

5.0 Part 3 – Justification

5.1 Section A – Need for Proposal

5.1.1 Is the Planning Proposal a result of a study or report?

The Proposal is not the result of a strategic study or report.

Strategic plans which are relevant to the site are discussed in Section 5.2.1.

5.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Over the past few years a number of uses have been investigated as to a legal right to operate within the existing development under the provisions of 'Existing Use Rights' contained within the *Environmental Planning and Assessment (EP&A) Regulation 2000*. The current existing approved use at 57 Smith Street, Summer Hill is defined as a warehouse and therefore the provision of Clause 41 of the EP&A Regulation does not apply. Clause 41 applies to a commercial or industrial use only.

This is the same issue with a number of the uses currently approved and not abandoned on the site. The current approved uses include storage, warehouse and distribution and manufacture of leather goods, which effectively means that the uses on the site are restricted to only those currently approved. There is strong ongoing attempt to lease the properties under the current approvals, however due to the restrictive nature of the current approvals, securing a tenant has not been achieved.

There have been a number of discussions with Ashfield Council's Development Assessment team over the past 3-4 years involving both legal advice and specialists input to determine the permissible uses on the site under the current legislative framework and court determined precedent. Businesses such as personal training (as an expansion of the existing studio), café, boutique light industry and other low impact employment generating uses have approached the leasing agent and Council with interest in occupying the various portions of the site however to date, none of these are permissible, despite a clear benefit to the local community displayed. As a result of these ongoing discussions, specialist advice and investigations a planning proposal is now the most appropriate method of achieving ongoing use of the sites creating activity and community opportunities.

A planning proposal to amend Schedule 1 of *Ashfield LEP 2013* to include *Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage Units* permitted with development consent as additional uses on the subject site is considered the best means to achieve the objectives and intended outcomes set forth in Section 3.0 above.

The following table outlines three options for achieving the desired outcome. Option 1 is the preferred option.

Table 2 Options

Option	Response
1	Amend Schedule 1 of the LEP to include an "Additional Permitted Use" of <i>Office Premises, Business Premise, Recreation Facilities (Indoor), and Self-storage Units</i> for this property.
2	Amend the zoning of the property to another zone which would permit <i>Office Premises</i> ,
	Option 1 is considered the most suitable approach. It only requires consideration and justification for additional uses on the subject site, rather than numerous sites. This, in the future is intended to facilitate a mixed use building whereby employment generating uses may be retained within the lower floors of a building also containing residential uses.
	Option 2 is not preferable given the range of additional permitted uses proposed on the site. Only one zone permits

Option	Response
<i>Business Premises, Recreation Facilities (Indoor), Car Parks, and Self-storage Units.</i>	these uses, which is the B4 Mixed Use Zone. Whilst the rezoning of the site to B4 Mixed Use may be suitable for the site, this would not meet all of the objectives of the zone.
3 Amend the Land Use table of the LEP to remove <i>Commercial Premises, Recreation Facilities (Indoor) and Self-storage Units</i> as prohibited uses in the R3 zone, or include <i>Commercial Premises, Recreation Facilities (Indoor) and Self-storage Units</i> as uses to be permitted with consent in the R3 zone. This would then apply across the entire LGA.	Option 3 would require significantly more investigation and more detailed reporting, given they would impact a much wider area than just the subject site. It is not considered necessary or appropriate for such investigations to be undertaken as part of this Proposal. Such investigations would need to be instigated and identified at the local government level. This site specific amendment creates no impacts at a regional level. Therefore, for this Proposal, investigations were only conducted for the subject site, not a broader area along Smith Street or all of R3 zones.

5.2 Section B – Relationship to Strategic Planning Framework

5.2.1 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?)

A Plan for Growing Sydney and Central Sub-Region

A Plan for Growing Sydney (the strategy) was released in December 2014 and is a plan for the Sydney Metropolitan Area for the next 20 years. It provides direction for Sydney's productivity, environmental management, and liveability, as well as for the location of housing, employment, infrastructure and open space. The Strategy sets out 4 key goals to achieve the intent of the strategy. These include:

- Goal 1: A competitive economy with world-class services and transport
- Goal 2: A city of housing choice with homes that meet our needs and lifestyles
- Goal 3: A great place to live with communities that are strong, healthy and well connected
- Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources.

It will be supported by six sub-regional strategies that will help to set out how A Plan for Growing Sydney will apply to local areas. They will ensure each community has the right types of housing, jobs, public spaces, community facilities, transport options, schools and hospitals to meet their needs.

The Strategy shows Ashfield Council as being located within the Central Subregion and sets the following priorities for the subregion:

- A competitive economy
- Accelerate housing supply, choice and affordability and build great places to live
- Protect the natural environment and promote its sustainability and resilience

The Central Subregion map within the Strategy identifies the site and surrounding areas generally to the south as within the Global Economic Corridor and Urban Renewal Corridor. The Proposal seeks to improve the economic opportunities on the site and provide improved urban form to contribute to improved visual amenity in the area. The subject planning proposal will increase employment opportunities and provide for a range of employment generating industries that are compatible with the residential character of the locality.

The DP&E's website notes that the Subregional Plans are currently being created.

Table 3 demonstrates that the Proposal is supportive of the relevant goals of the Strategy.

Table 3 A Plan for Growing Sydney Goals

Relevant Goals	Relevant Priorities and/or Actions	Comments
Goal 1: A competitive economy with world-class services and transport	Expand the global economic corridor	The Proposal maintains and increases employment opportunities close to residential neighbourhoods including the current zone R3 Medium Density Residential and surrounding zone, R1 Low Density Residential. The site is also close to the Liverpool Road, a main thoroughfare road that also provides good public transport opportunity. The site is also located within close proximity to the Summer Hill Train Station.
Goal 2: A city of housing choice, with homes that meet our needs and lifestyles	Accelerate urban renewal across Sydney – providing homes closer to jobs	The proposed provides improved visual amenity to the subject site and contributed to the historical context of the surrounding area. The site created visual interest along Smith Street, while providing employment opportunities and amenity to resident in the surrounding area.
Goal 3: A great place to live with communities that are strong, healthy and well connected	Support urban renewal by directing local infrastructure to centres where there is growth.	As above.

It is considered that the Proposal is consistent with the strategic directions that are relevant to the subject site and that there will be no adverse impacts on the natural environment given the site is within an existing urban area. Additionally, the Proposal is consistent with the surrounding context of the site. Surrounding land uses include existing commercial uses and carry through from the Summer Hill Town Centre to the site. Therefore, it is considered that the Proposal is an extension and improvement to the Town Centre. Given the surrounding infrastructure to the site, the proposed use is considered to be complimentary to the surrounding area to increase patronage for public transport and provide job opportunities in close proximity to residential living.

5.2.2 Is the Planning Proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Ashfield Urban Planning Strategy 2010

The Ashfield Urban Planning Strategy 2010 was adopted by Council on 28 September 2010 and was used to inform the Ashfield LEP 2013.

The purpose of Urban Planning Strategy 2010 is as follows:

- To provide the strategic underpinning for the preparation of Council's comprehensive Local Environmental Plan 2010.
- To provide the long term direction for land use planning decisions within the Ashfield local government area.
- To demonstrate that strategic directions and actions, including additional dwelling and employment capacity targets, as set out in the Sydney Metropolitan Strategy 2005 and the Draft Inner West Subregional Strategy 2008 can be implemented.
- To assist decision making in terms of future infrastructure projects, population growth and economic investment within the local government area.

The Ashfield Urban Planning Strategy contains strategic land use directions and actions. Of these two are of particular relevance to the Planning Proposal. These are 'Retain the Heritage Value of Summer Hill Urban Village' and 'Foster Local Business'.

The proposed additional uses on the subject site would allow the development of existing uses on the site to continue and foster the opportunity for new local business to locate on the site where buildings are currently vacant. This will encourage a strong sense of place in the area, continuing on from the Summer Hill Urban Village.

Although the site is not heritage listed, the facade of the buildings facing Smith Street contributes to the visual interest of the street through older, heritage style architecture. The proposal will ensure retention of this facade and enable flexibility of the site to continue use as mixed commercial, industrial and residential premises. The Proposal does not change the existing building height or floor space controls, keeping within the context of the surrounding area, providing potential amenity and employment opportunity for local residents.

5.2.3 Is the Planning Proposal consistent with applicable state environmental planning policies?

The Proposal is consistent with the applicable State Environmental Planning Policies as summarised in the table below.

Table 4 Application of SEPPs

SEPP Title	Requirement	Consistency of Proposal
SEPP No 32 Urban Consolidation (Redevelopment of Urban Land)	The Minister must, when considering the making of environmental planning instruments relating to urban land, implement the aims and objectives of this Policy to the fullest extent practicable.	While the site may be suitable for medium density residential housing and related development, the Proposal seeks to increase the range of permitted uses on the site to include <i>Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage Units</i> . This would promote the orderly and economic use and development of the site for the stated uses. These uses on a small scale are compatible within the urban environment as they do not generate external impacts that will adversely impact on the amenity of the locality. Furthermore, future vertical integration of residential and high technology industries are likely to become an integral source of employment.
SEPP No 55 Remediation of Land	When carrying out planning functions under the Act (including undertaking LEP amendments), SEPP No 55 requires that a planning authority must consider the possibility that a previous land use has caused contamination of the site as well as the potential risk to health or the environment from that contamination.	The Proposal does not include building work, however permits additional uses on the subject site. Potential contamination of the site would be considered at any future DA stages.

5.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s117 directions)?

The relevant Section 117 Directions are considered in the table below.

Direction	Requirement	Comment
Employment and Resources		
3. Housing, Infrastructure and Urban Development		
3.1 Residential	The objectives of this direction are:	. It is important to consider that the subject site is not

Direction	Requirement	Comment
Zones	(a) to encourage a variety and choice of housing types to provide for existing and future housing needs, (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) to minimise the impact of residential development on the environment and resource lands.	predominately used for residential purposes and is used for industrial and commercial uses under existing use rights. As such, the proposed amendments to Schedule 1, Additional Permitted Uses will ensure the flexibility of uses on the site to be carried out, while not limiting the site to be used for residential purposes in the future if required. There may be future opportunities to vertically integrate employment generating uses with residential accommodation where the employment generating uses are compatible with residential accommodation. The compatibility of these uses is spelled out in the definitions. The proposed changes to the permitted uses provide for uses within the locality that provide for employment generating uses that are also guided to supply of services to the local community. These small changes provide opportunities for small creative industries to operate in close proximity to home while also providing creative services to local communities and businesses.
3.4 Integrating Land Use and Transport	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: (a) improving access to housing, jobs and services by walking, cycling and public transport, and (b) increasing the choice of available transport and reducing dependence on cars, and (c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and (d) supporting the efficient and viable operation of public transport services, and (e) providing for the efficient movement of freight. The planning proposal must be consistent with DUAP publications "Improving Transport Choice" and "The Right Place for Business and Services".	The Proposal is consistent with this direction by increasing the range of permitted employment uses on land in an area that is well serviced by existing infrastructure, transport, and services. It is also in immediate proximity to existing and future residential areas. The site is located close to Summer Hill Train Station, existing bus services and will create additional opportunities for residents in the surrounding area to work close to home.
6. Local Plan Making		
6.3 Site Specific Provisions	The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.	The Proposal includes the addition of <i>Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage Units</i> as a permitted use at the site. This provides flexibility for vacant premises on the site to be used for appropriate uses. The addition of stated uses has been determined to improve the social and economic potential for the site, while not having any adverse impacts on the site or surrounding area.
7. Metropolitan Planning		
7.1 Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036 (A Plan for	The Proposal is consistent with all relevant matters within the Metropolitan Plan as discussed at Section 5.2.