



Amendments to Land Use Table and new clause for residential accommodation in B1 and B2 zones; Sex services clause.

Proposal Title : **Amendments to Land Use Table and new clause for residential accommodation in B1 and B2 zones; Sex services clause.**

Proposal Summary : **The planning proposal is to:**
- include a sex services premises clause;
- amend the Land Use Table for B1 Neighbourhood Centre and B2 Local Centre zones to permit all types of residential accommodation (except 'Group homes' and 'Hostels' in the B1 zone); and
- include a new local clause, 'Residential accommodation in Zones B1 Neighbourhood Centre and B2 Local Centre' to accompany the proposed changes to the Land Use Table.

PP Number : **PP_2014_LEICH_004_00** Dop File No : **14/05611**

Proposal Details

Date Planning Proposal Received :	11-Apr-2014	LGA covered :	Leichhardt
Region :	Sydney Region East	RPA :	Leichhardt Municipal Council
State Electorate :	BALMAIN	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **LGA-wide.**

DoP Planning Officer Contact Details

Contact Name : **Andrew Watkins**
Contact Number : **0285754114**
Contact Email : **andrew.watkins@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Clare Harley**
Contact Number : **0293679226**
Contact Email : **clareha@lmc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**
Contact Number : **0285754111**
Contact Email : **diane.sarkies@planning.nsw.gov.au**

Amendments to Land Use Table and new clause for residential accommodation in B1 and B2 zones; Sex services clause.

3. The retention of 'Group homes (transitional)' and 'Hostels' in Item 4 Prohibited in the B1 zone;

4. The deletion of the following from 'Item 4 Prohibited' in the B2 zone in the LEP 2013 LUT:

- Attached dwellings, dual occupancies, dwelling houses, multi dwelling housing, residential flat buildings, rural workers dwellings and semi-detached dwellings;

5. Group homes are to remain permissible in the B2 zone, by way of being 'not specified in item 2 or 4' of the zone.

6. The inclusion of a new clause, "6.17 Residential accommodation in Zones B1 Neighbourhood Centre and B2 Local Centre". The proposed wording of the clause (drafted by Council) is as follows:

"(1) The objective of this clause is to promote residential accommodation as part of mixed use developments in business zones to support the vitality of neighbourhood and local centres.

(2) This clause applies to land in Zone B1 Neighbourhood Centre and B2 Local Centre.

(3) Development consent must not be granted to development for the purpose of residential accommodation on land to which this clause applies unless the consent authority is satisfied that:

- (a) the building comprises mixed use development, including residential accommodation;
- (b) the building will have an active street frontage;
- (c) the building is compatible with desired future character of the area in relation to its bulk, form, uses and scale.

(4) In this clause, a building has an active street frontage if all floor space on the ground floor of the building on the primary street frontage is used for a purpose other than residential accommodation (with the exception of areas for access or service purposes)."

This proposed clause may be subject to revision at drafting stage in order to accord with Parliamentary Counsel's requirements and drafting conventions.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Council has provided consideration of the planning proposal against SEPPs, but has not identified any SEPPs as being relevant or applicable to the planning proposal or to the LGA.

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **December 2013**

Comments in relation to Principal LEP :

Leichhardt Local Environmental Plan 2013 (the Principal LEP) was notified on 23 December 2013. The LEP includes clause 6.16 'Location of sex services premises' which was inserted by the Department as a post-exhibition change, as Council failed to include this clause in the exhibited draft LEP, despite the section 65 certificate requirement to do so.

The section 65 Certificate, which included the required clause, was exhibited with the principal LEP.

Assessment Criteria

Need for planning proposal :

Council initiated the 'residential accommodation' element of the planning proposal when it became apparent that the provisions in relation to permissible ground floor and upper floor uses in mixed use developments within the LEP 2000 'Business' zone have not been fully translated into LEP 2013. An explanation of this is included in the 'External supporting notes' above.

Permitting all forms of residential accommodation (except for group homes and hostels in the B1 zone) is consistent with Council's approach under LEP 2000.

Consistency with strategic planning framework :

The planning proposal is considered consistent with the actions and objectives of the Metropolitan Plan for Sydney 2036, draft Metropolitan Strategy for Sydney 2031 and with the draft Inner West Subregional Strategy in that it will facilitate the delivery of a mix of housing that meets expected future needs of Sydney's growing population and changing demographics.

For consistency with Section 117 Directions, refer to 'Justification' in the 'Adequacy' section of this report.

Environmental social economic impacts :

Given the nature of the planning proposal, i.e. that it consists of changes to ensure the controls contained in LEP 2013 accurately reflect those of LEP 2000, it is not expected that there will be any adverse environmental, social or economic impacts.

The planning proposal will contribute to the provision of housing supply, choice and therefore affordability across the LGA.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2) (d) :			

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4. The planning proosal is to be completed within 6 months.

It is also recommended that a written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act 1979 is issued to Council in relation to the planning proposal.

Supporting Reasons :

The planning proposal should be supported because:

- it provides a remedy to an inconsistency in Leichhardt LEP 2013 in relation to ground and upper floor uses in mixed use developments; and
- it provides clarification and a better translation of the provisions of Leichhardt LEP 2000, in relation to permissible ground and upper floor uses in mixed use developments in the 'Business' zone of LEP 2000.

The proposed sex services premises clause is not supported because Leichhardt LEP 2013 already has such a clause, which has been publicly exhibited in the section 65 certificate which was exhibited with the then draft LEP 2013 (see 'Internal Supporting Notes' earlier in this report).

Signature:



Printed Name:

Diane Sarkies

Date:

16/5/14