

Proposed rezoning of 100-102 Elliott Street, Balmain.

Proposal Title :	Proposed rezoning of 100-102 Elliott Street, Balmain.		
Proposal Summary :	Planning proposal to amend Leichhardt Local Environmental Plan 2013 (LEP 2013) by rezoning 100-102 Elliott Street, Balmain from B2 Local Centre to part R1 General Residential, part B7 Business Park, part RE1 Public Recreation, with the rest of the site remaining B2 Local Centre.		
PP Number :	PP_2016_LEICH_001_00	Dop File No :	16/04464

Proposal Details

Date Planning Proposal Received :	04-Mar-2016	LGA covered :	Leichhardt
Region :	Metro(CBD)	RPA :	Leichhardt Municipal Council
State Electorate :	BALMAIN	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	100-102 Elliott Street		
Suburb :	Balmain	City :	Postcode :
Land Parcel :	Lot 6 DP 617944 and Lot 1 DP 619996		

DoP Planning Officer Contact Details

Contact Name :	Andrew Watkins
Contact Number :	0292286558
Contact Email :	andrew.watkins@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Steve Roseland
Contact Number :	0293679279
Contact Email :	steve@lmc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Martin Cooper
Contact Number :	0202926582
Contact Email :	martin.cooper@planning.nsw.gov.au

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	

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MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	121
Gross Floor Area :	0	No of Jobs Created :	49

The NSW Government Yes

Lobbyists Code of Conduct has been complied with :

If No, comment :

Have there been meetings or communications with registered lobbyists? : No

If Yes, comment : The Department of Planning and Environment is not aware of any meetings or communications with registered lobbyists concerning this proposal.

Supporting notes

Internal Supporting Notes :

The planning proposal is supported, with conditions, because it:

- demonstrates consistency with both the housing and employment-related objectives of A Plan for Growing Sydney, by facilitating additional residential development capacity and retaining the employment generating potential of land within an existing urban area;
- is generally consistent with relevant s117 Directions and State Environmental Planning Policies (SEPPs); and
- will increase the provision of open space in the LGA.

The whole site is owned by the proponent and therefore there are no impacts upon any other property or ownership rights.

External Supporting Notes :

The planning proposal originally forwarded to Council proposed the whole site be rezoned R1 General Residential. Council did not support this, as it was considered inconsistent with State and local planning frameworks, and would have resulted in a loss of employment-generating land. Consequently, the planning proposal was revised to provide a mix of zones permitting both residential and commercial development.

The site benefits from a JRPP development approval (reference 2013SYE089) for a mixed use development comprising eight buildings ranging between 3-5 storeys, with ground floor commercial/retail uses, 19 serviced apartments and 102 residential units above.

The current proposed zoning reflects the spread of approved uses across the site and is supported by Council, as:

- it is consistent with the local and state level strategic planning frameworks;
- it will best reflect current approved land uses;
- there will be no adverse amenity impacts; and
- it will enable the developer to convert the approved serviced apartments to residential apartments at a future development application stage.

Council has confirmed its intention to exercise its plan-making delegations, which is supported by the Department.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objective of the planning proposal is to rezone the site to allow the conversion of the approved serviced apartments to provide additional residential accommodation and to preserve the site's employment generating potential, as endorsed by Council as part of its assessment of the JRPP-approved development application.

Under the current B2 zoning, the conversion of the 19 approved serviced apartments is prevented by clause 6.11A Residential Accommodation in Zone B1 and B2 of LEP 2013, unless the building comprises mixed use development, including residential accommodation, and the building will have an active street frontage.

The proposal does not have an active street frontage, preventing the conversion of the serviced apartments to residential accommodation.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : The proposal would amend LEP 2013 by an amendment to the current Land Zoning Map.

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

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

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

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 55—Remediation of Land

SEPP No 65—Design Quality of Residential Flat Development

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Infrastructure) 2007

SREP (Sydney Harbour Catchment) 2005

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

Leichhardt Council development application D/2013/406 and Joint Regional Planning Panel approval 2013SYE089 for the mixed use development of 100-102 Elliott Street, Balmain.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Section 117 Directions

Direction 1.1 Business and Industrial Zones:

The area of land, and therefore total potential floorspace, that is currently zoned B2 Local Centre will be significantly reduced as a result of this planning proposal, which is therefore inconsistent with the objectives of the Direction.

However, the planning proposal refers to an Economic Report (prepared by SGS Economics and Planning in support of the DA) which states that the previous occupier of the site was not operating at full capacity, nor utilising all of its buildings, and their layout was unsuitable for many other business purposes.

The proposal will maintain employment potential by way of the proposed B2 and B7

zoned portions of the site, an area which corresponds with that part of the approved development which provides for commercial (including intended 'live/work' units) and retail uses.

The inconsistency is therefore considered of minor significance.

Direction 2.3 Heritage Conservation:

The site is not a heritage item, but is within a Heritage Conservation Area and is in the vicinity of a number of heritage items. However, heritage-related impacts have been satisfactorily addressed through the planning proposal and the approved development application assessment. The proposal is therefore considered consistent with this Direction.

Direction 3.1 Residential Zones

The planning proposal is consistent with this Direction, as it will facilitate a broader choice of residential accommodation, making use of existing infrastructure in an existing urban area.

Direction 3.4 Integrating Land Use and Transport:

The planning proposal provides for a mixed use development located in reasonable proximity to public transport (buses) along Darling Street, which provides good access to Balmain Town Centre and the CBD, amongst other areas. The proposal is therefore consistent with this Direction.

Direction 4.1 Acid Sulfate Soils:

The site is identified in the Leichhardt LEP 2013 as Class 5 Acid Sulfate Soils. The proposal would facilitate an increase in the intensity of use due to the conversion of 19 serviced apartments to residential.

Council's assessment of the approved DA considers the presence of Acid Sulfate Soils against clause 6.1 Acid Sulfate Soils of LEP 2013, and states that a report was provided by Douglas Partners (February 2014), which concluded that "the proposed development works are not expected to disturb acid sulfate soil and/or impact upon water levels in Iron Cove Bay" and that it was considered "no additional testing or future management is necessary in this regard."

The planning proposal is technically inconsistent with this Direction, as it does not directly address its requirements. However, given Class 5 is the lowest level of acidity, the increased intensity of use would be relatively minor, and that potential disturbance of A.S.S has been addressed by the DA assessment, this inconsistency is considered to be of minor significance.

Direction 4.3 Flood Prone Land:

A portion of the site is identified as a Flood Control Lot in the Leichhardt DCP 2013. This matter has been addressed during the DA process against clause 6.3 Flood Planning of LEP 2013, and is considered consistent with this Direction.

The proposal is considered consistent with all other relevant Directions, namely Direction 6.3 Site Specific Controls, and Direction 7.1 Implementation of A Plan for Growing Sydney.

State Environmental Planning Policies

SEPP 55 Remediation of Land:

As part of the DA, a 'Remedial Action Plan' was prepared by Douglas Partners (August 2013), which was reviewed by Council's Environmental Health Officer. The RAP concluded the site can be made suitable for the currently DA-approved uses. The proposal is therefore considered consistent with this SEPP.

The proposal is also considered consistent with other relevant SEPPs, namely SEPP 32 Urban Consolidation (Re-development of Urban Land), SEPP (Infrastructure) 2007, and deemed SEPP, SREP (Sydney Harbour Catchment) 2005.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes limited extracts of both the current and proposed Land Zoning Maps, which are adequate for the purposes of assessing this proposal. However, it is recommended that full current and proposed Land Zoning Maps are exhibited with the planning proposal.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal states that community consultation will be undertaken in accordance with the Department's Guide to preparing local environmental plans, but does not specify a timeframe for consultation or public exhibition.

A public consultation/exhibition period of 28 days is considered appropriate for this planning proposal.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Leichhardt LEP 2013 was notified on 23 December 2013 and commenced on 3 February 2014.

Assessment Criteria

Need for planning proposal : This proposal is a revision of the proponent's originally submitted planning proposal to Council in November 2015, which proposed rezoning the whole site to R1 General Residential, to allow the conversion of 19 serviced apartments approved under a DA by the JRPP on 6 June 2014 (2013SYE089) to residential accommodation.

Council did not support a 'blanket' R1 rezoning due to the resulting loss of the site's employment generating potential, and revised the the proposal accordingly.

The rezoning is required because the site's current B2 zoning cannot facilitate the conversion of the DA approved ground floor serviced apartments because clause 6.11A (Residential Development in Zones B1 and B2) of LEP 2013 prevents residential development in the B2 zone unless there is active street frontage at ground floor level. A modified DA to seek approval for the conversion of the serviced apartments is to be submitted following the rezoning.

Whilst not a direct result of any studies, a number of local strategies are relevant, as discussed below.

A planning proposal is the only mechanism for Council to rezone the site.

Consistency with strategic planning framework :

A Plan for Growing Sydney:

The planning proposal demonstrates consistency with both the housing and employment-related directions and objectives of A Plan for Growing Sydney, by facilitating additional residential development capacity and choice, whilst retaining employment-generating potential of land within an existing urban area.

The proposal will also add to the amount of public open space available to the community and future incoming residents by zoning to RE1 the land being dedicated to council for open space under the approved DA.

Council's local strategies:

The planning proposal demonstrates consistency with 'Leichhardt 2025+', Leichhardt Community and Cultural Plan 2011-2021, Leichhardt Employment and Economic Development Plan 2013-2023 and Leichhardt Employment Lands Study 2011. Together, these strategies seek to enhance community well-being, create accessible and sustainable environments and economic benefits, and maintain the employment-generating potential of former employment/industrial land in the LGA.

Environmental social economic impacts :

Environmental:

- Given the previously developed nature of the site and its location within an existing urban area, it is considered unlikely there are any critical habitats, threatened species, populations, or ecological communities or their habitats present on the site.

- An Assessment of Traffic and Parking Implications by CBHK concluded traffic impacts would be likely to be negligible and the existing amenity of the surrounding area would not be affected by the proposal because:

- appropriate parking provision will be made for the residential apartments;
- traffic generation will be low and similar to the approved serviced apartments;
- traffic effects will not be noticeable; and
- the site is well serviced by public transport services.

Whilst the DA for the redevelopment of the site has been approved, and traffic related matters have been considered, the traffic assessment has not been included in the planning proposal materials submitted to the Department. It is therefore recommended the planning proposal, including any relevant traffic and parking assessment, be forwarded to NSW Roads and Maritime Services as part of the required consultation process.

- The site is identified as Acid Sulfate Soils Class 5. In relation to the approved DA, the applicant provided Council with a document prepared by Douglas Partners (February 2014) titled "Potential for Disturbance of Acid Sulfate Soils" for 100-102 Elliott Street, Balmain. The summary and conclusion indicates that the [proposed] development works are not expected to disturb acid sulfate soil and/or impact upon water levels in the Iron Cove Bay.

Social:

- The planning proposal is likely to result in an increased demand for local facilities and services resulting from an increased resident population, but does not address this issue. It is therefore recommended the proposal be updated prior to exhibition, to address the social impact of the proposal, and that consultation with appropriate agencies and State government departments to ascertain the capacity of existing education, social housing, health and emergency services in Balmain and surrounding areas.

Economic:

- By rezoning part of the site to B7 Business Park and maintaining part of the site as B2 Local Centre, the proposal will maintain an element of employment generating potential, by collectively permitting business, commercial and light industrial land uses, including 'live/work' enterprises. This is considered a positive outcome following the vacation of the site by the previous occupier, cosmetics company 'Nutri-Metrics', which was not, according to the SGS Economic Report prepared in support of the DA, operating to its, or the site's full potential.

- Being a discrete local centre zoning a considerable distance from the Darling Street

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commercial areas, the proposal is not considered likely to have any adverse impact in relation to those more significant commercial areas.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **9 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Ambulance Service of NSW
Department of Education and Communities
Family and Community Services - Housing NSW
Energy Australia
Fire and Rescue NSW
Department of Health
NSW Police Force
Transport for NSW - Roads and Maritime Services
Department of Planning and Infrastructure - Sydney Harbour Foreshore Authority
Sydney Water**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :
No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
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Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.3 Flood Prone Land**
- 6.3 Site Specific Provisions**

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Additional Information :

It is recommended the planning proposal should proceed, subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:

a) address the social impact of the proposal, including consideration of the capacity of existing education, health and emergency services; and

b) include current and proposed Land Zoning Maps (in accordance with the Standard Technical Requirements for LEP Mapping).

2. Community consultation is required and the planning proposal must be made publicly available for a minimum of 28 days.

3. Consultation is required with the following agencies, which should be given at least 21 days to comment on the proposal:

- NSW Roads and Maritime Services (RMS), including provision of the Assessment of Traffic and Parking Implications
- NSW Department of Education and Communities (DEC)
- NSW Health
- NSW Department of Family and Community Services
- Ambulance Service of NSW
- NSW Police Force
- Fire and Rescue NSW
- Sydney Water
- Energy Australia.

4. Should any consultees identified under Condition 3 request any additional information, or specify any additional matters to be addressed, the planning proposal is to be updated to respond to any such submission, a copy of which is to be included with the updated planning proposal.

5. A public hearing is not required to be held into this matter.

6. The time frame for completing this LEP is to be 9 months.

Supporting Reasons :

The planning proposal is supported, subject to conditions, because it:

- meets the objectives and directions of A Plan for Growing Sydney by facilitating urban renewal and new housing opportunities within reasonable proximity to local services, facilities and bus routes (along Darling Street);
- will increase and improve Sydney's housing supply;
- facilitates mixed use outcomes for the site;
- maintains the site's employment-generating potential; and
- increases the amount of public open space available to the community and future residents.

Signature:



Printed Name:

M Kokot

Date:

2/4/2016