

COUNCIL MEETING
8th DECEMBER 2009

ATTACHMENT F

HOUSEKEEPING AMENDMENTS TO LEICHHARDT LEP 2000

Attachment F – PLANNING PROPOSAL

ITEM 6

REZONING OF LAND ACQUIRED BY COUNCIL TO OPEN SPACE

Part 1 – Objectives or Intended Outcomes

This amendment proposes to rezone a number of sites council has acquired from '*Open Space to be Acquired*' to '*Open Space*'. Rezoning will also correct a mapping error associated with one of the sites.

Part 2 – Explanation of the Provisions

Amend the Land Zoning Map as follows; rezone the following parcels of land to '*Open Space*' under the Leichhardt LEP 2000:

Property Address	Legal Description	Current Zoning LEP 2000
(a) 27B Susan Street, Annandale	Lot 2 DP 1041424	Open Space to be acquired
(b) 13 Hearn Street, Leichhardt	Lot 1 DP 996961	Open Space to be acquired
(c) Wangal Nura Park 26-28 Myrtle Street (41 Flood Street) Leichhardt	Lots 46-54 Sec 2 DP 2829	Open Space to be acquired
(d) Marr Reserve, 44A Cary Street (74-80 Excelsior Street) Leichhardt	Lot 1 DP 590330 Lot 2 Sec 9 DP 612 Lot 1 & 2 DP 600835	Open Space to be acquired Residential

Part 3 – Justification

Section A – Need for planning proposal

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

No, the proposal is a result of investigations undertaken by Council to determine land that has been acquired by Council since the preparation of the Leichhardt LEP 2000.

The rationale is as follows:

- Investigations have identified a number of properties currently zoned 'Open Space to be Acquired' under LEP 2000 that have since be purchased by Council.
- The amendment will ensure LEP 2000 reflects which land Council has purchased and which land it has still to acquire for open space.
- The amendment also provides the opportunity to rectify a mapping error associated with Marr Reserve that occurred during the preparation of LEP 2000.

The subject sites are outlined below:

Property Address	Legal Description	Current Zoning LEP 2000	Status	Appendix
(a) 27B Susan Street, Annandale	Lot 2 DP 1041424	Open Space to be acquired	The rear of the property was obtained by dedication on redevelopment by the owners in 2002. Further condition on the consent requires the property owner to maintain the dedicated land until such time as Council acquires surrounding land. This is consistent with Leichhardt's developer Contributions Plan No 1 –Open Space and Recreation which identifies the acquisition of 23-45 Susan Street for the purposes of creating green corridor cycle way & pathway to Hogan Park.	1
(b) 13 Hearn Street, Leichhardt	Lot 1 DP 996961	Open Space to be acquired	The property was acquired in 2006 and is being leased as 3 residential flats with net rent paid to s.94 fund.	2
(c) Wangal Nura Park 26-28 Myrtle Street (41 Flood Street) Leichhardt	Lots 46-54 Sec 2 DP 2829	Open Space to be acquired	The property was acquired in 2003, leased back to the former owner for 3 ¼ years with rent paid to s.94 Plan, improvements were demolished, site remediated, embellished as a park and opened to public in August 2008.	3
(d) Marr Reserve, 44A Cary Street (74-80 Excelsior Street) Leichhardt	Lot 1 DP 590330 Lot 2 Sec 9 DP 612 Lot 1 & 2 DP 600835	Open Space to be acquired Residential	The properties were acquired in 2001, a landscape master plan was prepared in 2003-improvements were demolished, the site remediated, embellished as a park and opened to the public in March 2004. These two lots were incorrectly zoned Residential in the preparation of Leichhardt LEP 2000. Earlier zoning maps and property details confirm that the lots have always been apart of the park.	4

For more information refer to Council Report "Housekeeping Amendments to Leichhardt LEP 2000".

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

The proposal involves statutory amendments to the Leichhardt LEP 2000 therefore it is considered that the planning proposal is the best way of achieving the intended outcomes and objectives.

3. ***Is there a net community benefit?***

The amendment will ensure LEP 2000 reflects which land Council has purchased and which land it has still to acquire for open space.

Section B – Relationship to strategic planning framework.

4. ***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 *Inner West Draft Subregional Strategy* particularly with the following actions:

- *Improve access to waterways and links, between bushland, parks and centres*
- *Improve the quality of local open spaces*

5. ***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 of Council's Community Strategic Plan 'Leichhardt 2020+':

1.3 "Engage and connect all local people, people with special needs, businesses and institutions to build our community";

2.4 "Plan local community facilities, businesses and services to fit the places we live and the way we want to live";

3.2 "Develop a clear consistent and equitable planning framework and process that enables people to develop our area according to a shared vision for the community" and

4.3 "Protect, restore and enhance our natural environment and native biodiversity within the urban context".

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

The planning proposal is consistent with State Environmental Planning Policies (refer to Appendix 5 & 6).

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

The planning proposal is consistent with Section 117 Directions (refer to Appendix 7).

Section C – Environmental, social and economic impact

8. ***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?***

The proposal does not apply to land that has been identified as containing critical habitat or threatened species, populations or ecological communities, or their habitats. Should it be discovered through community consultation, or by another means, that species, populations, communities or habitats may be adversely affected, this will be taken into consideration and the planning proposal will be modified if necessary.

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

The proposal being of minor significance will not have any environmental effects. Where future development applications are lodged a full merit assessment of environmental effects will be made at the time.

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

Given the nature of the proposal it is not expected that the proposal will have any social or economic effects, other than those previously mentioned.

Section D – State and Commonwealth interests

11. ***Is there adequate public infrastructure for the planning proposal?***

Given the nature of the proposal (minor administrative changes) the above question is not considered relevant.

12. ***What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?***

Consultation has not been carried out at this stage. This section of the planning proposal is completed following the gateway determination which identifies which State and Commonwealth Public Authorities are to be consulted.

Part 4 – Community Consultation

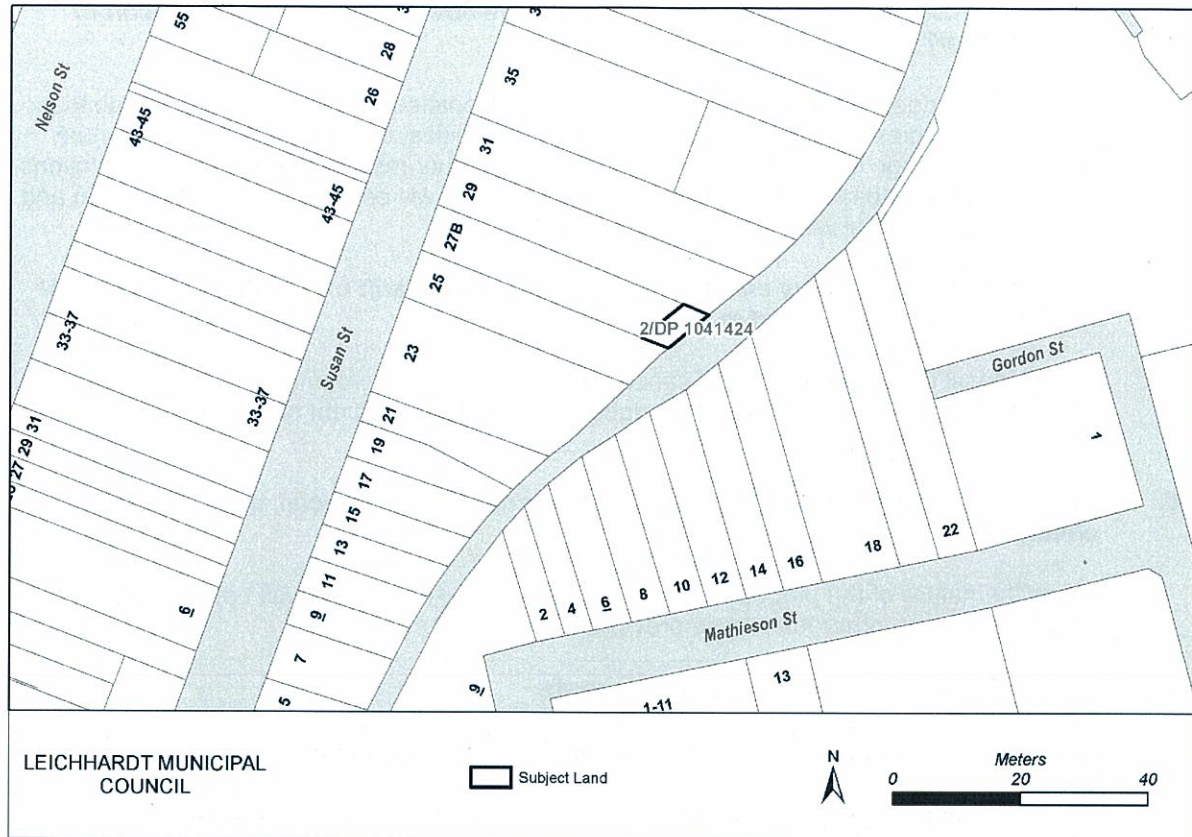
This component of the planning proposal is considered to be low impact, in that:

- 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 principle LEP and
- 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. However it is Councils preference that the Housekeeping Amendment be exhibited for 28 days as other elements of the proposal are expected to require a longer exhibition period.

Appendix 1:

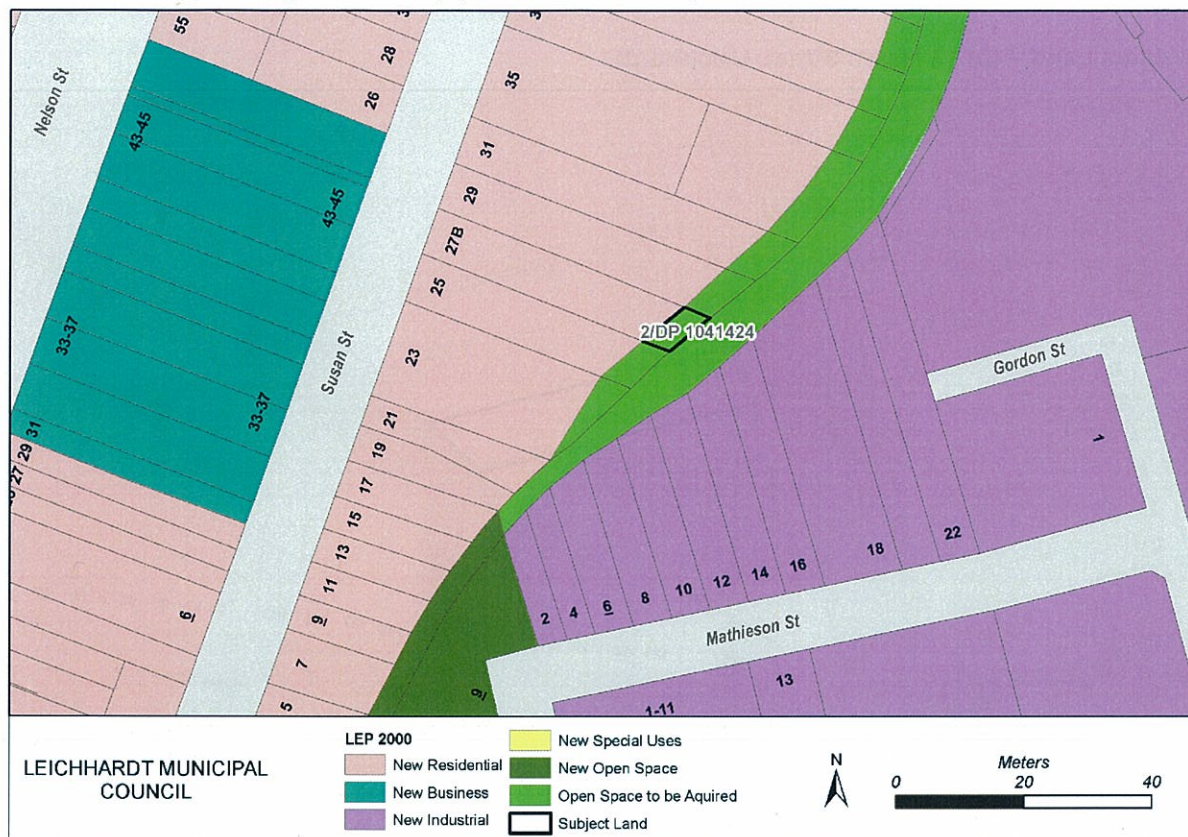
Subject Land – (a) 27B Susan Street, Annandale



Aerial view of Subject Land – (a) 27B Susan Street, Annandale

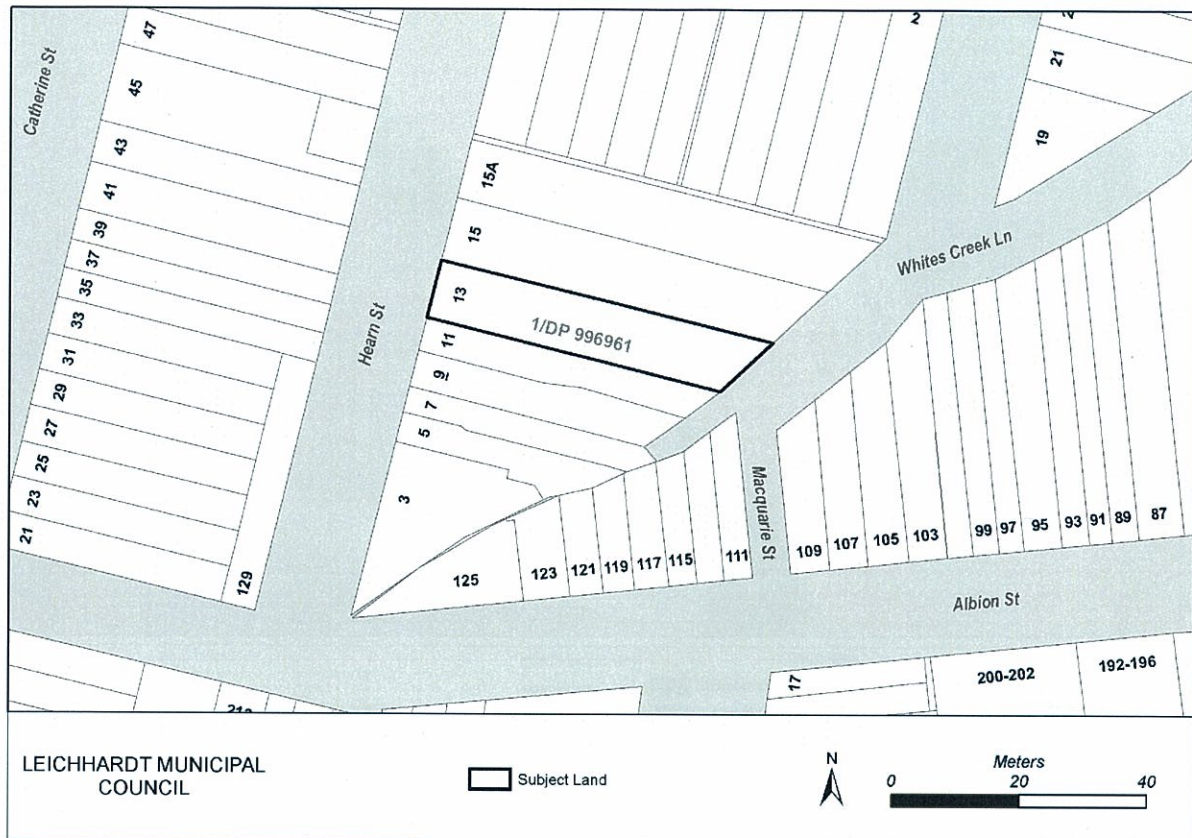


Current Zoning of Subject Land – (a) 27B Susan Street, Annandale



Appendix 2:

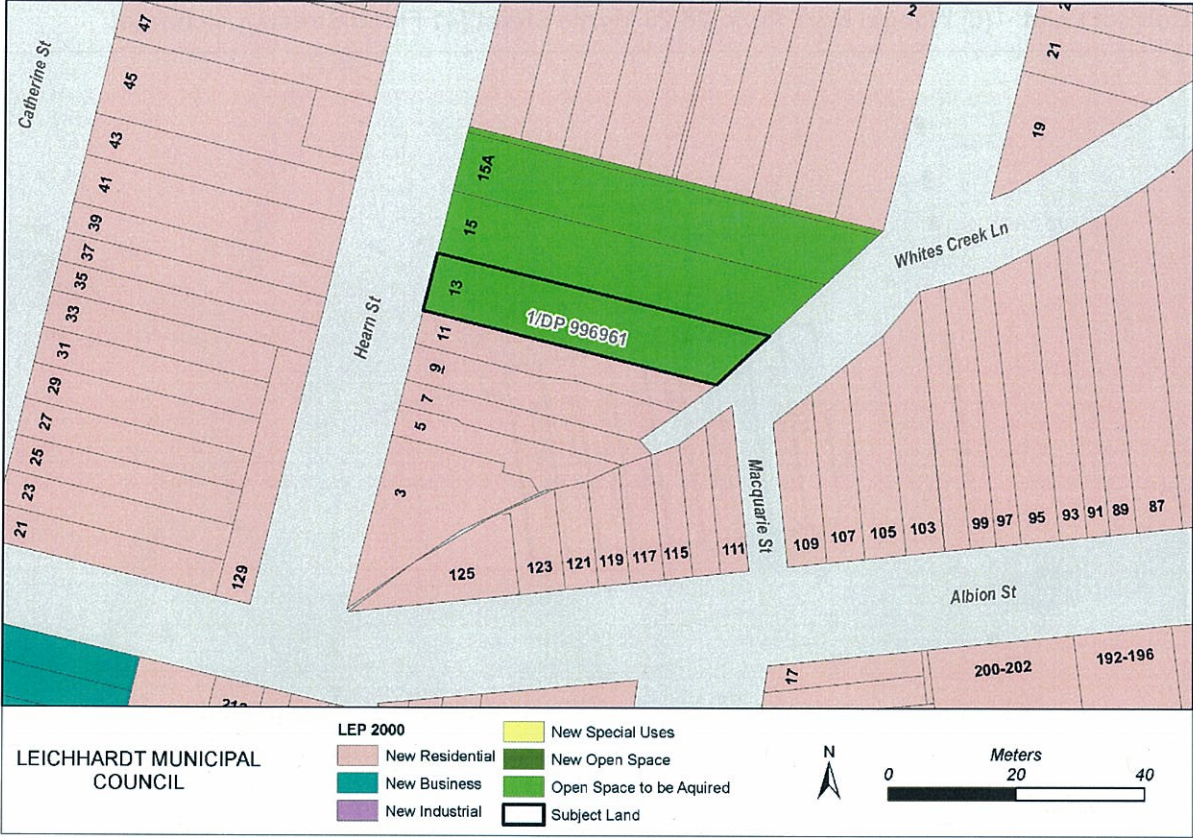
Subject Land – (b) 13 Hearn Street, Leichhardt



Aerial view of Subject Land – (b) 13 Hearn Street, Leichhardt

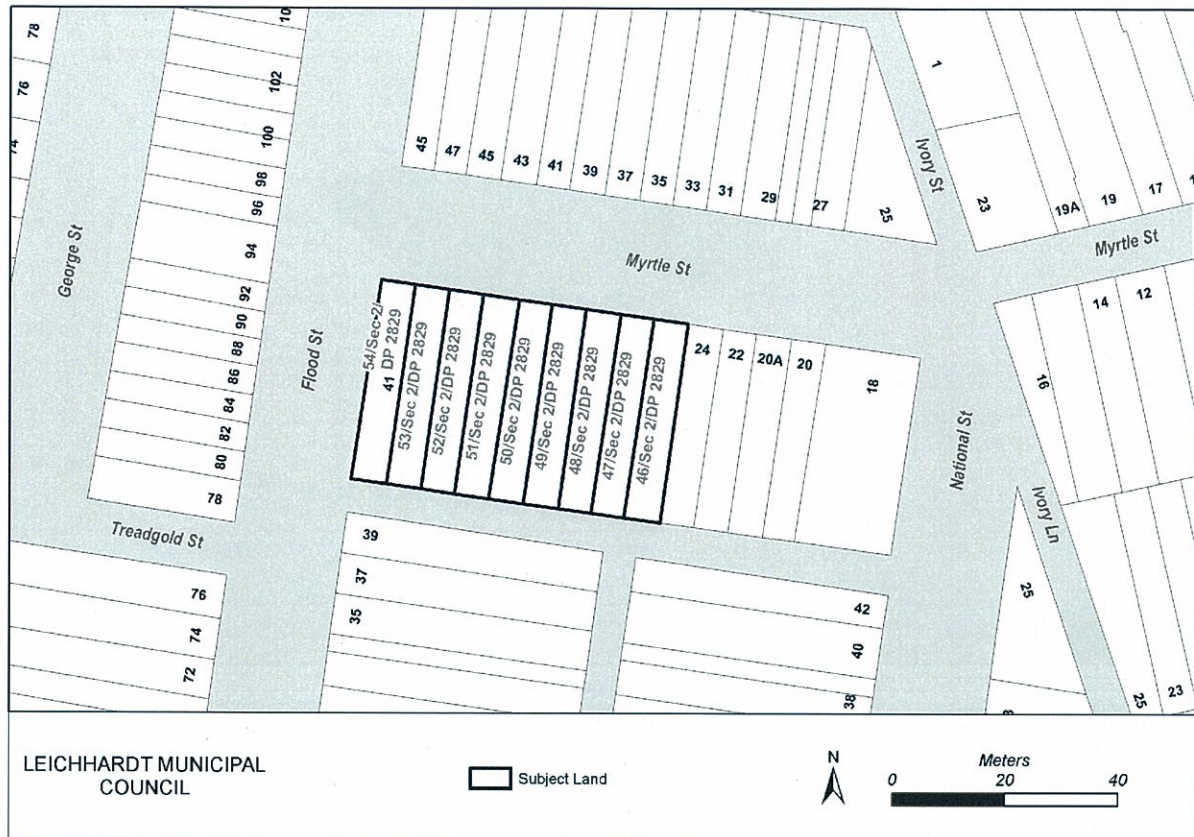


Current Zoning of Subject Land – (b) 13 Hearn Street, Leichhardt



Appendix 3:

Subject Land – (c) Wangal Nura Park, 26-28 Myrtle Street (41 Flood Street), Leichhardt



Aerial view of Subject Land – (c) Wangal Nura Park, 26-28 Myrtle Street (41 Flood Street), Leichhardt

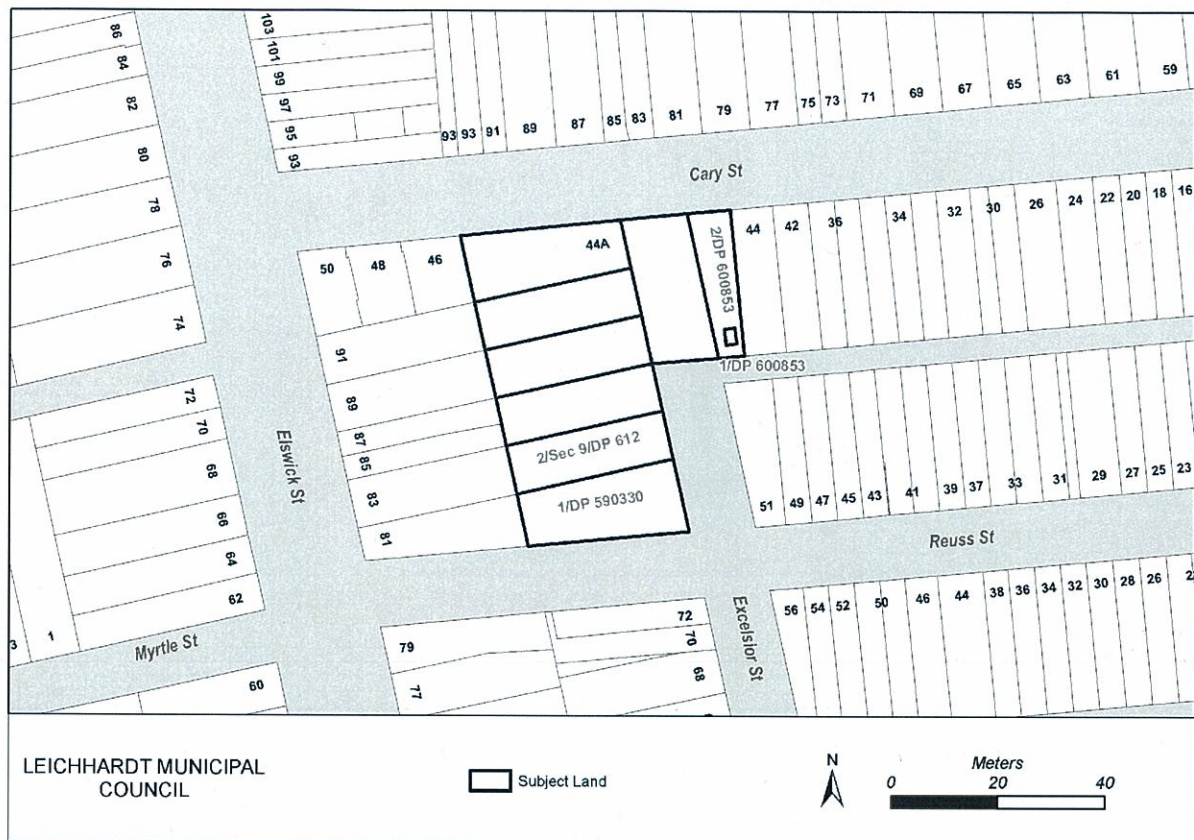


**Current Zoning of Subject Land – (c) Wangal Nura Park, 26-28 Myrtle Street (41 Flood Street),
Leichhardt**



Appendix 4:

Subject Land – (d) Marr Reserve, 44A Cary Street (74-80 Excelsior Street), Leichhardt



Aerial view of Subject Land – (d) Marr Reserve, 44A Cary Street (74-80 Excelsior Street), Leichhardt



**Current Zoning of Subject Land – (d) Marr Reserve, 44A Cary Street (74-80 Excelsior Street),
Leichhardt**



Appendix 5:

Consideration of State Environmental Planning Policies (SEPPs)

SEPP Title	Applicable	Consistent	Reason for inconsistency
1. Development Standards	No	N/A	
4. Development without Consent and Miscellaneous Complying Development	Yes	Yes	
6. Number of Storeys in a Building	No	N/A	
14. Coastal Wetlands	No	N/A	
15. Rural Landsharing Communities	No	N/A	
19. Bushland in Urban Areas	Yes	Yes	
21. Caravan Parks	No	N/A	
22. Shops and Commercial Premises	No	N/A	
26. Littoral Rainforests	No	N/A	
29. Western Sydney Recreation Area	No	N/A	
30. Intensive Agriculture	No	N/A	
32. Urban Consolidation (Redevelopment of Urban Land)	No	N/A	
33. Hazardous and Offensive Development	No	N/A	
36. Manufactured Home Estates	No	N/A	
39. Spit Island Bird Habitat	No	N/A	
41. Casino Entertainment Complex	No	N/A	
44. Koala Habitat Protection	No	N/A	
47. Moore Park Showground	No	N/A	
50. Canal Estate Development	No	N/A	
52. Farm Dams and Other Works in Land and Water Management Plan Areas	No	N/A	
53. Metropolitan Residential Development	No	N/A	
55. Remediation of Land	Yes	Yes	
59. Central Western Sydney Regional Open Space and Residential	No	N/A	
60. Exempt and Complying Development	No	N/A	
62. Sustainable Aquaculture	No	N/A	
64. Advertising and Signage	No	N/A	
65. Design Quality of Residential Flat Development	No	N/A	
70. Affordable Housing (Revised Schemes)	No	N/A	
71. Coastal Protection	No	N/A	
SEPP Affordable Rental Housing 2009	No	N/A	
SEPP Building Sustainability Index: BASIX 2004	No	N/A	
Exempt and Complying Development Codes) 2008	No	N/A	
Housing for Seniors or People with a Disability 2004	No	N/A	
SEPP Infrastructure 2007	Yes	Yes	
SEPP Kosciuszko National Park – Alpine Resorts 2007	No	N/A	
SEPP Major Development 2005	Yes	Yes	
SEPP Mining, Petroleum Production and Extractive Industries 2007	No	N/A	
SEPP Rural Lands 2008	No	N/A	
SEPP Sydney Region Growth Centres 2006	No	N/A	
SEPP Temporary Structures and Places of Public Entertainment 2007	Yes	Yes	
SEPP Western Sydney Employment Area 2009	No	N/A	
SEPP Western Sydney Parklands 2009	No	N/A	

Appendix 6:

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

REP Title	Applicable	Consistent	Reason for Inconsistency
5. Chatswood Town Centre	No	N/A	
8. Central Coast Plateau Areas	No	N/A	
9. Extractive Industry (No 2—1995)	No	N/A	
11. Penrith Lakes Scheme	No	N/A	
13. Mulgoa Valley	No	N/A	
16. Walsh Bay	No	N/A	
17. Kurnell Peninsula (1989)	No	N/A	
18. Public Transport Corridors	No	N/A	
19. Rouse Hill Development Area	No	N/A	
20. Hawkesbury-Nepean River (No 2—1997)	No	N/A	
24. Homebush Bay Area	No	N/A	
25. Orchard Hills	No	N/A	
26. City West	No	N/A	
28. Parramatta	No	N/A	
29. Rhodes Peninsula	No	N/A	
30. St Marys	No	N/A	
33. Cooks Cove	No	N/A	
SREP Sydney Harbour Catchment 2005	No	N/A	

Appendix 7:

Consideration of Ministerial Directions

s.117 Direction Title	Applicable	Consistent	Reason for Inconsistency
1. Employment & Resources			
1.1 Business and Industrial Zones	No	NA	
1.2 Rural Zones	No	NA	
1.3 Mining, Petroleum Production and Extractive Industries	No	NA	
1.4 Oyster Aquaculture	No	NA	
1.5. Rural lands	No	NA	
2. Environment & Heritage			
2.1 Environment Protection Zones	No	N/A	
2.2 Coastal protection	No	N/A	
2.3 Heritage Conservation	Yes	Yes	
2.4 Recreation Vehicle Areas	No	N/A	
3. Housing Infrastructure & Urban Development			
3.1 Residential Zones	Yes	Yes	
3.2 Caravan parks	No	N/A	
3.3 Home Occupations	No	N/A	
3.4 Integrating Land Use & Transport	No	N/A	
3.5 Development near licensed aerodromes	No	N/A	
4. Hazard & Risk			
4.1 Acid Sulphate Soils	No	N/A	
4.2 Mine Subsidence and Unstable land	No	N/A	
4.3 Flood Prone Land	No	N/A	
4.4 Planning for Bush Fire Protection	No	N/A	
5. Regional Planning			
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	
6. Local Plan Making			
6.1 Approval and Referral Requirements	Yes	Yes	
6.2 Reserving Land for Public Purposes	Yes	Yes	
6.3 Site Specific Provisions	Yes	Yes	
7. Metropolitan Planning			
Implementation of the Metropolitan Strategy	Yes	Yes	