

Development permitted without consent in the R3 zone includes:

Home occupations

Development permitted with consent includes:

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business identification signs; Child care centres; Community facilities; Group homes; Multi dwelling housing; Neighbourhood shops; Places of public worship; Respite day care centres; Roads; Seniors housing; Any other development not specified in item 2 or 4

Development prohibited includes:

*Agriculture; Air transport facilities; Airstrips; Amusement centres; Animal boarding or training establishments; Biosolids treatment facilities; Boat building and repair facilities; Boat sheds; Camping grounds; Car parks; Caravan parks; Cemeteries; Charter and tourism boating facilities; **Commercial premises**; Correctional centres; Crematoria; Depots; Dual occupancies (detached); Eco-tourist facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Function centres; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Industrial retail outlets; Industrial training facilities; **Industries**; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Passenger transport facilities; **Recreation facilities (indoor)**; Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Restricted premises; Rural industries; Rural workers' dwellings; Service stations; Sewage treatment plants; Sex services premises; Signage; **Storage premises**; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals;*

The following definitions are provided to identify the proposed additional uses to be included in Schedule 1 over the subject site.

Office premises (type of Commercial Premises) are defined as:

a building or place used for the purpose of administrative, clerical, technical, professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.

Business premises (type of Commercial Premises) is defined as:

*(a) an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis, or
(b) a service is provided directly to members of the public on a regular basis, and includes a funeral home and, without limitation, premises such as banks, post offices, hairdressers, dry cleaners, travel agencies, internet access facilities, betting agencies and the like, but does not include an entertainment facility, home business, home occupation, home occupation (sex services), medical centre, restricted premises, sex services premises or veterinary hospital.*

Recreation Facility (indoor) is defined as:

a building or place used predominantly for indoor recreation, whether or not operated for the purposes of gain, including a squash court, indoor swimming pool, gymnasium, table tennis centre, health studio, bowling alley, ice rink or any other building or place of a like character used for indoor recreation, but does not include an entertainment facility, a recreation facility (major) or a registered club.

Self-storage Units (type of **Storage Premises**) is defined as:

means premises that consist of individual enclosed compartments for storing goods or materials (other than

hazardous or offensive goods or materials).

This Proposal seeks council endorsement for permitted additional uses of *Office and Business Premises, Recreation Facilities (Indoor) and Self-storage Units* over the site.

Due to the history of the site and its close proximity to the Summer Hill Town Centre, this would be the best outcome for the community as it would allow the subject site to evolve and host a broader range of uses that will directly support the growing local community and provide for local employment opportunities.

The proposal does not seek any changes to the development standards applicable to the site such as height of buildings and floor space ratio.

All of the above uses are compatible with the R3 zone objectives. These uses all provide opportunities for the growth of local businesses in a range of industries to operate in close proximity to the operators' place of residence.

3.0 Part I – Objectives or Intended Outcome

The concept of an integrated mixed use development is as of yet very uncommon in Australia, however is slowly gaining traction in some markets. Traditionally, planning policy and zoning since the early 20th Century has aimed to separate industrial uses from residential dwellings due to the need to remove industrial side effects such as pollution, excess noise and heavy vehicle movements away from suburbs.

Summer Hill as an older residential area has historically provided a mix of residential and industrial activity. The industrial activity in this locality is dissimilar to the typical heavy industrial developments in Sydney including Seven Hills, Dunheved, Smeaton Grange, Ingleburn and now the Western Sydney Employment Area (WSEA) which are entirely separated from residential uses.

In recent decades, industrial activity and manufacturing, specifically in more developed countries, has moved away from inner areas to cheaper land located at the fringe of cities. As such, older traditional industrial areas such as Summer Hill have moved towards more high-technology manufacturing and logistics.

The objective of this Proposal is to amend Schedule 1 of the Ashfield LEP 2013 in order to permit a number of additional land uses at 55–65 Smith Street, Summer Hill. The intended outcomes for the Proposal are as follows:

- To increase the flexibility of uses on the site to provide both local services;
- The provide employment generating use opportunities to reduce the travel to work times in the local community;
- Provide residents in the area with recreational opportunities; and
- Integrate employment generating uses which supply services and goods to the local community that do not impact on the amenity of the residential area.

To achieve these objectives, it is proposed to amend schedule 1 of the Ashfield LEP 2013 to permit site specific additional uses of *Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage Units* at 55–63 Smith Street, Summer Hill.

There are a number of examples of similar employment generating uses occurring throughout Sydney whereby uses including, indoor recreation and smaller scale storage and warehousing occur in close or immediate proximity to residential uses.

3.1.1 Local Examples

The following section provides additional examples of similar types of development.

- 43 Bridge Road, Stanmore

This building complex includes the following uses under Light Industrial uses. The approval intended to facilitate the reuse of the building for the purpose of an arts and industry centre comprising 30 industrial studios with off street parking for 31 cars and to strata subdivide the premises into 30 lots. The light industrial uses included the following uses.

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| ▪ Artists studio | ▪ Model Making |
| ▪ Computer Graphics | ▪ Fashion design studios |
| ▪ Computer application & software development for internet application | ▪ Design studio architect & related industries |
| ▪ Photographic production and storage | ▪ Production of media products |

- Manufacture and warehousing of blinds and fittings
- Warehousing of promotional goods, showroom, office
- Warehousing and distribution and light industry for audio, electronic and audio visual equipment's with associated offices
- One+2 (Rozelle Studios) –
http://www.oneplus2.com.au/index.php?option=com_flexicontent&view=category&cid=5&Itemid=7
- Sydney Art Studios (Artarmon) –
<http://www.creativespaces.net.au/find-a-space/sydney-art-studios-artarmon>
- Oxford Street spaces –
<http://www.cityofsydney.nsw.gov.au/explore/arts-and-culture/opportunities-for-artists/creative-space/oxford-street-spaces>
- Brand x
(<http://www.brandx.org.au/about-us/find-us/>)
 - » TWT Creative Precinct (St Leonards)
 - » The Brand x Studio (Surry Hills)
 - » Tempe Jets Music Hub (Tempe)
 - » The Palace Studio (Marrickville)
- Newington Armory –
(http://www.sydneyolympicpark.com.au/whats_on/arts_and_culture/artists_at_the_armory/facilities)

3.1.2 International Examples

Three case studies of industrial development integrated into the urban environment have been analysed below.

3.1.2.1 Case Study 1 – Eastern Neighbourhoods, San Francisco, USA

The Eastern Neighbourhoods Program is a strategy by the San Francisco Planning Department to encourage a broad range of housing opportunities whilst preserving the historical industrial presence within the Mission, Central Waterfront, East South of Market and Showplace Square/Potrero Hill neighbourhoods. The industrial uses within the Eastern Neighbourhoods are a variety of production, and distribution businesses such, furniture wholesalers, caterers, performance spaces and other high-tech industrial businesses.

Competition for land between housing and for industrial employment has seen a considerable increase in land values within the Eastern Neighbourhoods. This has caused much of the industrial sector to relocate and reduced the opportunities for affordable housing in newer residential developments compared to the relatively older building stock which offer lower land values and a supply of low-rent housing.

By developing a strategy that integrates the existing industrial environment with the new residential developments, the San Francisco Planning Department aims to extend the existing neighbourhoods while maintaining the industrial employment environment for local residents.

Source: San Francisco Planning Department (2014) About the Eastern Neighbourhoods.

3.1.2.2 Case Study 2 – Manhattan, New York City, USA

The Northern Tribeca neighbourhood in Manhattan, otherwise known as the Special Tribeca Mixed Use District was originally a traditional manufacturing district that over recent decades has transformed into a desirable area for residential and commercial uses. Since 1997, the area has seen the coexistence of manufacturing businesses with residential uses.

In 2010, the New York City Department of City Planning rezoned 25 blocks in the District to accommodate the increase in residential development and the change in the types of industrial businesses in the District. The zoning changes permit a mix of light manufacturing uses that would have been restricted under the previous planning controls. These light industrial uses range from carpentry, electrical and plumbing, produce or meat markets, and the production of leather goods and metal stamping.

Source: New York City Department of City Planning (2010) North Tribeca Rezoning – Approved.

3.1.2.3 Case Study 4 – Boulder, Colorado, USA

Over the last decade, the City of Boulder has started to embrace the concept of mixed use development incorporating industrial and residential land uses in a single building. Boulder is a major employment centre that accommodates a greater number of jobs than its resident workforce. The shift to mixed use development rose from the need to provide additional housing with the opportunity to live and work within the area and reduce urban sprawl and traffic.

One such example is Boulder Junction formerly known as the Transit Village, which has two distinct industrial mixed use zones within the precinct. This area was primarily an industrial zone but has been rezoned to introduce a greater number of residential dwellings. This has led to the development of co-habiting industrial and residential uses on the one site. The type of industrial businesses within these mixed use developments are service and repair businesses, computer design and development, green technology, publishing or telecommunication industries.

Boulder Junction is only partially completed, however the existing residents have perceived this new precinct as a positive for the community with an increase in housing and community infrastructure.

Source: City of Boulder (2015) Boulder Junction.

4.0 Part 2 – Explanation of Provisions

Specifically, this Proposal is seeking to amend Schedule 1 – Additional Permitted Uses of *Ashfield LEP 2013* to allow the use of *Office Premises, Business Premises, Recreation Facilities (Indoor) and Self-storage Units* on the site.

The provisions to be included in the proposed LEP are outlined below, in accordance with Section 55(2) of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

4.1 Ashfield Local Environmental Plan 2013

Name of Plan

This plan is *Ashfield Local Environmental Plan 2013*.

Aims of the plan

This plan aims to amend Schedule 1 Additional permitted uses in the *Ashfield Local Environmental Plan 2013* as follows:

Schedule 1 Additional permitted uses

8 Use of certain land at 57 - 63 Smith Street, Summer Hill

(1) This clause applies to land at 55 - 63 Smith Street, Summer Hill, being Lot 13 in DP 560, Lot 1 in DP796910 and Lot 1 DP905473.

(2) Development for the purposes of *Office Premises, Business Premises, Recreation Facilities (Indoor), and Self-storage Units* permitted with development consent.