



Planning Proposal

55 – 63 Smith Street, Summer Hill

(amended to address *Retail Premises*)

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Name	Signature	Date
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Summary

This Planning Proposal (Proposal) seeks to initiate the preparation of an amendment to the *Ashfield Local Environmental Plan 2013 (Ashfield LEP 2013)* to enable the use of *Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage Units* at 55 – 63 Smith Street, Summer Hill.

Four separate buildings are currently located on the site. All are used for warehousing and manufacturing purposes, with the exception of the building at the front of 61-63 Smith Street which operates as commercial premises on the ground floor and shop top housing on the first floor. The commercial premises are an approved use in the form of a personal training studio. The shop top housing is approved, with an additional one bedroom unit approved within the existing built form.

There is also a car parking area that separates both buildings located along the western boundary of the site. These are permitted uses on the subject site due to existing use rights. Entrance to the site is from Smith Street.

The site is zoned R3 Medium Density Residential, which permits a range of uses including *Multi dwelling housing, Attached dwellings and Community facilities*, however it prohibits *Commercial Premises, Recreation Facilities (Indoor) and Self-storage Units permitted with development consent* that are not ancillary to a permissible use.

There have been a number of applications made over the last 5 years on the site relying on existing use rights provisions. The existing uses on the site have been investigated in detail and as such business opportunities are highly constrained under the current zoning.

The sites which have been vacant for in excess of 12 months have been advertised on the open market via registered agents in the local area with interest from a wide range of businesses including:

- Prestige second hand car storage
- Cafés
- Personal training studio
- 3D printing
- Telecommunications
- Warehousing – for the purposes of local trades, sole traders or small business and includes ancillary offices
- Sciences
- Music recording studios
- Office premises
- Self-storage units
- Assembly and sale of second hand motorbikes and bicycles
- High-technology industries
- Information technology
- Creative Studio
- Industrial design studios

Unfortunately many of these uses are either not permitted in the R3 zone or cannot be achieved under the existing use rights provisions.

Therefore, the Proposal seeks to permit the additional uses of *Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage units permitted with development consent* through an amendment to Schedule 1 Additional Uses in the Ashfield LEP 2013.

It is therefore recommended that this Proposal be favourably considered by Council and resolve to forward it to the Department of Planning and Environment (DP&E) for LEP Gateway determination in accordance with the *Environmental Planning and Assessment Act 1979* to prepare the necessary LEP amendment.

1.0 Introduction

RPS acts on behalf of Appwam Pty Ltd (Appwam) in preparing this Planning Proposal (Proposal) for 55 – 63 Smith Street, Summer Hill (the site).

The principal planning instrument applying to the site is the *Ashfield Local Environmental Plan 2013* (Ashfield LEP 2013). The site is zoned R3 - Medium Density Residential. It therefore permits a range of uses including *Multi dwelling housing, Attached dwellings and Community facilities*. The site however prohibits *Premises, Recreation Facilities (Indoor) and Self-storage units*.

The site comprises a number of buildings which have historically and presently been used for a combination of storage, manufacturing, warehousing or commercial premises. All of these uses are currently prohibited on the site under the Ashfield LEP 2013 and therefore the continuation of these uses can only occur under the provisions of existing use rights. The uses of each of these buildings and lease areas have been defined and have now been determined to be highly restrictive in the current market.

The sites have each been subject to new leases over the past 5 years and some remain vacant due to the restrictive nature of the R3 zone under the Ashfield LEP 2013 and the limitations of existing use rights. As a result of advertising these properties for lease continuously over the last few years it is evident that employment generating uses that have low or negligible amenity impacts and/or uses that supply a service directly to the community are in high demand in the locality of Summer Hill. This trend is anticipated to strengthen as the surrounding land is gradually developed for higher density residential uses.

In order to provide the stated uses on the subject site, the Proposal seeks to amend Schedule 1 Additional Permitted Uses of the Ashfield LEP 2013 to permit site specific additional uses of *Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage Units*.

The additional use of *Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage Units* at the site is justified for the following reasons:

- The site is currently used for purposes that are not permitted under the current zoning including warehouse, and car parks.
- The proposal will have no adverse impacts on the surrounding area.
- The proposal will not result in any land use conflicts both internal and external to the site.
- It will provide additional job opportunities in the area.
- The proposal will improve the visual amenity of the area with improved design of the site.
- It will encourage a range of development that accommodates the needs of residents and workers in the surrounding area. The proposal therefore aligns itself with the aims of the Ashfield LEP 2013.
- The additional use will create a net community benefit.

This Proposal has been prepared in accordance with the Department of Planning and Environment's (DP&E) *A Guide to Preparing Proposals* and provides strong justification - based on the strategic planning, location and environmental considerations - for the amendment of the Ashfield LEP 2013.

1.1 Background

A number of applications have been made over the site in the past five years relating to the land use. Due to the current zoning of the site, a number of current uses on the site are operating under existing use rights.

The two buildings at the rear of the site and the building on the eastern boundary are operating as separate warehouses and storage premises. Buildings fronting Smith Street are two storeys in height.

The building at the east was previously used for storage and manufacture of leather goods, however is currently used for storage of electrical products and accessories. The building located at the west was previously used as a laundromat, however has recently gained approval for use as a business premises. On the second storey, two residential units are provided and are defined as shop-top housing.

Summer Hill is currently undergoing significant change. As the immediate locality is zoned R3, given the proximity to Summer Hill train station, significant uplift in residential density is emerging.

While residential accommodation in the locality is the current evolving trend, the increased population will require services and employment opportunities in the locality to support a vibrant community feel. Appropriate supporting services, such as those proposed support the objectives of the zone to provide facilities or services to meet the day to day needs of residents.