



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

16/02608

Dear Mr Head

Planning Proposal to amend Leichhardt Local Environmental Plan 2013

I refer to Council's letter requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) in respect of the planning proposal seeking to amend the Floor Space Ratio controls in the General Residential (R1) zone of the *Leichhardt Local Environmental Plan 2013* (LEP).

As delegate of the Greater Sydney Commission, I have now determined that the planning proposal should proceed, subject to the conditions in the attached Gateway determination.

The Gateway determination is conditioned to require Council adopt the FSR controls in Option 3 of the Floor Space Ratio review (the FSR review) prior to public exhibition. In making this decision, I have considered the recommendations of the FSR review and the advice of the Leichhardt Independent Planning Panel Co-chairs, which support Option 3.

The Department considers implementing Option 3 of the FSR review will improve planning processes and outcomes by better aligning the patterns of development approvals in the LGA with the FSR controls. Reducing the number of development applications reliant on Clause 4.6 Exceptions to development standards to vary the FSR controls will improve transparency and reduce the risk of corruption in decision making and reduce processing times for development applications.

To ensure the planning proposal is consistent with s117 Direction 3.1 Residential Zones, the Gateway Determination is further conditioned to require that no lots have their FSR reduced below the current FSR controls. Council should update the planning proposal to address consistency with s117 Directions 4.1 Acid Sulfate soils and 4.3 Flood Prone Land, prior to exhibition.

The amending Local Environmental Plan is to be exhibited for a minimum 28 days and 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 for the Department of Planning and Environment to draft and finalise the Local Environmental Plan should be made at least 6 weeks prior to the projected publication date.

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 Commission may take action under section 54(2)(d) of the Act if the timeframes outlined in this determination are not met.

If you have any further enquiries about this matter, please contact Mr Martin Cooper of the Department's Sydney Region East branch on (02) 9228 6582.

Yours sincerely



Marcus Ray
Deputy Secretary
Planning Services

19/02/2016
Encl. - Gateway determination