendment. 4. If approved by the Minister (or delegate), proceed with the public exhibition of the Planning Proposal in accordance with the Gateway Determination.
Notifications	NIL
Attachments	Attachment 1 Planning Proposal for car park reclassification.

Purpose of Report

The purpose of this report is to outline a proposed amendment to the *Leichhardt Local Environmental Plan 2013* to reclassify a small parcel of Council-owned land from Community to Operational Land for the purposes of leasing the area, which is currently used for approximately eight (8) car parking spaces and vehicle circulation aisles by the Le Montage Function Centre.

Recommendation

That Council:

1. Notes that prior to consideration of this report special disclosure of pecuniary interest forms for the Councillors present have been tabled as required under Section 451 of the *Local Government Act 1993*.
2. Endorses the Planning Proposal to amend the *Leichhardt Local Environmental Plan 2013*, to reclassify land, namely Lot B DP 159831 and part of Lot 2 DP 599686 near Church Street, Lilyfield, from Community to Operational Land.
3. Forward the Planning Proposal to the Minister for Planning and Environment requesting a Gateway Determination in accordance with section 56 of the *Environmental Planning and Assessment Act 1979* and request Written Authorisation to Exercise Delegation (the Authorisation) from the Minister (or delegate) of plan making functions for the reclassification amendment.
4. If approved by the Minister (or delegate), proceed with the public exhibition of the Planning Proposal in accordance with the Gateway Determination.

Background

The subject site is owned by Council and comprises Lot B DP 159831 and part of Lot 2 DP 599686, near Church Street, Lilyfield, which are zoned R1 General Residential and RE1 Public Recreation respectively under the *Leichhardt Local Environmental Plan 2013*. Its classification as Community Land is inappropriate as its location surrounded by car park makes it unsuitable to be used as open space and it has been used for car parking by the Le Montage Function Centre, and before that the APIA Club since 1978. The function centre uses this parking to meet the minimum parking requirements for its operation as specified in the development consent. The adopted Plan of Management for Leichhardt Park recommended the reclassification of this land to enable it to be leased at market rent. Council resolved to adopt the PoM and its recommendations.

The subject land is bounded to the south by the rear fences of residential properties which front Church Street, and to the north and east by the remainder of Le Montage car park. The subject site is approximately 380sqm and is not used for public recreational or residential purposes.



Figure 1: Aerial view of the subject site.



Figure 2: RE1 and R1 Zoning under the Leichhardt Local Environmental Plan 2013

Report

The land is close to the foreshore area and adjacent to Leichhardt Park which is Crown Land. It should be noted that the part of the site that is RE1 Public Recreation site is not useable as open space due to its current use, size, location and the surrounding development, particularly the rest of the Le Montage car park on part of Leichhardt Park.

Community Land cannot be leased for more than 5 years without a tender and should not be leased to a private enterprise for a purpose unconnected with the specified purpose of the community land. In 2010, Council resolved to lease the land to Le Montage for 5 years at market rent, with an option to extend it subject to the reclassification. The objective of the reclassification to *Operational Land* is to allow Council to lease the carpark to the Le Montage Centre for car parking at market rent. The rent for the land can then be used for the funding of projects as determined by Council. If the land is not reclassified, then unless Council fences it off, it is likely to continue to be used for car parking by Le Montage but Council may not be able to obtain the rent if it cannot grant a lease allowed by the *Local Government Act 1993*. If it is to be used for car parking and/or not able to be used as public open space, it is in the public interest that a lease be granted so that it can be enforced by Council and rent will be paid to compensate the public for the private use.

This reclassification is recommended in the adopted Plan of Management for Leichhardt Park. At its Ordinary Council Meeting on 23 November 2004, Council resolved that: *Council adopt the draft plan of management for Leichhardt Park and the recommendations contained within it* [subject to certain amendments which are not relevant for this issue].

The proposal does not seek to change the site's formal status as a public reserve, nor does it propose to affect any trusts, estates, interests, dedications, conditions, restrictions, or covenants on the land.

Council is required to arrange a public hearing under section 57 of the *Environmental Planning and Assessment Act (EP&A Act) 1979* to reclassify community land to operational. To ensure Council and the community have sufficient time to consider relevant matters associated with the proposed change, the public hearing is held after the close of the exhibition period required under section 68 of the EP&A Act 1979. The person who chairs the public hearing must be independent of Council's employees and councillors. A report from the person presiding the public hearing must be provided no later than four (4) days after the public hearing. Council must make a copy of the report available for inspection by the public at a location within the area of the Council.

Summary/Conclusions

That Council endorse the planning proposal and recommendations made by this report.

Attachments

[1-Attachment 1 Planning Proposal to Leichhardt LEP Amendment Reclassif...](#)

**PROPOSED RECLASSIFICATION AMENDMENT TO
LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013**

PLANNING PROPOSAL

**Reclassification of Lot B DP 159831 and Part of Lot 2 DP 599686,
near Church Street, Lilyfield, from Community to Operational Land -
Part of Le Montage Function Centre (Carpark)**

Part 1 – Objectives or Intended Outcomes

This planning proposal seeks to reclassify Community Land to Operational Land at Lot B DP 159831 and part of Lot 2 DP 599686 near Church Street, Lilyfield, which are currently zoned R1 General Residential and RE1 Public Recreation respectively under the *Leichhardt Local Environmental Plan 2013*.

The reclassification will be identified within Schedule 4 Part 1 Land classified, or reclassified, as operational - no interests changed, of the *Leichhardt Local Environmental Plan 2013* in accordance with Clause 5.2(4) of the LEP 2013. The proposal does not seek to change the site's status as a public reserve, nor does it propose to affect any trusts, estates, interests, dedications, conditions, restrictions, or covenants on the land, nor the land use zoning.

The portion of land proposed to be reclassified has been used for car parking by the Le Montage Function Centre, and prior to that APIA since 1978 (the land is owned by Leichhardt Council). The function centre uses the area to meet the minimum parking requirements for its operation as specified in the development consent.

Part 2 – Explanation of the Provisions

The subject site is owned by Council and comprises Lot B DP 159831 and part of Lot 2 DP 599686, near Church Street, Lilyfield, which are zoned R1 General Residential and RE1 Public Recreation respectively under the *Leichhardt Local Environmental Plan 2013*. Its classification as Community Land is inappropriate as its location surrounded by car park makes it unsuitable to be used as open space and it has been used for car parking by the Le Montage Function Centre and before that the APIA Club since 1978. The function centre uses this parking to meet the minimum parking requirements for its operation as specified in the development consent.

The adopted Plan of Management for Leichhardt Park recommended the reclassification of this land to enable it to be leased at market rent. Council resolved to adopt the PoM and its recommendations.

The land is close to the foreshore area and adjacent to Leichhardt Park which is Crown Land. It should be noted that the part of the site that is zoned RE1 Public Recreation is not useable as open space due to its current use, size, location and the surrounding development, particularly the rest of the Le Montage car park on part of Leichhardt Park.

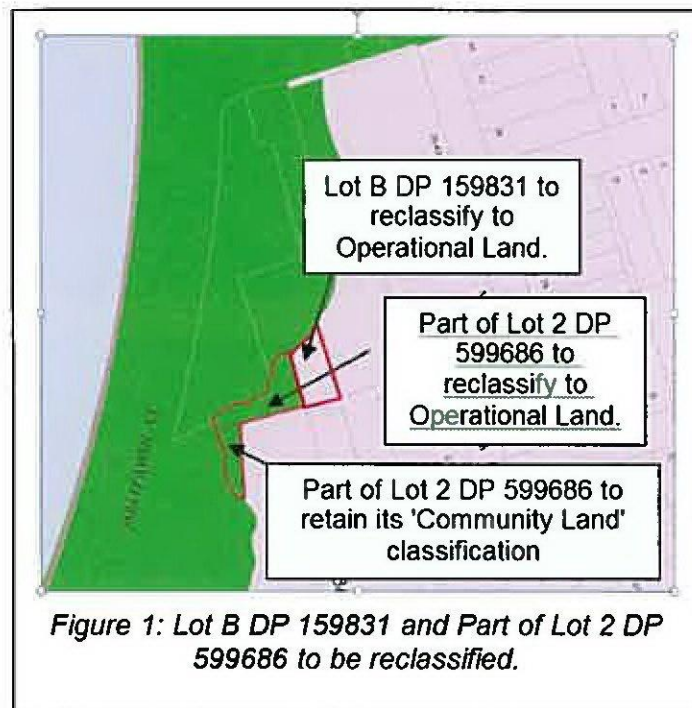


Figure 2: Aerial View of subject site

Community Land cannot be leased for more than 5 years without a tender and should not be leased to a private enterprise for a purpose unconnected with the specified purpose of the community land. In 2010, Council resolved to lease the land to Le Montage for 5 years at market rent, with an option to extend it subject to the reclassification. The objective of the reclassification to *Operational Land* is to allow Council to lease the carpark to the Le Montage Centre for car parking at market rent. The rent for the land can then be used for the funding of projects as determined by Council. If the land is not reclassified (and unless Council fences it off) it is likely to continue to be used for car parking by Le Montage but Council may not be able to obtain the rent if it cannot grant a lease allowed by the Local Government Act. If it is to be used for car parking and/or not able to be used as public open space, it is in the public interest that a lease be granted so that it can be enforced by Council and rent will be paid to compensate the public for the private use.

This reclassification is recommended in the adopted Plan of Management for Leichhardt Park. At its Ordinary Council Meeting on 23 November 2004, Council resolved that: *Council adopt the draft plan of management for Leichhardt Park and the recommendations contained within it* [subject to certain amendments which are not relevant to this issue].

No LEP mapping amendments are required with this planning proposal, however the portion of part Lot 2 DP 599686 and Lot B DP 159831 proposed to be reclassified from Community Land to Operation Land is identified below for reference. The balance of Lot 2 DP 599686 located immediately to the west of 69 Churchill Street, Lilyfield, will retain its current classification as 'Community Land'.



Part 3 – Justification

Section A – Need for planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

No, the planning proposal has been prepared to facilitate the leasing of public land (Lot B DP 159831 and part of Lot 2 DP 599686) for car parking as it is not useable as open space due to its size, location and the surrounding development.

The land has been used as a carpark for over 40 years. A reclassification to Operational Land is needed to enable the land to be leased to Le Montage for use as part of the Centre's car park.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposal involves an amendment to the *Leichhardt LEP 2013* to reclassify Community Land as Operational Land, as a reclassification cannot be achieved under the provisions of the *Local Government Act 1993* for this site.

It is considered to be of significance and will require exhibition, community consultation and a Public Hearing as required by the *Local Government Act 1993*. The objective of the proposal is to lease the land in return for income to Council, which will be used for projects to be determined by Council.

Section B – Relationship to strategic planning framework.

Q3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The planning proposal is consistent with the State Government's current Metropolitan Plan "A Plan For Growing Sydney" and the Draft Inner West Subregional Strategy. The following actions and objectives outlined in the tables below are of particular relevance.

Metropolitan Plan A Plan for Growing Sydney (Current)
Objective
None - given the minor nature of the planning proposal to reclassify land with the aim of facilitating better management of land, there are no Metropolitan directions that directly relate to the proposal.

Draft Inner West Subregional Strategy
Action
F2 – Provide for a diverse mix of parks and public places
G1.2 – Improve local planning and assessment

Q4. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with the following objectives within Council's Community Strategic Plan 'Leichhardt 2025+'.

Leichhardt 2025+
Place where we live and work
- Our town plan and place plans optimise the potential of our area through integrating the built and natural environment with a vision of how we want to live as a community and how areas should develop to meet future needs. - A clear, consistent and equitable planning framework and process is provided that enables people to develop our area according to a shared vision for the community.
Sustainable Service and Assets
- Requirements and clear standards for infrastructure and services which meet the needs of local communities are provided and maintained. - Transparent, consistent, efficient and effective participative processes are delivered.

Q5. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with the applicable State Environmental Planning Policies see table below.

Consideration of State Environmental Planning Policies (SEPPs)

SEPP Title	Applicable	Comments
1. Development Standards	No	Does not apply to this LGA.
14. Coastal Wetlands	No	This LGA does not contain any coastal wetlands.
15. Rural Landsharing Communities	No	This LGA does not contain any rural land.
19. Bushland in Urban Areas	No	N/A to proposal.

SEPP Title	Applicable	Comments
21. Caravan Parks	No	N/A to proposal.
26. Littoral Rainforests	No	This LGA does not include any littoral rainforests.
29. Western Sydney Recreation Area	No	Does not apply to this LGA.
30. Intensive Agriculture	No	Development covered by this SEPP does not occur in this LGA.
32. Urban Consolidation (Redevelopment of Urban Land)	No	N/A to proposal.
33. Hazardous and Offensive Development	No	N/A to proposal.
36. Manufactured Home Estates	No	Does not apply to this LGA.
39. Spit Island Bird Habitat	No	Does not apply to this LGA.
44. Koala Habitat Protection	No	Does not apply to this LGA.
47. Moore Park Showground	No	Does not apply to this LGA.
50. Canal Estate Development	No	Does not apply to this LGA.
52. Farm Dams and Other Works in Land and Water Management Plan Areas	No	Does not apply to this LGA.
55. Remediation of Land	Yes	Class 2 contaminants are present, but this proposal will not disturb the ground.
59. Central Western Sydney Regional Open Space and Residential	No	Does not apply to this LGA.
62. Sustainable Aquaculture	No	Development covered by this SEPP does not occur in this LGA.
64. Advertising and Signage	No	N/A to proposal.
65. Design Quality of Residential Flat Development	No	N/A to proposal.
70. Affordable Housing (Revised Schemes)	No	N/A to proposal.
71. Coastal Protection	No	Applies only to the coastal zone. LGA is not within the coastal zone.
SEPP (Affordable Rental Housing) 2009	No	N/A to proposal.
SEPP (Building Sustainability Index: BASIX) 2004	No	N/A to proposal.
SEPP (Exempt and Complying Development Codes) 2008	No	N/A to proposal.
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A to proposal.
SEPP (Infrastructure) 2007	No	N/A to proposal.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	No	Does not apply to this LGA.
SEPP (Kurnell Peninsula) 1989	No	Does not apply to this LGA.
SEPP Major Development 2005	No	N/A to proposal.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A to proposal.
SEPP (Penrith Lakes Scheme) 1989	No	Does not apply to this LGA.
SEPP (Port Botany and Port Kembla) 2013	No	Does not apply to this LGA.
SEPP (Rural Lands) 2008	No	Does not apply to this LGA.
SEPP (SEPP 53 Transitional Provisions) 2011	No	Does not apply to this LGA

SEPP Title	Applicable	Comments
SEPP (State and Regional Development) 2011	No	N/A to proposal.
SEPP (Sydney Drinking Water Catchment) 2011	No	Does not apply to this LGA.
SEPP (Sydney Region Growth Centres) 2006	No	Does not apply to this LGA.
SEPP (Three Ports) 2013		Does not apply to this LGA.
SEPP (Miscellaneous Consent Provisions) 2007	No	N/A to proposal.
SEPP (Urban Renewal) 2010	No	N/A to proposal.

Consideration of deemed State Environmental Planning Policies (SEPPs) (former Regional Environmental Plans (REPs))

REP Title	Applicable	Consistent
REP No. 2 - Georges River Catchment	No	Does not apply to this LGA.
Hunter REP 1989 - Heritage	No	Does not apply to this LGA.
Illawarra REP No. 1	No	Does not apply to this LGA.
Illawarra REP No. 2 - Jamberoo Valley	No	Does not apply to this LGA.
Jervis Bay REP 1996	No	Does not apply to this LGA.
Lower South Coast REP No. 2	No	Does not apply to this LGA.
North Coast REP	No	Does not apply to this LGA.
Central Coast Plateau Areas	No	Does not apply to this LGA.
Riverina REP No. 1	No	Does not apply to this LGA.
Willandra Lakes REP No. 1 - World Heritage Property	No	Does not apply to this LGA.
Murray REP No. 2 - Riverine Land	No	Does not apply to this LGA.
Orana REP No.1 - Siding Spring	No	Does not apply to this LGA.
REP No.8 - Central Coast Plateau Areas	No	Does not apply to this LGA.
REP No.9 - Extractive Industry (No 2—1995)	No	Does not apply to this LGA.
REP No.16 - Walsh Bay	No	Does not apply to this LGA.
REP No.18 - Public Transport Corridors	No	Does not apply to this LGA.
REP No.19 - Rouse Hill Development Area	No	Does not apply to this LGA.
REP No.20 - Hawkesbury-Nepean River (No 2—1997)	No	Does not apply to this LGA.
REP No.24 - Homebush Bay Area	No	Does not apply to this LGA.
REP No.26 - City West	No	N/A to proposal.
REP No.30 - St Marys	No	Does not apply to this LGA.
REP No.33 - Cooks Cove	No	Does not apply to this LGA.
SREP (Sydney Harbour Catchment) 2005	No	Does not apply to this part of the LGA.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

The planning proposal is consistent with the applicable Ministerial Directions (s.117 Directions) see table below.

Consideration of Ministerial Directions

s.117 Direction Title	Applicable	Consistent	Comments
1. Employment & Resources			
1.1 Business and Industrial Zones	No	N/A	
1.2 Rural Zones	No	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	
1.4 Oyster Aquaculture	No	N/A	
1.5. Rural lands	No	N/A	
2. Environment & Heritage			
2.1 Environment Protection Zones	No	N/A	
2.2 Coastal protection	No	N/A	
2.3 Heritage Conservation	No	N/A	
2.4 Recreation Vehicle Areas	No	N/A	
3. Housing Infrastructure & Urban Development			
3.1 Residential Zones	No	N/A	
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	
3.3 Home Occupations	No	N/A	
3.4 Integrating Land Use & Transport	No	NA	
3.5 Development near licensed aerodromes	Yes	Yes	
3.6 Shooting Ranges	No	N/A	
4. Hazard & Risk			
4.1 Acid Sulphate Soils	Yes	Yes	
4.2 Mine Subsidence and Unstable land	No	N/A	
4.3 Flood Prone Land	Yes	Yes	
4.4 Planning for Bush Fire Protection	No	N/A	
5. Regional Planning			
5.1 Implementation of Regional Strategies	No	N/A	
5.2 Sydney Drinking Water Catchments	No	N/A	
5.3 Farmland of State and Regional Significant on the NSW Far North Coast	No	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	
5.5 Revoked	No	N/A	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	N/A	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	N/A	
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	
5.9 North West Rail Link Corridor Strategy	No	N/A	

s.117 Direction Title	Applicable	Consistent	Comments
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	
6.2 Reserving Land for Public Purposes	Yes	Yes	
6.3 Site Specific Provisions	No	N/A	
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	Consistent with the terms of this direction see Q3.

Section C – Environmental, social and economic impact

Q7. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The proposal does not apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats. Should it be discovered through community consultation, or by another means, that species, populations, communities or habitats may be adversely affected, this will be taken into consideration and the planning proposal will be modified if necessary.

Q8. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

Given the nature of the proposal (reclassification of land from Community to Operational Land) no adverse environmental effects are anticipated.

Q9. *How has the planning proposal adequately addressed any social and economic effects?*

While Council owns the R1 General Residential and RE1 Public Recreation zoned sites, the land has been used as part of the carpark for the Le Montage Function Centre, and before that by the APIA Club, since 1978. The community gain little benefit from the space whilst it remains car parking.

In order for the community to gain some benefit from the land in the interim, Council proposes to lease the land to the Le Montage Function Centre and devote the rental income to a range of Council initiatives.

Section D – State and Commonwealth interests

Q10. *Is there adequate public infrastructure for the planning proposal?*

Given the nature of the proposal (changes to reclassify land to be leased) the above question is not considered relevant.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

This section of the planning proposal is completed following the Gateway Determination which identifies the State and Commonwealth Public Authorities to be consulted.

Part 4 – Mapping

There are no LEP mapping amendments associated with this proposal.

Part 5 – Community Consultation

The planning proposal is considered to be low impact, in that:

- it is consistent with the pattern of surrounding land uses,
- it is consistent with the strategic planning framework,
- presents no issues with regards to infrastructure servicing, and
- is not a principal Local Environmental Plan.

The proposal does however seek to reclassify public land and therefore must involve a minimum 28 public exhibition period and Public Hearing.

Part 6 – Project Timeline

Anticipated Project Timeline	Proposed Date (s)
Anticipated commencement date (date of Gateway determination)	5 June 2015
Anticipated timeframe for the completion of required technical information	At this stage not required.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	To be determined
Commencement and completion dates for public exhibition period	Minimum 28 Days – 18 June to 16 July 2015
Dates for public hearing	Post exhibition
Timeframe for consideration of submissions	26 August 2015
Report of the exhibition submissions to Council	14 September 2015
Date of submission to the department to finalise the LEP	Late October 2015

Attachment 1- Delegation of Plan Making Functions to Council

Council is seeking an authorisation to make the plan for this planning proposal. The following response to the evaluation criteria is in support of this request;

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council Response		Department Assessment	
	Y/N	Not Relevant	Agree	Not Agree
Is the planning proposal consistent with the Standard Instrument Order 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Direction?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NA		
Heritage LEPs				
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		NA		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NA		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NA		
Reclassifications				
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NA		
Is the planning proposal proposed to rectify an anomaly in a classification?	Y			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?	Y			
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?	N			
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		NA		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local</i>	Y			

<i>environmental plan and Best Practice Guidelines for LEPs and Council Land?</i>				
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?	Y			
Spot Rezoning				
Will the planning proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?	N			
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP Format?		NA		
Matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		NA		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NA		
Does the planning proposal create an exception to a mapped development standard?	N			
Section 73A Matters				
Does the proposed instrument- a) Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error? b) Address matters in the principal instrument that are of a consequential, transitional machinery or other minor nature? or c) Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?		NA		

[illegible]

INSTRUMENT SETTING OUT TERMS OF EASEMENTS AND
RESTRICTIONS AS TO USER INTENDED TO BE CREATED
PURSUANT TO SECTION 88B CONVEYANCING ACT, 1978

PART 1

Plan: **DP593636**

Subdivision covered by Council's
Certificate No. SA 1108 of 4.4.78

Full name and address of
Proprietor of the land

The Council of the Municipality
of Leichhardt, Council Chambers,
7/15 Wetherill Street, Leichhardt

William Roger Degen, 69 Church
Street, Leichhardt, Boat Builder

1. Identity of Restriction
referred to in the above
mentioned plan

Corresponding Restriction as to
User "Over X"

Schedule of Lots affected

Lots burdened

That part of Lot 1 shown
as X on Deposited Plan

Lots benefited

Lot 2 in Deposited Plan

PART 2

Terms of the Restriction as to User referred to in the above mentioned
Plan

1. No part of the said land shall be used for any purpose other than
open space pursuant to the County of Cumberland Planning Scheme
or any future Interim Development Order or Prescribed Planning
Scheme by which it may be superseded.

THE COMMON SEAL of the COUNCIL
OF THE MUNICIPALITY OF LEICHHARDT
was hereunto affixed on this 18th
day of AUGUST 1978 in
pursuance of a resolution passed
by the Council on the 15th day of
APRIL 1978

[Signature]
MAYOR
[Signature]
TOWN CLERK

SIGNED in my presence by WILLIAM
ROGER DEGEN who is personally
known to me

William Roger Degen
W.R. DEGEN

[Signature]
Signature of Witness

STEPHEN N. BRIDGMAN
Name of Witness

[Signature]
Qualification of Witness

INSTRUMENT SETTING OUT INTERESTS CREATED
PURSUANT TO SECTION 88B, CONVEYANCING ACT,
1978, L00880 WITH
DP593636

AS 4-12-1978

I, Bruce Richard Davies, Registrar General for New South Wales, certify
that this negative is a photograph made of a permanent record of a
document in my custody this 7th day of December, 1978

PLAN FORM 1

WARNING: CHEATING OR FOLGOWING WILL LEAD TO REJECTION

*OFFICE USE ONLY

Council Clerk's Certificate I hereby certify that: (a) the requirements of the Land Management Act, 1948 (other than the requirements for the registration of a plan) and (b) the requirements of section 240 of the Municipalities Act, 1958, and the Municipalities Act, 1958, in relation to the registration of a plan, have been complied with by the applicant in relation to the proposed plan. Signature: <i>[Signature]</i> Date: 1/10/8 By: <i>[Signature]</i> Position: <i>[Signature]</i> "This part of certificate is to be dated when the applicant affixes a seal to a copy of the plan or the drawing of a plan, and when the seal is affixed, it shall be a copy of the plan of the applicant and the plan of the Council and the plan of the Council shall be a copy of the plan of the applicant."	Surveyor's Certificate KEVIN JACK BLUME HILL & BLUME 85 ELIZABETH ST. SYDNEY I, the undersigned, being a duly qualified and licensed Surveyor, do hereby certify that the plan submitted to me for registration is a true and correct copy of the plan as shown to me by the applicant, and that the plan is in accordance with the requirements of the Land Management Act, 1948, and the Municipalities Act, 1958, in relation to the registration of a plan. Signature: <i>[Signature]</i> Date: 1/10/8 Position: <i>[Signature]</i>	PLAN OF SUBDIVISION OF LOTS 1 & 2 DP 527593 & DP 388393 Shire/Town: LEICHHARDT Locality: LEICHHARDT Parish: PETERSHAM County: CUMBERLAND Reduction Ratio: 1:250 Lengths are in metres	D.P. 599686 Registered: 10/11/78 CA: No 241108 of 4/4/1978 Title System: TORRENS Purpose: SUBDIVISION Ref: SHIR LEICHHARDT SH 1 Last Plan: DP 388393 DP 527593
Signatures, seals and statements of intention to dedicate public roads or to create public reserves, drainage reserves, easements or roadways as to use PURSUANT TO SEC.88B OF THE CONVEYANCING ACT 1919-1964 IT IS INTENDED TO CREATE: 1 RESTRICTION AS TO USE OVER 'X' <i>William Roy Linger</i> TOWN CLERK <i>[Signature]</i> MAYOR THE COMMON SEAL OF THE COUNCIL OF THE MUNICIPALITY OF LEICHHARDT WAS HEREUNTO AFFIXED IN PURSUANCE OF A RESOLUTION OF COUNCIL.			

06 10000 90

Plan Drawing only to appear in this space

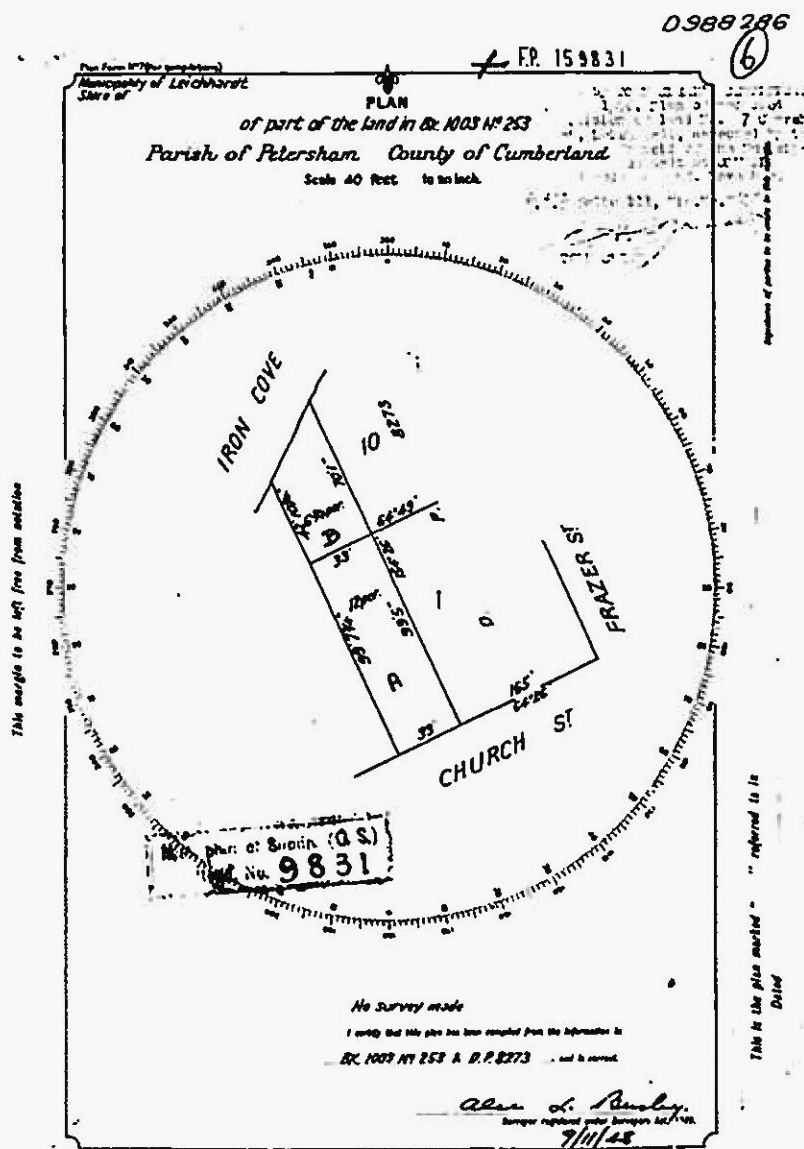
MPO

SURVEYOR'S REFERENCES 24153 / 5650

Plan Drawing only to appear in this space

1, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 7th day of December, 1978 <i>[Signature]</i>	1, Bruce Richard Davies, Registrar General for New South Wales, certify that this negative is a photograph made as a permanent record of a document in my custody this 7th day of December, 1978 <i>[Signature]</i>
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Attachment 2: Land Titles (Lot B DP 159831)



CONVERSION TABLE ADDED IN
DEPARTMENT OF LANDS

DP 159831

FEET INCHES	METRES
33 -	10.058
42 10 1/4	13.062
70 1	21.331
99 5	30.302
99 7 3/4	30.372
165 -	50.292
AC RD P	50 H
- - 6 3/4	170.7
- - 12	303.5

2858820

240331

I, Bruce Richard Davies, Registrar General for New South Wales, certify
that this negative is a photograph made as a permanent record of a
document in my custody this 31st day of October, 1977

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