

Amendment to Schedule 1 Additional Permitted Uses of the Leichhardt Local Environmental Plan 2013 (Leichhardt LEP 2013) to enable an existing building on Leichhardt Oval No 1, known as Latchem Robinson Stand, to be used as a "function centre".

Proposal Title :	Amendment to Schedule 1 Additional Permitted Uses of the Leichhardt Local Environmental Plan 2013 (Leichhardt LEP 2013) to enable an existing building on Leichhardt Oval No 1, known as Latchem Robinson Stand, to be used as a "function centre".		
Proposal Summary :	The planning proposal seeks the following amendments: • Insertion of a clause under Schedule 1 Additional Permitted Uses to permit Leichhardt Oval No 1 (Lot 6643 DP 1137663) to be used as a function centre; • Permit development for the purposes of a function centre if the function centre is located within an existing building or within a proposed development which has received development consent; and, • Amend Additional Permitted Use Maps 003 and 004 to identify Leichhardt Oval No 1.		
PP Number :	PP_2014_LEICH_007_00	Dop File No :	14/17611

Proposal Details

Date Planning Proposal Received :	23-Oct-2014	LGA covered :	Leichhardt
Region :	Metro(CBD)	RPA :	Leichhardt Municipal Council
State Electorate :	BALMAIN	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :	Glover Street		
Suburb :	Lilyfield	City :	Sydney
		Postcode :	2040
Land Parcel :	Lot 6643 DP 1137663		

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre :

Regional / Sub
Regional Strategy :

MDP Number :

Area of Release
(Ha) :

No. of Lots : 0

Gross Floor Area : 0

The NSW Government Yes
Lobbyists Code of
Conduct has been
complied with :

If No, comment :

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

If Yes, comment :

The Department is not aware of any meetings or communications with registered lobbyists concerning this planning proposal.

Supporting notes

Internal Supporting
Notes :

The planning proposal seeks to amend Schedule 1 Additional Permitted Uses under the Leichhardt Local Environmental Plan 2013. The amendment will insert a clause which will include 'function centre' as a permissible land use for Leichhardt Oval No 1, Glover Street Lilyfield. The land is currently zoned RE1 Public Recreation and function centres are prohibited under this zone. The use of existing facilities as a function centre will be subject to development consent and assessed against section 79C of the Environmental Planning and Assessment Act 1979.

The planning proposal will also amend Additional Permitted Uses Maps 003 and 004 to identify Leichhardt Oval No 1 as having an additional permitted use.

Council has requested the amendment to Schedule 1 to enable the more efficient use of existing facilities on Leichhardt Oval, including Latchem Robinson Stand. Expanding the permissible land use of Leichhardt Oval No 1 to include 'function centres' will allow the facility to be used by independent, private and commercial organisations and open a revenue stream for Council. The additional revenue derived from the new use will contribute to financing on-going maintenance and future upgrades of Leichhardt Parks.

The Leichhardt Park Reserve, which includes Leichhardt Oval No 1, is 14.4 hectares of Crown Reserve dedicated for public and community use. The use of the Leichhardt Parks is governed by the Leichhardt Park Plan of Management. It is noted that Council intends to review the Leichhardt Park Plan of Management and place any amendments to the Plan of Management on public exhibition with the planning proposal, should the planning proposal be given a positive Gateway determination. Council is currently discussing the proposal with the land owner, Crown Lands.

Amendment to Schedule 1 Additional Permitted Uses of the Leichhardt Local Environmental Plan 2013 (Leichhardt LEP 2013) to enable an existing building on Leichhardt Oval No 1, known as Latchem Robinson Stand, to be used as a "function centre".

External Supporting
Notes :

Leichhardt Council has lodged a planning proposal which seeks to amend Schedule 1 Additional Permitted Uses under the Leichhardt Local Environmental Plan 2013.

The amendment will insert a clause into the Schedule, allowing 'function centres' as a permissible use for Leichhardt Oval No 1.

Leichhardt Oval No 1 is zoned RE1 Public Recreation. Functions centres are a prohibited use under this zoning. The amendment will provide a site specific provision which will allow an existing building to be used as a function centre. The use of the function centre will be subject to development consent.

Council wish to use an existing facility as a function centre. The additional building use will provide a revenue stream, which will assist in funding maintenance and future upgrades to Leichhardt Parks. Council are in consultation with the land owners, Crown Lands, for the amendment and review of the Leichhardt Parks Plan of Management. Council intend to publicly exhibit amendments to the Leichhardt Parks Plan of Management and the planning proposal together, should the planning proposal receive a positive gateway determination.

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment :

The objectives of the planning proposal are to:

- Amend Schedule 1 Additional Permitted Uses under the Leichhardt Local Environmental Plan 2013 to permit (with development consent) the use of an existing building on Leichhardt Oval No 1 as a site for a function centre for independent, private and commercial use;
- Restrict the additional use of 'function centre' to existing (or approved) buildings on the site; and,
- Require development consent for the use of the function centre.

The statement of objectives is adequate.

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

Is an explanation of provisions provided? Yes

Comment :

The planning proposal seeks to amend Schedule 1 Additional Permitted Uses to incorporate 'function centres' as a permissible land use for existing buildings on Leichhardt Oval No 1.

Council are proposing to insert the following draft clauses into Schedule 1 Additional Permitted Uses:

"8. Use of certain land at Leichhardt Park being Leichhardt Oval No. 1, Glover Street, Lilyfield.

(1) This clause applies to part of the land at Leichhardt Park being part of Lot 6643 DP 1137663, and known as Leichhardt Oval No. 1, as identified on the Additional Uses Maps.

(2) Development for the purposes of a function centre is permitted with development consent only if the function centre is located within an existing building, or within a proposed development which has received development consent."

The proposal also requires the site to be identified on the Additional Permitted Uses Maps

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Sheets 003 and 004.

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

2.3 Heritage Conservation

5.1 Implementation of Regional Strategies

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? **No**

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

d) Which SEPPs have the RPA identified?

N/A

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

SEPPs

It is agreed no SEPPs are relevant to the proposal.

S.117 DIRECTIONS

2.3 Heritage Conservation

The objective of this direction is to conserve items which have heritage significance. According to this direction, planning proposals must contain provisions that facilitate the conservation of heritage items.

Leichhardt Ovals (including Leichhardt Oval No 1 and Leichhardt Aquatic Centre and interiors) are listed as a local heritage item under Schedule 5 Environmental Heritage of the Leichhardt LEP 2013. Four fig trees located at the entrance to the Oval (Mary Street, Lilyfield) are also heritage listed.

The planning proposal does not intend to amend or revoke heritage protections applicable to the site. It only seeks to expand the permissible uses for the site to allow for the existing building to be used as a function centre.

As the planning proposal does not alter the heritage protection provisions applicable to the site but inserts an additional permissible use, it is not inconsistent with this direction.

5.1 Implementation of Regional Strategies

Council has identified this s.117 direction as being applicable to the proposal and Council contend the proposal is consistent with the applicable actions and objectives of the draft Inner West Subregional Strategy.

This direction gives legal effect to the following regional plans – Far North Coast Regional Strategy, Lower Hunter Regional Strategy, Illawarra Regional Strategy, South Coast Regional Strategy, Sydney–Canberra Corridor Regional Strategy, Central Coast Regional Strategy and Mid North Coast Regional Strategy.

The direction does not apply to the draft Inner West Subregional Strategy (the subregional strategy for this site) and has not been considered in this assessment.

6.1 Approval and Referral Requirements

The direction seeks to streamline referral and concurrence requirements in Local Environmental Plans.

The planning proposal does not introduce any new concurrence, referral or consultation requirements for the Minister, the Secretary or other government agencies. The proposal

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is consistent with this direction.

6.2 Reserving Land for Public Purpose

This direction enables the reservation of land for public purposes and facilities the removal of reservations where land is no longer required for this purpose.

The proposal does not seek to alter or reduce existing zoning or land acquisition provisions applying to Leichhardt Oval No 1. The planning proposal is consistent with this direction.

It is noted that Council are currently in discussions with Crown Lands, as the owner of Leichhardt Parks.

6.3 Site specific provisions

The objective of this direction is to limit unnecessary site specific controls. It is a requirement of the direction that, where a planning proposal seeks to amend an Environmental Planning Instrument to allow a particular development, the proposal must either:

- a. Allow that land use to be carried out in the zone the land is situated on;
- b. Rezone the site to an existing zone that will not impose additional development standards; or
- c. Allow that land use on the relevant land without imposing additional development standards.

The planning proposal intends to allow an additional land use of ‘function centre’ to apply under the RE1 Public Recreation zoning only for Leichhardt Oval No 1, through an amendment to Schedule 1 Additional Permitted Uses. The amendment to the Schedule will not impose additional development standards or controls on the site.

The proposal is consistent with this direction.

7.1 Implementation of the Metropolitan Plan for Sydney 2036

The direction gives legal effect to the Metropolitan Plan for Sydney 2036 and requires planning proposals to be consistent with the directions and objectives contained in the Metropolitan Plan.

The proposal states it is consistent with Strategic Direction H: Achieving equity, liveability and social inclusion, as it will enable the use of an existing building as a function centre.

The proposal is consistent with this direction.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has proposed to exhibit the planning proposal for a minimum of 28 days in accordance with standard exhibition and notification procedures.

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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 : **Council's explanation of the proposal and its objectives is adequate.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in
relation to Principal
LEP :

Assessment Criteria

Need for planning
proposal :

The proposal seeks to amend Schedule 1 Additional Permitted Uses under the Leichhardt LEP 2013 to provide "function centres" as a permitted land use for Leichhardt Oval No 1. The Oval is zoned as RE1 Public Recreation and 'function centres' are a prohibited use under that zoning.

To enable the existing structure to be used as a function centre, a site specific amendment to the permissible uses is required. This can be achieved through an amendment to Schedule 1 and the inclusion of 'function centres' as a permissible use under RE1 zone will not affect the use of other sites in this zoning.

A planning proposal is the best and most appropriate means of enabling additional uses of Leichhardt Oval No 1.

The proposal is not the subject of a strategic study or report.

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Consistency with strategic planning framework :

The following objectives and actions from applicable strategic planning frameworks have been identified as being relevant to this planning proposal:

METROPOLITAN PLAN FOR SYDNEY 2036

The Metropolitan Plan for Sydney 2036 contains a limited number of objectives and actions relevant to this proposal.

Action H2.4 Provide and enhance regional open space in Sydney: The proposal will permit the use of an existing building as a function centre and allow the existing structure to be used for that purpose by organisations for private and commercial functions. The proposal will indirectly enhance regional open space (Leichhardt Parks) by generating revenue from hiring the function centre.

The proposal is consistent with this action.

Action H4.4 Strengthen cultural and related activities through identification and protection of appropriate venues, places and clusters: Council did not identify this action in the planning proposal. The planning proposal demonstrates some consistency with this action, as it will provide a local venue for cultural and corporate use.

The proposal is consistent with this action.

DRAFT INNER WEST SUBREGIONAL STRATEGY

Council has identified four key issues for access to open space contained in the draft Inner West Subregional Strategy:

- Distance to parks;
- Distribution of parks;
- Constraints on the use of parks; and
- The quality of facilities available at a park.

Council states the planning proposal will address the issue of constraints on the use of parks, by opening opportunities for Leichhardt Oval No 1 and its facilities to be used for commercial events. As the use of the facility will draw a revenue stream, Council contends the additional funds will be used towards future upgrade programmes, leading to an improved quality of facilities available.

The proposal will reduce constraints on the use of part of Leichhardt Parks and will improve the quality of facilities available at the park and is therefore consistent with the above actions.

The following actions have been identified under the Parks, Public Places and Culture Key Direction in the draft Inner West Subregional Strategy:

Action F1.3 Improve access to waterways and links between bushland, parks and centres: Council have identified this action and contend the planning proposal demonstrates consistency with it.

The proposal does not take action to improve access to waterways nor does it provide a link between bushland, parks and centres. This action is not relevant to the proposal.

Council has identified 'Improve access to the Harbour' and 'Enhance regional open space' as actions under the draft Inner West Subregional Strategy which are applicable to the planning proposal. The proposal will not provide improved access to the Harbour or enhance regional open space and these actions are not relevant.

Action 3.1 Improve Sydney's major sporting and cultural event facilities: The proposal is consistent with this action, as the amendment will generate a revenue stream, which will assist in the maintenance and renewal of Leichhardt Ovals.

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DRAFT METROPOLITAN STRATEGY FOR SYDNEY TO 2031

Council has not provided information on the proposals consistency with the objective contained in the Draft Metropolitan Strategy.

LEICHHARDT 2025+

Council has provided an assessment of the proposal's consistency with goals under the Leichhardt 2025+ Community Plan.

Goal: A sustainable environment created by inspiring, leading and guiding our social, environmental and economic activities.

Council state the proposal will allow an existing building to function to its full potential while including a requirement for an assessment of social, environmental and economic impact through the use of development applications.

Goal: Accountable civic leadership that delivers services and assets to support the community now and in the future;

Objective: Requirements and clear standards for infrastructure and services, which meet the needs of local community, are provided and maintained;

Objective: Our staff, financial resources, business processes, services and assets are managed efficiently and effectively to ensure their sustainability; and,

Objective: Transparent, consistent, efficient and effective participative processes are delivered.

Council state the community will be engaged and consulted with on the amendment through the public exhibition process. Additionally, Council state the use of Leichhardt Oval No 1 will generate revenue which will be put towards maintaining the Leichhardt Parks for public use.

The proposal is consistent with the objectives and actions of Leichhardt 2025+.

Leichhardt Community and Cultural Plan:

Outcome 1.2: Leichhardt's communities are well informed and engaged.

Strategy 1.3.1: Council resources and operates its community facilities and the public domain to support accessibility, diverse use and good governance.

Council argue the planning proposal is consistent with these goals as the amendment will enable the facility to be used by a wide range of groups and organisations.

The planning proposal demonstrates consistency with the Leichhardt Community and Cultural Plan.

Leichhardt Employment and Economic Development Plan:

Outcome 4: The LGAs economic assets are strategically managed for current and future generations.

The use of the existing building on Leichhardt Oval No 1 will provide a revenue stream for Council which will assist in funding the maintenance and upgrade of the Oval for community purposes.

The proposal is consistent with this outcome.

Environmental social
economic impacts :

Environmental:

The planning proposal is unlikely to affect critical habitats or threatened species, populations or ecological communities or their communities. The proposal will permit an additional land use and does not propose additional works.

The use of the existing building as a function centre will be subject to development

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applications and assessed on a case-by-case basis, with consideration given to environmental factors including traffic and acoustic impact.

Social:

Council contend that the use of Leichhardt Oval No 1 will provide a positive social impact for the community. Through the Schedule 1 amendment, independent, private and commercial organisations will be able use the facility.

It is agreed with Council that the proposal will have a positive social benefit.

Economic:

The amendment will support Council's goal of using local infrastructure in a more effective and efficient manner. The building is primarily used during rugby league matches. Through the amendment, the facilities will be available for other organisations to use (subject to development approval) and the facilities can be hired outside of scheduled matches. Additionally, the use of the existing facilities as a function centre will provide a revenue source for Council and the funding will support maintenance and upgrading of Leichhardt Ovals.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	14 Days
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Timeframe to make LEP :	6 months	Delegation :	RPA
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Public Authority Consultation - 56(2) (d) :	Other
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Is Public Hearing by the PAC required?	No
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(2)(a) Should the matter proceed ?	Yes
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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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Tag A - Planning proposal cover letter.pdf	Proposal Covering Letter	Yes
Tag B - Planning Proposal Amended 23 Oct 2014.pdf	Proposal	Yes
Tag C - Delegations and Checklist.pdf	Study	Yes
Tag D - Site Location.pdf	Photograph	Yes
Tag E - Proposed amendment to Additional Uses Map Sheet 003.pdf	Map	Yes
Tag F - Proposed amendment to Additional Permitted Uses Map Sheet 004.pdf	Map	Yes
Tag G - Image of Latchem Robinson Stand, from proposal.pdf	Photograph	Yes

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
 5.1 Implementation of Regional Strategies
 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

Additional Information : **It is recommended that:**

1. The proposed amendment to Schedule 1 Additional Permitted Uses to allow 'function centres' as a permissible land use for Leichhardt Oval No 1 (Lot 6643 DP 1137663) be issued a Gateway determination to progress to exhibition;
2. A condition of development for the purposes of a function centre is permitted with development consent only if the function centre is located within an existing building or with a proposed development which has received development consent;
3. Additional Permitted Map Sheets 003 and 004 be amended to identify Leichhardt Oval No 1 as an item with additional permitted land uses;
4. Crown Lands are to be consulted;
5. Proposed amendments to the Leichhardt Parks Plan of Management are to be publicly exhibited at the same time as the planning proposal; and,
6. The proposal is placed on public exhibition for a minimum of 14 days.

Supporting Reasons : **The planning proposal is supported for the following reasons:**

1. The amendment is minor in nature. The amendment will insert a new permissible land use for the RE1 zoning only for the site and this will not affect other RE1 lands in Leichhardt;
2. It demonstrates consistency with the applicable section 117 directions:
 - a) 2.3 Heritage Conservation
 - b) 5.1 Implementation of Regional Strategies
 - c) 6.1 Approval and Referral Requirements
 - d) 6.2 Reserving Land for Public Purpose
 - e) 6.3 Site specific provisions
 - f) 7.1 Implementation of the Metropolitan Plan for Sydney 2036
3. It is consistent with some key objectives of the strategic planning framework. Any inconsistencies found are minor in nature;

Amendment to Schedule 1 Additional Permitted Uses of the Leichhardt Local Environmental Plan 2013 (Leichhardt LEP 2013) to enable an existing building on Leichhardt Oval No 1, known as Latchem Robinson Stand, to be used as a "function centre".

4. Council suggests publicly exhibiting a revised Leichhardt Parks Plan of Management consecutively with the planning proposal, should the proposal receive a positive gateway determination. This action is supported.

The use of the function centre to generate revenue to support future works within Leichhardt Park is not a valid planning reason and has been a minor part of this assessment. It is noted, however, that this will provide a positive social and community outcome.

Signature:



Printed Name:

Diane Sarkies

Date:

19/11/14

