

Part 5 – Community Consultation

The planning proposal is considered to be low impact, in that:

- it is consistent with the pattern of surrounding land uses,
- it is consistent with the strategic planning framework,
- presents no issues with regards to infrastructure servicing,
- is not a principal Local Environmental Plan, and
- does not reclassify public land.

The Department of Planning and Environment publication "*A guide to preparing local environmental plans*" defines this planning proposal as low impact and as usually requiring 14 days for community consultation. Given that there are other proposed LEP housekeeping amendments to be exhibited for 28 days at the same time as this planning proposal it is Council's preference that it is also exhibited for a minimum of 28 days.

Part 6 – Project Timeline

Anticipated Project Timeline	Proposed Date (s)
Anticipated commencement date (date of Gateway determination)	5 June 2015
Anticipated timeframe for the completion of required technical information	At this stage not required.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	To be determined
Commencement and completion dates for public exhibition period	Minimum 28 Days – 18 June to 16 July 2015
Dates for public hearing (if required)	To be determined post exhibition
Timeframe for consideration of submissions	26 August 2015
Timeframe for the consideration of a proposal post exhibition	14 September 2015
Date of submission to the department to finalise the LEP	Late October 2015

Attachment 1- Delegation of Plan Making Functions to Council

Council is seeking an authorisation to make the plan for this planning proposal. The following response to the evaluation criteria is in support of this request;

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed)	Council Response		Department Assessment	
	Y/N	Not Relevant	Agree	Not Agree
Is the planning proposal consistent with the Standard Instrument Order 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Direction?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
Minor Mapping Error Amendments				
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?	Y			
Heritage LEPs				
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	N			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?	Y			
Reclassifications				
Is there an associated spot rezoning with the reclassification?		NA		
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NA		
Is the planning proposal proposed to rectify an anomaly in a classification?		NA		
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NA		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?		NA		
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		NA		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and</i>		NA		

<i>Council Land?</i>				
Has council acknowledged in its planning proposal that a Public Hearing will be required and agreed to hold one as part of its documentation?		NA		
Spot Rezoning				
Will the planning proposal result in a loss of development potential for the site (ie reduced FSR or building height) that is not supported by an endorsed strategy?		NA		
Is the rezoning intended to address an anomaly that has been identified following the conversion of a principal LEP into a Standard Instrument LEP Format?		NA		
Matter in an existing LEP and if so, does it provide enough information to explain how the issue that lead to the deferral has been addressed?		NA		
If yes, does the planning proposal contain sufficient documented justification to enable the matter to proceed?		NA		
Does the planning proposal create an exception to a mapped development standard?		NA		
Section 73A Matters				
Does the proposed instrument- a) Correct an obvious error in the principal instrument consisting of a misdescription, the inconsistent numbering of provisions, a wrong cross-reference, a spelling error, a grammatical mistake, the insertion of obviously missing words, the removal of obviously unnecessary words or a formatting error?; b) Address matters in the principal instrument that are of a consequential, transitional machinery or other minor nature?; or c) Deal with matters that do not warrant compliance with the conditions precedent for the making of the instrument because they will not have any significant adverse impact on the environment or adjoining land?		NA		

**PROPOSED HOUSEKEEPING AMENDMENTS TO
LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2013**

PLANNING PROPOSAL

The rezoning of:

- 1. Part of 77 Taylor Street & 148 Wigram Road, Annandale (Lot 2 DP 1185598), from R1 General Residential to RE1 Public Recreation and associated mapping amendments.**
- 2. Part of Leichhardt Park (part Lot 6643 DP 1137663, from R1 General Residential to RE1 Public Recreation) and associated mapping amendments.**

Part 1 – Objectives or Intended Outcomes

This planning proposal seeks to address two anomalies on the *Leichhardt Local Environmental Plan 2013* zoning map. The Leichhardt Park mapping anomaly arose in the translation of the *Leichhardt Local Environmental Plan 2000* to the *Leichhardt Local Environmental Plan 2013*. The objective of the Taylor Street and Wigram Road rezoning is to resolve a historical issue associated with the dedication of the land to Council for public recreational space and ensure that the land use zoning is consistent with its use.

Part 2 – Explanation of the Provisions

The proposal will be achieved by an amendment to the *Leichhardt LEP 2013* land zoning, floor space ratio, heritage and minimum lot size maps as follows:

77 Taylor Street & 148 Wigram Road, Annandale:

- Rezone part of 77 Taylor Street & 148 Wigram Road, Annandale, Lot 2 DP 1185598 from R1 General Residential to RE1 Public Recreation.
- Amend the Maximum Floor Space Ratio Control to 1:1, and
- Remove the Minimum Lot Size requirement from the subject sites.

Part of Leichhardt Park:

- Rezone part of Leichhardt Park, adjacent to the western boundary of 9 Bayview Street, Lilyfield, being part of Lot 6643 DP 1137663, from R1 General Residential to RE1 Public Residential.
- Amend the Maximum Floor Space Ratio Control to 1:1,
- Amend the Heritage Map so that that subject site is shown as Landscape, and
- Remove the Minimum Lot Size requirement from the subject site.

See Part 4 for maps.



Figure 1: Taylor Street & Wigram Road rezoning, R1 General Residential Land proposed to be rezoned RE1 Public

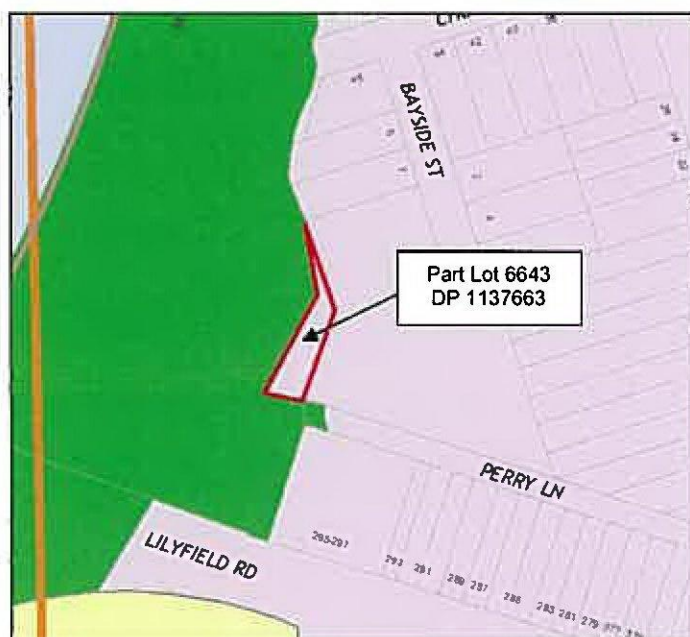


Figure 2: The Residential Zoning of Leichhardt Park under Leichhardt LEP 2013 from R1 General Residential to RE1 Public Recreation

Part 3 – Justification

Section A – Need for planning proposal

Q1. Is the planning proposal a result of any strategic study or report?

No, this planning proposal is not a result of any strategic study or report. A portion of Leichhardt Park (part of Lot 6643 DP 1137663) was mistakenly zoned R1 General Residential instead of RE1 Public Recreation under the Leichhardt Local Environmental Plan 2013 (See Figs 3 and 4).



Figure 3: The Open Space Zoning of Leichhardt Park under Leichhardt LEP 2000



Figure 4: The Residential Zoning of Leichhardt Park under Leichhardt LEP 2013

The rest of the planning proposal responds to Council resolution (C205/13) regarding the dedication of land at Taylor and Wigram Streets to Council for public open space and Council officers becoming aware that Leichhardt Park had a small portion incorrectly zoned as residential.

The issue at 77 Taylor Street, Annandale, was brought to Council's attention by the community when the then owner of the land New South Wales Land and Housing Corporation advertised the land for sale in May 2014.

The rationale for the proposed amendment is as follows:

- The land at 77 Taylor Street, Annandale and part of 148 Wigram Road, Annandale, was required to be dedicated to Council for public open space by the New South Wales Land and Housing Corporation as part of development consent for Development Application 90 of 1982 at 148 Wigram Road, Annandale. The formal land dedication, with transfer of title, was not finalised at the time although the land was embellished and used as public open space.
- The 1982 development consent for 148 Wigram Road required that three areas (now lot 2 DP 1185598) be dedicated to Council for public open space.
- In 2014, Council's Manager Property and Commercial Services advised New South Wales Land and Housing Corporation that Council required the property to be withdrawn from sale, the driveway and main lot consolidated and the balance of the Taylor Street lots dedicated to Council in accordance with the 1982 development consent.
- Dedication of the land (Lot 2 DP 1185598) and consolidation of the driveway with 148 Wigram Road, Annandale (Lot 1 DP 1185598) has now been completed.
- Therefore, it is appropriate that lot 2 now be rezoned to RE1 Public Recreation, consistent with the dedication and its use.

Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The proposal to rezone land to RE1 Public Recreation will protect this land for community purposes. The planning proposal is the only way of amending the *Leichhardt LEP 2013* to rezone the sites.

Q3. *Is there a net community benefit?*

Yes, as the subject sites have been dedicated as public open space there is a benefit in this being reflected in its zoning. Rezoning will ensure that uses permitted with and without consent on the land are consistent with its use as public recreational space.

Section B – Relationship to strategic planning framework.

Q4. *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)?*

The planning proposal is consistent with the State Government's current Metropolitan Plan *A Plan for Growing Sydney* and the *Draft Inner West Draft Subregional Strategy*. The following actions and objectives outlined in the tables below are of particular relevance.

A Plan for Growing Sydney
Objective
Direction 3.2 Create a network of interlinked, multipurpose open and green spaces.
Direction 4.1 Protect our natural environment and biodiversity
G7 – To improve Sydney's air quality
H1 – To ensure equity, liveability and social inclusion are integrated into plan making and

Draft Inner West Subregional Strategy

Action

E2.2 – Protect Sydney's unique diversity of plants and animals

E2.3 – Improve Sydney's air quality

F1.3 – Improve access to waterways and links between bushland, parks and centres

F2 – Provide for a diverse mix of parks and public places

G1.2 – Improve local planning and assessment

Q5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The planning proposal is consistent with the following objectives within Council's Community Strategic Plan 'Leichhardt 2025+'.

Leichhardt 2025+

Community well being

- People are connected to each another
- People are connected to place
- Health and Wellbeing are promoted

Accessibility

- Environmental conditions are improved.

Place where we live and work

- Our town plan and place plans optimise the potential of our area through integrating the built and natural environment with a vision of how we want to live as a community and how areas should develop to meet future needs.
- A clear, consistent and equitable planning framework and process is provided that enables people to develop our area according to a shared vision for the community.

A Sustainable Environment

- Our commitment capacity to consistently support environmental sustainability is developed.

Business in the Community

- Places are created that attract and connect people.

Sustainable Service and Assets

- Requirements and clear standards for infrastructure and services which meet the needs of local communities are provided and maintained.
- Transparent, consistent, efficient and effective participative processes are delivered.

Q6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with the applicable State Environmental Planning Policies see table below.

Consideration of State Environmental Planning Policies (SEPPs)

SEPP Title	Applicable	Comments
1. Development Standards	No	N/A to proposal.
14. Coastal Wetlands	No	This LGA does not contain any coastal wetlands.
15. Rural Landsharing Communities	No	This LGA does not contain any rural land.

SEPP Title	Applicable	Comments
19. Bushland in Urban Areas	No	N/A to proposal.
21. Caravan Parks	No	N/A to proposal.
26. Littoral Rainforests	No	This LGA does not include any littoral rainforests.
29. Western Sydney Recreation Area	No	Does not apply to this LGA.
30. Intensive Agriculture	No	Development covered by this SEPP does not occur in this LGA.
32. Urban Consolidation (Redevelopment of Urban Land)	No	N/A to proposal.
33. Hazardous and Offensive Development	No	N/A to proposal.
36. Manufactured Home Estates	No	Does not apply to this LGA.
39. Spit Island Bird Habitat	No	Does not apply to this LGA.
44. Koala Habitat Protection	No	Does not apply to this LGA.
47. Moore Park Showground	No	Does not apply to this LGA.
50. Canal Estate Development	No	Does not apply to this LGA.
52. Farm Dams and Other Works in Land at Water Management Plan Areas	No	Does not apply to this LGA.
55. Remediation of Land	Yes	Part of the Taylor Street & Wigram Road, Annandale is identified as having Class 3 Acid Sulphate Soils and Council's maintenance of recreation space will include appropriate soil management practices.
59. Central Western Sydney Regional Open Space and Residential	No	Does not apply to this LGA.
62. Sustainable Aquaculture	No	Development covered by this SEPP does not occur in this LGA.
64. Advertising and Signage	No	N/A to proposal.
65. Design Quality of Residential Flat Development	No	N/A to proposal.
70. Affordable Housing (Revised Schemes)	No	N/A to proposal.
71. Coastal Protection	No	Applies only to the coastal zone. LGA is not within the coastal zone.
SEPP (Affordable Rental Housing) 2009	No	N/A to proposal.
SEPP (Building Sustainability Index: BASIX) 2004	No	N/A to proposal.
SEPP (Exempt and Complying Development Codes) 2008	No	N/A to proposal.
SEPP (Housing for Seniors or People with a Disability) 2004	No	N/A to proposal.
SEPP (Infrastructure) 2007	No	N/A to proposal.
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	No	Does not apply to this LGA.
SEPP (Kurnell Peninsula) 1989	No	Does not apply to this LGA.
SEPP Major Development 2005	No	N/A to proposal.

SEPP Title	Applicable	Comments
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	N/A to proposal.
SEPP (Penrith Lakes Scheme) 1989	No	Does not apply to this LGA.
SEPP (Rural Lands) 2008	No	Does not apply to this LGA.
SEPP (State and Regional Development) 2011	No	N/A to proposal.
SEPP (Sydney Drinking Water Catchment) 2011	No	Does not apply to this LGA.
SEPP (Sydney Region Growth Centres) 2006	No	Does not apply to this LGA.
SEPP (Three Ports) 2013	No	N/A to proposal.
SEPP (Miscellaneous Consent Provisions) 2007	No	N/A to proposal.
SEPP (Urban Renewal) 2010	No	N/A to proposal.
SEPP (Western Sydney Employment Area) 2009	No	Does not apply to this LGA.
SEPP (Western Sydney Parklands) 2009	No	Does not apply to this LGA.

Consideration of deemed State Environmental Planning Policies (SEPPs) (former Regional Environmental Plans (REPs))

REP Title	Applicable	Consistent
REP No. 2 - Georges River Catchment	No	Does not apply to this LGA.
Hunter REP 1989 - Heritage	No	Does not apply to this LGA.
Illawarra REP No. 1	No	Does not apply to this LGA.
Illawarra REP No. 2 - Jamberoo Valley	No	Does not apply to this LGA.
Jervis Bay REP 1996	No	Does not apply to this LGA.
Lower South Coast REP No. 2	No	Does not apply to this LGA.
North Coast REP	No	Does not apply to this LGA.
Central Coast Plateau Areas	No	Does not apply to this LGA.
Riverina REP No. 1	No	Does not apply to this LGA.
Willandra Lakes REP No. 1 - World Heritage Property	No	Does not apply to this LGA.
Murray REP No. 2 - Riverine Land	No	Does not apply to this LGA.
Orana REP No.1 - Siding Spring	No	Does not apply to this LGA.
REP No.8 - Central Coast Plateau Areas	No	Does not apply to this LGA.
REP No.9 - Extractive Industry (No 2—1995)	No	Does not apply to this LGA.
REP No.16 - Walsh Bay	No	Does not apply to this LGA.
REP No.18 - Public Transport Corridors	No	Does not apply to this LGA.
REP No.19 - Rouse Hill Development Area	No	Does not apply to this LGA.
REP No.20 - Hawkesbury-Nepean River (No 2—1997)	No	Does not apply to this LGA.
REP No.24 - Homebush Bay Area	No	Does not apply to this LGA.
REP No.26 - City West	No	N/A to proposal.
REP No.30 - St Marys	No	Does not apply to this LGA.
REP No.33 - Cooks Cove	No	Does not apply to this LGA.
SREP (Sydney Harbour Catchment) 2005	No	Does not apply to this part of the LGA.

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

The planning proposal is consistent with the applicable Ministerial Directions (s.117 Directions) see table below.

Consideration of Ministerial Directions

s.117 Direction Title	Applicable	Consistent	Comments
1. Employment & Resources			
1.1 Business and Industrial Zones	No	N/A	
1.2 Rural Zones	No	N/A	
1.3 Mining, Petroleum Production and Extractive Industries	No	N/A	
1.4 Oyster Aquaculture	No	N/A	
1.5. Rural lands	No	N/A	
2. Environment & Heritage			
2.1 Environment Protection Zones	No	N/A	
2.2 Coastal protection	No	N/A	
2.3 Heritage Conservation	No	N/A	
2.4 Recreation Vehicle Areas	No	N/A	
3. Housing Infrastructure & Urban Development			
3.1 Residential Zones	Yes	Yes	The planning proposal is slightly inconsistent as it proposes to rezone residential land, however neither site has been used for residential uses and their R1 zoning was an error. The inconsistency is of minor significance as per 3.1(6)(d).
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	
3.3 Home Occupations	No	N/A	
3.4 Integrating Land Use & Transport	Yes	Yes	The planning proposal will not impact on transport infrastructure.
3.5 Development near licensed aerodromes	Yes	Yes	
3.6 Shooting Ranges	No	N/A	
4. Hazard & Risk			
4.1 Acid Sulphate Soils	Yes	Yes	
4.2 Mine Subsidence and Unstable land	No	N/A	
4.3 Flood Prone Land	Yes	Yes	
4.4 Planning for Bush Fire Protection	No	N/A	
5. Regional Planning			

s.117 Direction Title	Applicable	Consistent	Comments
5.1 Implementation of Regional Strategies	No	N/A	
5.2 Sydney Drinking Water Catchments	No	N/A	
5.3 Farmland of State and Regional Significant on the NSW Far North Coast	No	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	No	N/A	
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	No	N/A	
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	No	N/A	
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	No	N/A	
5.8 Second Sydney Airport: Badgerys Creek	No	N/A	
5.9 North West Rail Link Corridor Strategy	No	N/A	
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	
6.2 Reserving Land for Public Purposes	No	N/A	
6.3 Site Specific Provisions	No	N/A	
7. Metropolitan Planning			
7.1 Implementation of A Plan for Growing Sydney	Yes	Yes	

Section C – Environmental, social and economic impact

Q8. *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

No, the proposal will not have any adverse impacts on critical habitat or threatened species, populations or ecological communities, or their habitats.

Q9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

No adverse environmental effects are anticipated.

Q10. *How has the planning proposal adequately addressed any social and economic effects?*

The 727m² of open space at 77 Taylor Street, Annandale forms part of Hogan Park. Council has been maintaining the land as public open space for many years. It is directly adjacent to a recently refurbished playground and had been previously flagged by Council as a possible site for a community garden. The area of parkland also

provides a buffer of open space between the recently refurbished children's playground and the existing residential properties to the south of the site.

The Annandale community values this area of open space and has assumed that the area was part of Hogan Park. Annandale has been identified as having the greatest deficit in open space provision in the LGA. By the end of 2016 the nearby Harold Park development will bring at least an additional 2500 people to the neighbourhood, placing even more pressure on existing public open space. It is important that this land is zoned RE1 Public Recreation to ensure that it remains open space in perpetuity.

Similarly, Leichhardt Park is owned by Crown Lands NSW and is an important public space corridor along a substantial section of the Sydney Harbour Foreshore Area. The community land should be protected under the Leichhardt LEP 2013 as recreational public land.

Section D – State and Commonwealth interests

Q11. Is there adequate public infrastructure for the planning proposal?

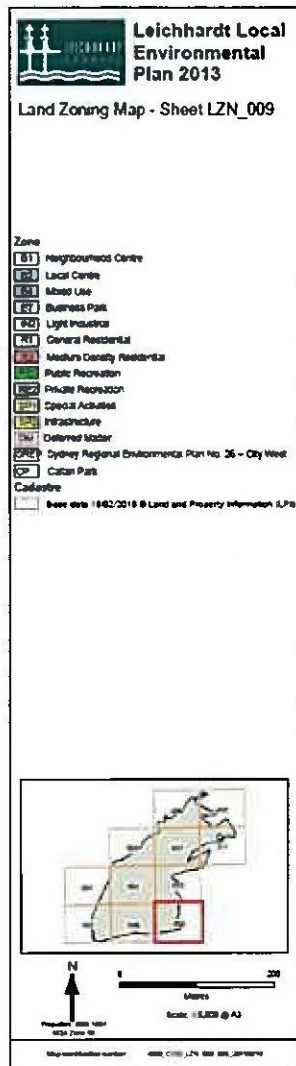
Given the nature of the proposal (administrative changes to ensure zoning is consistent with current use and dedication) this question is not considered relevant.

Q12. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

This section of the planning proposal would be completed following the issue of a Gateway Determination which identifies State and Commonwealth Public Authorities to be consulted. It is likely that the New South Wales Land, Crown Lands, and Housing Corporation will be consulted.

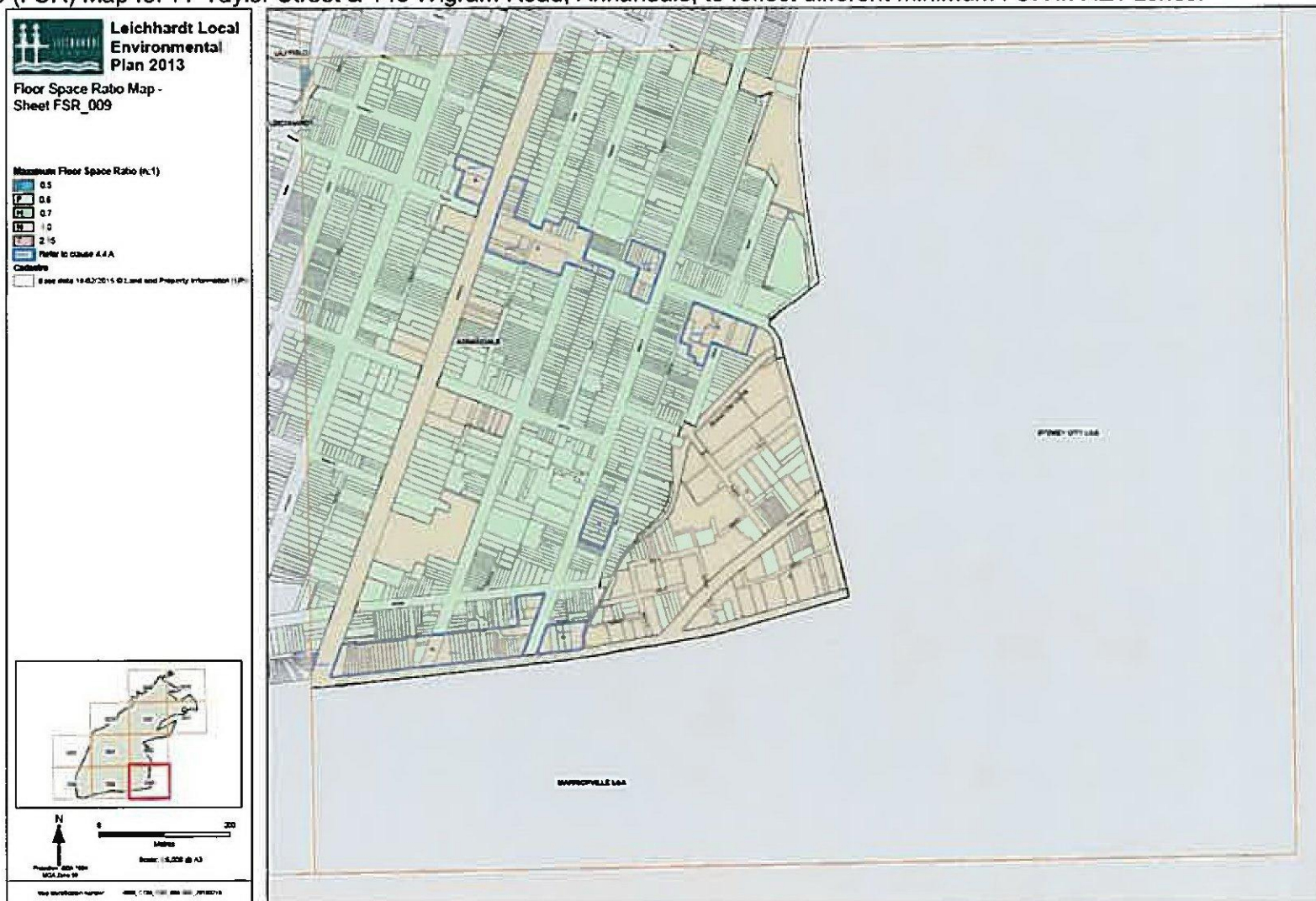
Part 4 – Mapping

Rezoning Map for 77 Taylor Street & 148 Wigram Road, Annandale



Part 4 – Mapping

Floor Space Ratio (FSR) Map for 77 Taylor Street & 148 Wigram Road, Annandale, to reflect different minimum FSR in RE1 zones.



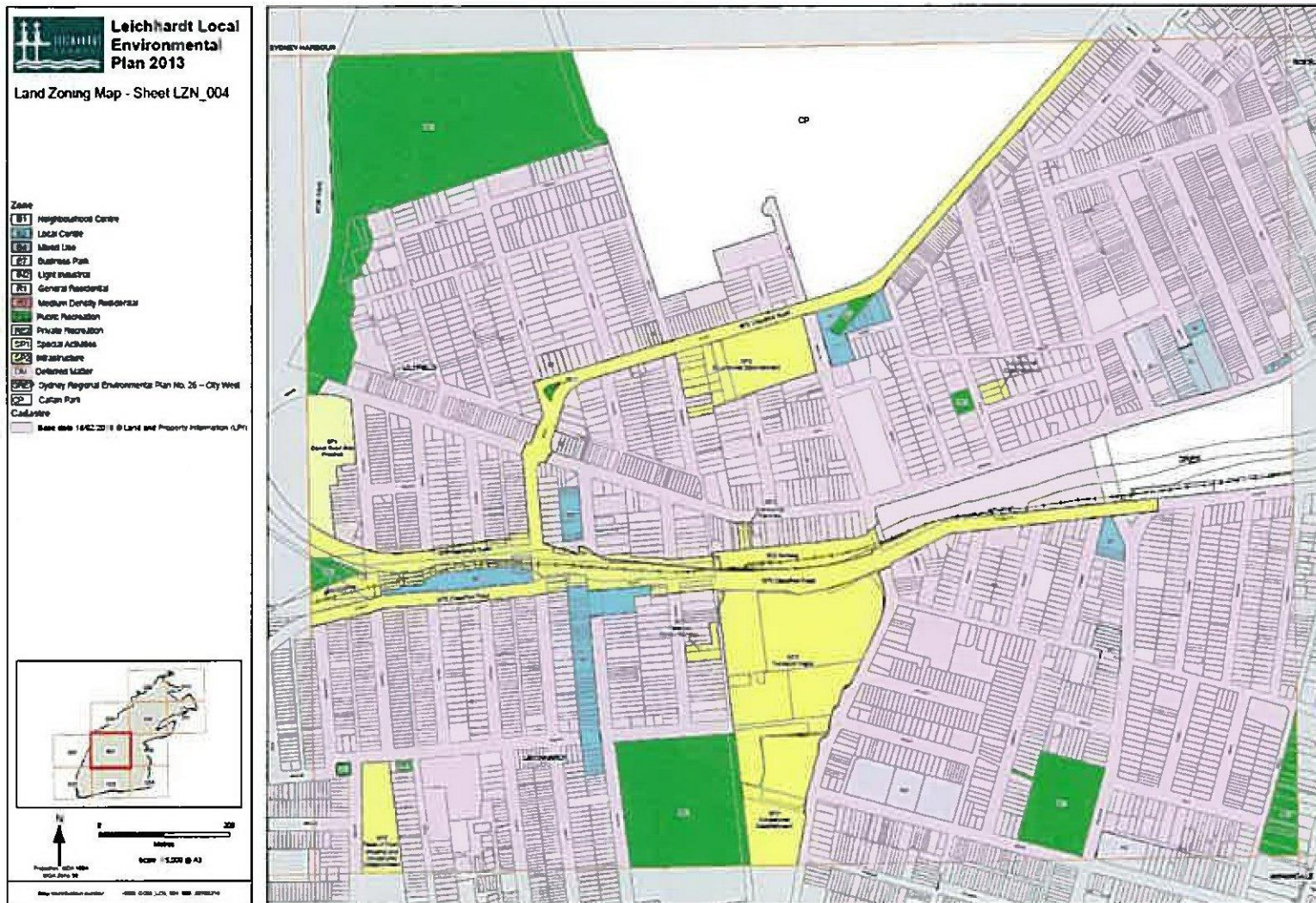
Part 4 – Mapping

Minimum Lot Size Map for 77 Taylor Street & 148 Wigram Road, Annandale, to reflect that there are no minimum lot sizes in RE1 zones.



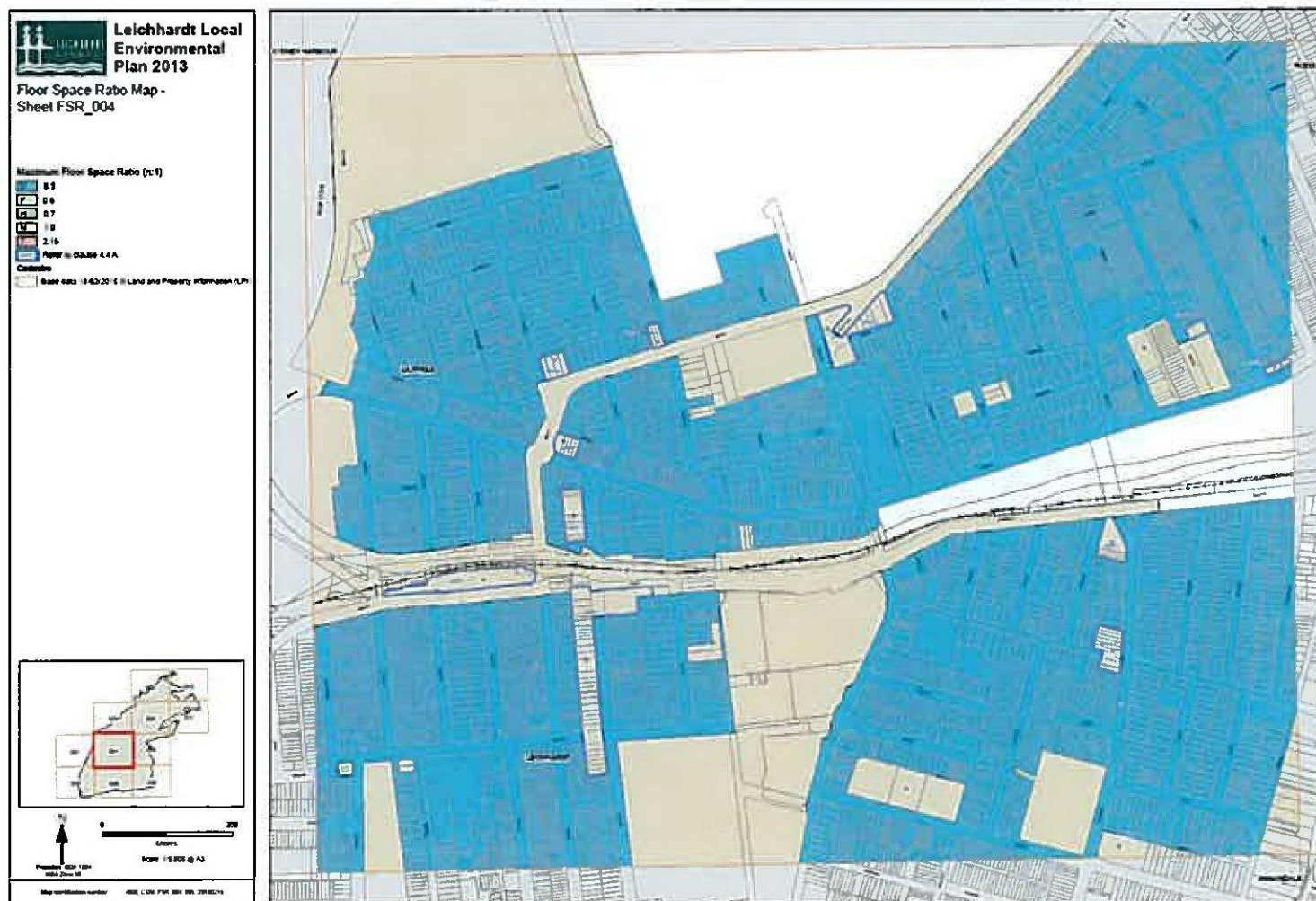
Part 4 – Mapping

Zoning Map for part of Leichhardt Park Lot 6643 DP 1337663 rezoned to RE1, adjacent to the western boundary of 9 Bayview Street, Lilyfield.



Part 4 – Mapping

Floor Space Ratio (FSR) Map for part of Leichhardt Park Lot 6643 DP 1337663, adjacent to the western boundary of 9 Bayview Street, Lilyfield, to reflect the FSR of open space areas.



Part 4 – Mapping

Heritage Map for part of Leichhardt Park Lot 6643 DP 1337663, adjacent to the western boundary of 9 Bayview Street, Lilyfield, to amend the environmental heritage boundary across the subject site.



Part 4 – Mapping

Minimum Lot Size Requirement Map for part of Leichhardt Park Lot 6643 DP 1337663, adjacent to the western boundary of 9 Bayview Street, Lilyfield, to reflect that there is no minimum lot size in RE1 zones.



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- presents no issues with regards to infrastructure servicing,
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- does not reclassify public land.

It is outlined in “*A guide to preparing local environmental plans*” that community consultation for a low impact planning proposal is usually 14 days. It is Council's preference that the planning proposal be exhibited for a minimum of 28 days.

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Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?	Y - only in the sense of correcting the boundary of an existing item			
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?	N			
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NA		
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(PN 09-003) <i>Classification and reclassification of public land through a local environmental plan and Best Practice Guidelines for LEPs and Council Land?</i>				
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