

Contact: Roger Rankin
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1 October 2013

Dr Haddad
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Attn: Mr Richard Pearson

Dear Dr Haddad

**Planning Proposal Submission for Gateway Determination
250 Annandale Street, Annandale, currently Lot 2 DP 1046985 (approved Lots 1 & 2 DP 1046985 in accordance with Determination Notice D/2010/217)
35 Edna Street, Lilyfield, currently Lot 1 DP 343175 (approved Lots 1 & 2 DP 343175 in accordance with Determination Notice D/2010/218)**

At the Ordinary Council Meeting held on 24 September 2013 Leichhardt Council considered a Planning Proposal for 250 Annandale Street, Annandale and 35 Edna Street, Lilyfield, and resolved to forward it to the Minister for Planning and Infrastructure to commence the Gateway process (refer Attachment A Resolution C430/13).

Please find enclosed two (2) copies of the Planning Proposal prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the Departments guides titled, "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Leichhardt Council requests that the Minister for Planning and Infrastructure issue a Gateway Determination on the Planning Proposal in accordance with section 56 of the Act.

In particular, your attention is drawn to the following elements of the attached Planning Proposal:

- Section 3.3 recommends an updated Flood Study be undertaken to reflect recent Council flood planning work;
- Section 3.3. recommends that a peer review be undertaken of the existing studies relevant to the planning proposal to ensure that they remain up to date;
- Section 3.7 confirms that formal consultation on a post Gateway Determination Planning Proposal should follow the requirements of the *Environmental Planning and Assessment Act 1979*, *Environmental Planning and Assessment Regulation 2000* and Leichhardt's Council's Community Engagement Framework (refer Attachment B);

- The Executive Summary recommends that any Further Studies and a Draft Voluntary Planning Agreement should be the subjects of public exhibition at the same time as the Planning Proposal should the Gateway Determination determine that the Planning Proposal should proceed.

Council also confirms to the Department of Planning and Infrastructure that it wishes to have the plan making function for this proposed amendment to Local Environmental Plan 2013 delegated to Council (refer Attachment C Resolution C548/12).

The attached Planning Proposal documentation includes:

- Description of the site and its context
- Background to the Planning Proposal
- Statement of objectives or intended outcomes
- Explanation of provisions
- An outline scope for an updated Flood Study, and review of other studies
- Justification of objectives, outcomes, provisions and the process for their implementation
- An assessment of the Planning Proposal's relationship to the strategic planning framework
- Community consultation requirements
- A project timeline

Please contact Roger Rankin of Council's Strategic Planning team on 9367 9174 should have any questions concerning the Planning Proposal or seek further information prior to the Gateway Determination.

Yours sincerely



Peter Conroy

DIRECTOR ENVIRONMENT AND COMMUNITY MANAGEMENT

ATTACHMENT A

RESOLUTION FROM 24/9/13 ORDINARY MEETING

**ITEM E8 35 EDNA STREET, LILYFIELD AND 250 ANNANDALE STREET,
ANNANDALE – PLANNING PROPOSAL**

C430/13 RESOLVED KELLY / KOGOY

That:

1. The report be received and noted.
2. The Planning Proposal (Attachment 2 of the report) be submitted to the Department of Planning and Infrastructure for a Gateway determination. The Planning Proposal includes:
 - a. an assessment against *Local Environmental Plan (Local Environmental Plan) 2000* and *draft Local Environmental Plan (Local Environmental Plan) 2013*; Development Control Plan (DCP) 2000 and draft Development Control Plan (DCP) 2013; the adopted Employment and Economic Development Plan (EEDP); Leichhardt 2025+; the draft Integrated Transport Plan; the Community and Culture Plan; the draft Public Art Policy and the Draft Metropolitan Strategy for Sydney to 2031.
 - b. a review of the existing technical studies and a recommendation that the Gateway should consider requiring the preparation of an updated Flood Study to be exhibited with any final draft Planning Proposal, should a Gateway Determination be issued by the Department of Planning and Infrastructure.
 - c. A recommendation that a Voluntary Planning Agreement be negotiated and exhibited at the same time as a post-Gateway Planning Proposal.
3. Council confirms to the Department of Planning and Infrastructure that it wishes to have the plan making function for this proposed amendment to Local Environmental Plan 2013 delegated to Council (Attachment 3 of the report).
4. That Council officers initiate further discussions with the applicant with a view to obtaining agreement from the applicant to a positive covenant being placed on the site requiring that their future use be restricted to either affordable housing, supported housing or a childcare centre for key workers.

COMMUNITY ENGAGEMENT FRAMEWORK 01



Objectives

To implement a framework for engaging with the community that:

1. Forms part of Council's core planning cycles;
2. Ensures a uniform approach to engaging the community through informing, seeking information from, and involving community members;
3. Develops Council's skills and capacity to undertake effective community engagement;
4. Coordinates community engagement processes across Council to avoid duplication; and
5. Ensures maximum benefit to the whole organisation and community through sharing of information.

Why Engage The Community?

The Leichhardt community has expressed a strong desire to be informed of, to provide information for, and be involved in Council's planning and decision-making processes. The community's vision in *Leichhardt 2020+* is that *Community and Council will work together to promote Leichhardt as a sustainable and liveable community*. This Community Engagement Framework expresses Council's commitment to open, participatory and transparent governance that forms the foundations of democratic, responsible government.

Whilst Council is committed to engaging the community in order to make decisions that best meet community needs and expectations, a central premise of Council's Community Engagement Framework is that the responsibility for decision-making rests with the elected body of Council. This message will be clearly communicated at all times when engaging with the community.

What Is Our Commitment To Consultation & Engagement?

In order to engage the community most effectively and fairly, Council commits to the following principles:

1. Accurate, accessible and timely information will be provided as the basis for effective consultation;
2. Participation will be encouraged by all who live and work and study and play in Leichhardt, individuals, groups and organisations;
3. Barriers to participation will be identified and minimised, and practices to promote participation optimised;¹
4. The purpose of each consultation will be clearly stated; and
5. Feedback about the outcomes of consultation will be provided to participants as well as communicated to the general community.

How Is Community Engagement Defined?

'Community engagement' is defined as those structures and processes through which Council

- communicates information²; and
- seeks information and /or involvement from the community with the objective of informing Council's decision-making.

These structures and processes are presented in the Engagement Matrix, which outlines:

1. methods of engagement;
2. what processes will be used; and
3. for what types of issues/outcomes.

The Engagement Matrix complements Council's *Development Control Plan 36: Notifications* which specifies processes to be utilised in regard to development application. The Engagement Matrix is supported by

1. The Communications Toolkit, which advises staff on how to go about communicating information; and
2. The Annual Calendar of Events, which advises council and the community on scheduled events and programs involving community members.

¹ Refer to Council's Aboriginal Protocols, and Disability Discrimination Act Action Plan.

² Council's Annual Communications Strategy outlines planned corporate communications.



Methods of Engagement

Information providing

Write a letter/email/sms: This is a written communication addressed to affected parties. It outlines the issue and invites comment. It always indicates where the comment should be directed within Council.

Letterbox Drop: This is a non-addressed flyer that summarises the issues and invites feedback to Council, and indicates how that feedback can be given.

Council Newsletter: This is the regular publication of Council and can be distributed through electronically or in print. It can carry articles about a policy or issue. If it is used for consultation, then the article must inform and encourage feedback. The newsletter is an important vehicle to report on the results of other consultations.

Mayoral column/Newspaper advertisement/notice/Media release/Press Conference: The Mayoral column, ads and notices in the news section of the local papers (except for statutory requirements) are an important means of advising the community about the matter under consultation and how they might have their say. When issuing media releases and conducting interviews with local journalists the Council spokesperson should always indicate to the media representative that feedback from the community is valued if it forms part of the consultation process.

Brochures, flyers, community noticeboards, banners: Non-addressed information on specific events, programs, processes. Contains Council logo.

Report: Can range from a special news-sheet to a draft printed policy. This is designed to inform the consultation process.

Website information: This is information available on the Council website that may complement other forms of distribution, or contain the information available to download, in the form of notices and reports.



Information Seeking

Drop-in Session: This is when Council Officers are present at a nominated venue, for a specified period, enabling community members to drop-in and discuss particular items.

Interviews: This is a structured process of canvassing a specific topic with individuals, and recording responses. Interviews can be undertaken by Council Officers or independent specialists.

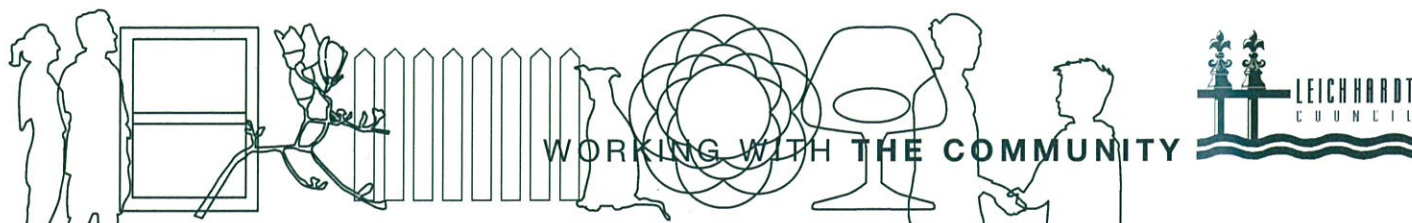
Public exhibition & submissions: This is a process mandated for specific types of issues. Involves making the material available for public comment and specifying how respondents can direct their comments to Council.

Public Meeting: This may be held at a community venue, at the site of the matter under consultation, or at the Council offices, on nominated topics. Invitations will be sent by one or more of the following methods:

- ad in the local papers;
- letterbox drop;
- media release or telephone contact with community leaders;
- notice on website.

Suggestion Box: This is a means of inviting input from the community on a specific topic.

Survey: This is a statistically correct survey of particular attitudes, beliefs or information. It is almost always conducted by independent survey specialists and may be done by phone, written survey including web-based surveys, or doorknock of individual households.



Involving

Community Cultural Development Techniques: E.g. Street Theatre, play back theatre, visual arts. Useful for visioning exercises and generation of innovative and constructive thinking as participants engage in the creative process and respond with ideas.

Focus Groups/Workshops usually led by a trained facilitator: Participants are invited because they are residents or because they have a particular involvement or stake in the subject being discussed. The purpose is to find out the range of opinions that exist on a particular topic. Focus groups cannot measure how widely those various opinions are held in the community.

Large group collaboration – eg Inquiry by design/charettes: Intensive process over several days of canvassing a strategic issue or plan and formulating a response which encapsulates the combined talent and wisdom of the group.

Meeting by invitation: Community leaders, key stakeholders, representatives invited to participate, in order to involve them in discussion, debate, exchange of views. E.g. Aboriginal elders, Seniors Council members.

Meetings with council committees/precincts/advisory groups: Formal consultation process governed by the Terms of Reference of the Committee and documented with minutes.

Personal Briefing/s: These are held at the request of a member or members of the local community to discuss a particular issue with a responsible officer. They may include a Councillor.

Seminars and Conferences: Structured agenda addressing topics of interest to Council, educating, informing and involving people in substantial matters.

Site meeting/tour. Location-specific interaction, usually facilitated under Council's direction.

Website Interaction: E.g. moderated online forum.



Types Of Issue

Consultation methods will vary according to the type of issue. Leichhardt Council identifies six issue types that will require different methods of consultation:

Site Specific Matters and Events: Matters about a particular site, such as a change in use. E.g. Development Application.

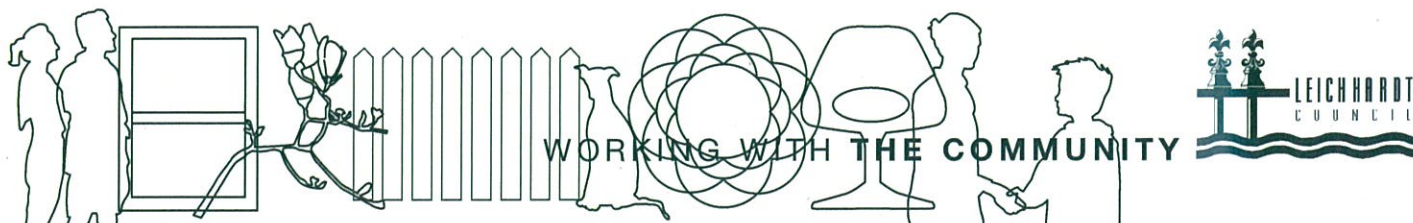
Locality Improvement: Matters that affect people in a neighbourhood, suburb or strip shopping centre (eg traffic management).

Service and Program Planning: To develop or improve a service. The service could have an impact on the whole municipality eg childcare, youth services.

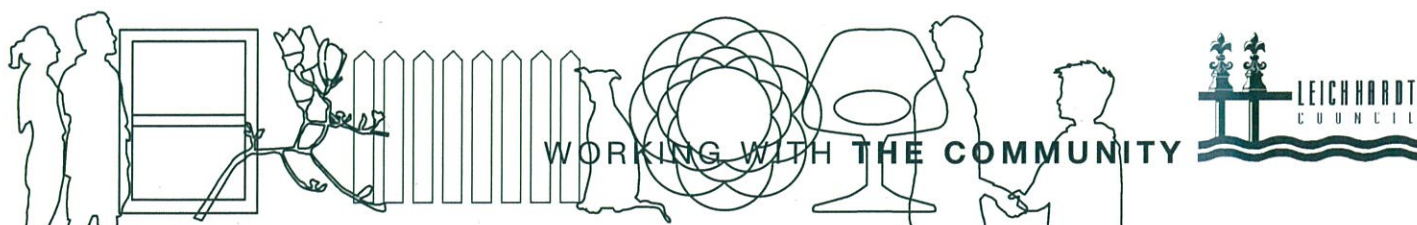
Policy Development: To develop or improve policies for Council's position on particular matters. Policies may affect the whole municipality. E.g. graffiti management; Water savings action plan.

Major Projects/Strategic Issues / Resource plans: Projects of such size that they impact on the finances or future of the whole municipality; eg Victoria Road upgrade; Callan Park; Management Plan.

Strategic Plans: E.g. Leichhardt 2020+; Community and Cultural Plan; Local Environment Plan.



	What To Do	When You Are Dealing With...					
	1 = Every Time 2 = In Most Circumstances 3 = On Specific Occasions 4 = On Rarest Occasions	Site specific Matters and Events eg Development applications; Change of Use; Annual festival	Locality improvement eg traffic management; main street upgrade; Parks Plans of Management	Service & program planning eg Youth services; Neighbourhood Centre programs; Children's services; Waste Services	Policy development eg Graffiti policy, Community Engagement Framework	Major projects & Strategic issues/ resource plans eg Callan Park; M4 extension; Sustainability strategy; Land-use rezoning; Management Plan	Strategic Plans eg: Leichhardt 2020+, Local Environment Plan; Community Cultural Plan
Communicating Information To People	Write a letter/email/sms to specific parties	3	2	2	3	2	1
	Letterbox drop	3	2	4	4	3	3
	Council newsletter	3	3	4	3	3	1
	Mayoral Column/Media release/Newspaper advertisement/Notice	3	4	4	3	1	1
	Brochures/Flyers/Community noticeboards/Banners	3	4	2	4	3	4
	Report	3	3	3	1	1	1
	Website notice	2	1	1	1	1	1
Seeking Information From People	Drop-in session	3	3	3	3	4	4
	Interviews	4	4	3	3	3	3
	Public exhibition & submissions	1	2	3	1	1	1
	Public meeting	3	2	4	4	2	2
	Suggestion box	4	3	3	4	4	4
	Survey (written/telephone/web/sms) E.g. Annual perceptions survey	4	4	3	3	3	3
Involving People	Community Cultural Development Techniques/Street theatre/Visual arts	4	4	3	4	3	3
	Focus groups/Workshop	4	4	3	3	1	1
	Large group collaboration eg Inquiry by design/Charettes/Intensive	4	4	4	4	3	3
	Meeting by invitation	3	3	2	2	1	1
	Meeting with council committees/Precincts/Advisory groups/User	3	2	2	1	1	1
	Personal briefings	4	4	4	3	2	2
	Seminars & Conferences	4	4	4	4	4	3
	Site meeting/Tour	3	1	3	3	3	3
	Website interaction eg online forum	4	3	3	2	2	2



ATTACHMENT C

RESOLUTION FROM 27 NOVEMBER 2012 ORDINARY MEETING

ITEM D6 DELEGATIONS AND INDEPENDENT REVIEWS OF PLAN- MAKING DECISIONS

C548/12 RESOLVED PORTEOUS / JOBLING

That Council;

- a) notes and endorse the report; and
- b) accepts the delegation from the Minister of Planning and Infrastructures of the plan making powers specified in Sections 59(2), 59(3) and 59(4) of the Environmental Planning and Assessment Act, 1979 as detailed in **Attachment 1**.
- c) notes that the delegation will require that Council receives a Written Authorisation to Exercise Delegation (the Authorisation) for each draft Local Environmental Plan which will be issued as part of Gateway determinations.
- d) confirms that under Section 23 of the Environmental Planning Assessment Act, 1979 and Section 381 of the Local Government Act 1993 Council will sub delegate minor plan making functions of mapping corrections and Section 73A matters such as corrections of minor errors and anomalies to the General Manager as set out in **Attachment 1**.
- e) notes that Council must comply with the conditions of each Authorisation to exercise the relevant delegation and if a condition cannot comply with a condition Council must not exercise the delegation and advise the Department of Planning and Infrastructure immediately.
- f) As part of the review of Council delegations due next year, that the General Manager report back to Council on how this delegation will be exercised and what matters will be determined by staff or referred to Council.

CARRIED UNANIMOUSLY

ATTACHMENT 1 – Local Environmental Plan delegations

The Minister has delegated the following plan-making powers to councils:

- a) to make – and determine not to make – an Local Environmental Plan under section 59(2), and (3) of the Environmental Planning &Assessment Act 1979
- b) to defer inclusion of certain matters in an Local Environmental Plan under section 59(3) of the Environmental Planning &Assessment Act 1979 and
- c) to identify which matters must be considered and which stages of the plan-making process must be carried out again prior to resubmission (section 59(4)) of the Environmental Planning &Assessment Act 1979 if the council defers the proposal or if a matter is deferred from the Local Environmental Plan.

Plan making functions to be sub-delegated to the General Manager of Leichhardt Council

Mapping corrections

Section 73A of the Environmental Planning &Assessment Act 1979: Expedited amendments of environmental planning instruments

- (1) An amending environmental planning instrument may be made under this Part without compliance with the provisions of this Part relating to the conditions precedent to the making of the instrument if the instrument, if made, would amend or repeal a provision of a principal instrument in order to do any one or more of the following:
 - (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,
 - (c) deal with matters that the Minister considers 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.
- (2) A reference in this section to an amendment of an instrument includes a reference to the amendment or replacement of a map adopted by an instrument.