

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

PLANNING PROPOSAL

ITEM 1

**AMENDMENTS TO CLAUSES 1, 4, & 7
IN SCHEDULE 1 ADDITIONAL PERMITTED USES**

Part 1 – Objectives or Intended Outcomes

This planning proposal seeks to amend Schedule 1 Additional Permitted Uses of the *Leichhardt Local Environmental Plan (LEP) 2013*.

The intended outcomes of the amendments are to ensure:

- a more accurate translation of provisions of the Additional permitted uses Schedule 1 in Leichhardt LEP 2000 into the new comprehensive LEP - *Leichhardt LEP 2013*; and
- that uses permitted are consistent with the nature and character of the sites to which the schedule applies.

Part 2 – Explanation of the Provisions

Amendment of clauses 1, 4, and 7 in Schedule 1 Additional Permitted Uses of the *Leichhardt Local Environmental Plan (LEP) 2013* as shown in red:

Schedule 1 Additional Permitted Uses

1 Use of certain land at Buchanan and Reynolds Streets, Balmain

- (1) This clause applies to land identified as “A” on the Additional Permitted Uses Map, being Lots 85–93 and 126–145, SP 65243.
- (2) Development for the purposes of ~~commercial premises~~ business premises, kiosks, office premises, recreational facility (indoor), restaurants or cafes, roadside stalls and shops is permitted with development consent.

4 Use of certain land at Rosebery Place, Balmain

- (1) This clause applies to land identified as “C” on the Additional Permitted Uses Map, being Lots 1–3, SP 60159, Lots 5–9, SP 62009 and Lots 1–20, SP 60158.
- (2) Development for the purposes of ~~commercial premises~~ business premises, kiosks, office premises, restaurants or cafes, roadside stalls and shops is permitted with development consent.

7 Use of certain land at Terry Street, Rozelle

- (1) This clause applies to land identified as “E” on the Additional Permitted Uses Map, being Lots 84 and 85, SP 72790 and Lot 1, SP 58291.
- (2) Development for the purposes of ~~commercial premises~~ business premises, kiosks, office premises, restaurants or cafes, roadside stalls and shops is permitted with development consent.

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. During the legal drafting of the new comprehensive LEP - *Leichhardt LEP 2013* it was discovered that inclusion of the group term commercial premises significantly expanded the range of uses permissible from what was originally intended on land at:

- Buchanan and Reynolds Streets, Balmain (part of site formerly known as Ampol) being Lots 85-93 and 126-145, SP 65243.
- Rosebery Place, Balmain (Former Oil Mill Buildings) being Lots 1-3, SP 60159, Lots 5-9, SP 62009 and Lots 1-20, SP 60158.
- Terry Street, Rozelle (Balmain Cove & Balmain Shores) being Lot 84, SP 72790, Lot 85, SP 72790, and Lot 1 SP 58291.

This was as a result of changes to the Standard Instrument Local LEP definitions in 2011. The table at Part 4 provides justification for the amendments to Schedule 1 – Additional Permitted Uses of *Leichhardt LEP 2013*.

In addition Leichhardt Local Environmental Plan (LEP) 2000 listed a range of additional uses that were permissible with consent that were originally intended to inform the redevelopment of these large, former industrial sites. Several of these LEP 2000 permissible uses are unsuitable for these now fully redeveloped and predominantly residential sites. These unsuitable uses included amusement centres, backpacker hostels, hotels, motels and serviced apartments on one or more of these sites.

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

The proposal involves an amendment to the LEP 2013 that is considered to be of significance and requires exhibition and community consultation. The planning proposal is the best way of achieving this.

Section B – Relationship to strategic planning framework.

Q3. *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 for Sydney 2036, the Draft Metropolitan Strategy for Sydney 2031 (exhibited) and the Inner West Draft Subregional Strategy. The following actions and objectives outlined in the tables below are of particular relevance.

Metropolitan Plan for Sydney to 2036 (Current)
Objective
E4 To provide for a broad range of local employment types in dispersed locations
Draft Metropolitan Strategy for Sydney to 2031 (Exhibited)
Objective
8 – Create socially inclusive places that create social cultural and recreational opportunities
10 – Provide capacity for jobs growth and diversity across Sydney
Inner West Draft Subregional Strategy
Action
G1.2 – Improve local planning and assessment

Q4. 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 2020+' and 'Draft Leichhardt 2025+'.

Leichhardt 2020+
1 Community Well-being
1.1 Develop & implement an integrated community planning framework
2 Accessibility
2.4 Plan local community facilities, business and services to fit the places we live and the way we want to live.
3 Place Where We live and Work
3.1 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. 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.
5 Business in the Community
5.1 Develop integrated planning to promote thriving and diverse businesses that build on the demands and characteristics of local communities. 5.2 Develop accessible and environmentally sustainable businesses that help to build local communities and reduce our dependence on private cars. 5.4 Plan for business & employment growth that allows greater opportunities for our residents to work locally
6 Sustainable Services & Assets
6.1 Apply our Values to deliver transparent, consistent, efficient and effective participative processes.
Draft Leichhardt 2025+
Community well being
- People are connected to each another - People are connected to place - Community strengths and capabilities are developed
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. - An integrated planning process is promoted to make planning easier for the community and to establish a service that people want to use.
Business in the Community
- Places are created that attract and connect people. - The changing needs of the customer and community are met.
Sustainable Service and Assets
Transparent, consistent, efficient and effective participative processes are delivered.

Q5. 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	Does not apply to this LGA.
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.
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	No	N/A to proposal.
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 Title	Applicable	Comments
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 (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 (Port Botany and Port Kembla) 2013	No	Does not apply to this LGA.
SEPP (Rural Lands) 2008	No	Does not apply to this LGA.
SEPP (SEPP 53 Transitional Provisions) 2011	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 (Miscellaneous Consent Provisions) 2007	No	N/A to proposal.
SEPP (Urban Renewal) 2010	No	Does not apply to this LGA.
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
8. Central Coast Plateau Areas	No	Does not apply to this LGA.
9. Extractive Industry (No 2—1995)	No	Does not apply to this LGA.
16. Walsh Bay	No	Does not apply to this LGA.
18. Public Transport Corridors	No	Does not apply to this LGA.
19. Rouse Hill Development Area	No	Does not apply to this LGA.
20. Hawkesbury-Nepean River (No 2—1997)	No	Does not apply to this LGA.
24. Homebush Bay Area	No	Does not apply to this LGA.
25. Orchard Hills	No	Does not apply to this LGA.
26. City West	No	N/A to proposal.
28. Parramatta	No	Does not apply to this LGA.
30. St Marys	No	Does not apply to this LGA.
33. Cooks Cove	No	Does not apply to this LGA.
SREP (Sydney Harbour Catchment) 2005	No	N/A to proposal.

Q6. 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	Yes	Yes	Consistent with the terms of this direction. Proposal does not change existing policy.
2.4 Recreation Vehicle Areas	No	N/A	
3. Housing Infrastructure & Urban Development			
3.1 Residential Zones	Yes	Yes	Consistent with the terms of this direction. Proposal does not change existing policy.
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	
3.3 Home Occupations	No	N/A	Not applicable to this proposal.
3.4 Integrating Land Use & Transport	Yes	Yes	Consistent with the terms of this direction. Proposal does not change existing policy.
3.5 Development near licensed aerodromes	Yes	Yes	Consistent with the terms of this direction. Proposal does not change existing policy.
3.6 Shooting Ranges	No	N/A	
4. Hazard & Risk			
4.1 Acid Sulphate Soils	Yes	Yes	Proposal does not change existing policy.
4.2 Mine Subsidence and Unstable land	No	N/A	
4.3 Flood Prone Land	Yes	Yes	Proposal does not change existing policy.
4.4 Planning for Bush Fire Protection	No	N/A	

s.117 Direction Title	Applicable	Consistent	Comments
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	Consistent with the terms of this direction.
6.2 Reserving Land for Public Purposes	No	N/A	
6.3 Site Specific Provisions	Yes	Yes	Consistent with the terms of this direction.
7. Metropolitan Planning			
Implementation of the Metropolitan Strategy	Yes	Yes	Consistent with the terms of this direction see Q3.

Q6. Is the planning proposal consistent with applicable Ministerial Directions

Section C – Environmental, social and economic impact

Q7. 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.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Given the nature of the proposal it is not anticipated that there will be any adverse environmental effects.

Q9. *How has the planning proposal adequately addressed any social and economic effects?*

Given the nature of the proposal (administrative changes to ensure the controls contained within the new LEP reflect existing controls within the Leichhardt LEP 2000) it is not anticipated that there will be any social or economic effects.

Section D – State and Commonwealth interests

Q10. *Is there adequate public infrastructure for the planning proposal?*

Given the nature of the proposal the above question is not considered relevant.

Q11. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?*

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 – Mapping/Figures

Table of workings for amendments to Schedule 1 – Additional Permitted Uses

LEP 2000	Leichhardt LEP 2013	Comments/Recommendations
Reynolds Street (corner of Buchanan Street), Balmain (part of site formerly known as Ampol), Lots 85–93 and 126–145, SP 65243—any development permissible with or without development consent within the Business Zone pursuant to clause 21.	1. Use of certain land at Buchanan and Reynolds Streets, Balmain (1) This clause applies to land identified as (“A”) on the Additional Permitted Uses Map, being Lots 85-93 and 126-145, SP 65243. (2) Development for the purpose of commercial premises and restaurants or cafes is permitted with development consent. Zone R1 General Residential	The development is now complete and the non-residential uses are located with frontage to Reynolds and Buchanan Street. The area for the non-residential uses has been mapped. In 2010 a review of land uses on site which can be accommodated with the additional uses specified as Business premises; Office Premises, Restaurant; and Retail premises. In 2011 however there were a number of amendments to the Standard Instrument Order definitions. The additional permitted uses schedule was updated to take into account these changes to Commercial premises and Restaurants or cafes. Further analysis of the definitions shows that by including the group term commercial premises it expands the range of uses permissible significantly from what was intended to be permissible on the site. Refer to Appendix 1 for analysis of definitions. <u>Recommendations</u> Retain Restaurants or cafes. Delete commercial premises and insert: • Shops, • Office premises. • Business premises. • Kiosk

LEP 2000	Leichhardt LEP 2013	Comments/Recommendations
		• Recreational facilities (indoor) • Roadside stall
Oil Mill Buildings, Roseberry Place, Balmain— development for the purpose of any one or more of grocery and food shops, hotels, motels or taverns, refreshment rooms or serviced apartments, subject to the following conditions: (a) the gross floor area used for these and any other non-residential uses on the site does not exceed 7,000 square metres, (b) the non-residential uses are contained within the Oil Mill group of buildings, as identified on the Zoning Map. Zone Residential	4. Use of certain land at Rosebery Place, Balmain (1) This clause applies to land identified as (“C”) on the Additional Permitted Uses Map, being Lots 1-3, SP 60159, Lots 5-9, SP 62009 and Lots 1-20, SP 60158. (2) Development for the purposes of commercial premises and restaurants or cafés is permitted with development consent. Zone R1 General Residential	This development is now complete and the non - residential uses occur only within the Oil Mill Buildings. As a consequence there is no requirement for a gross floor area figure to be included. In 2010 a review of land uses on site which can be accommodated with the additional uses specified as Business premises, Office premises, Restaurant and Retail premises. In 2011 however there were a number of amendments to the Standard Instrument Order definitions. The additional permitted uses schedule was updated to take into account these changes to Commercial premises and Restaurants or cafes. Further analysis of the definitions shows that by including the group term <i>commercial premises</i> it expands the range of uses permissible significantly from what was intended to be permissible on the site. Refer to Appendix 1 for analysis of definitions. <u>Recommendations</u> Retain Restaurants or cafes. Delete commercial premises and insert: • Shops, • Office premises. • Business premises. • Kiosk • Roadside stall

LEP 2000	Leichhardt LEP 2013	Comments/Recommendations
Terry Street, Rozelle (site known as <i>Balmain Cove</i>)—development for the purpose of any one or more of grocery and food shops, hotels, motels or taverns, refreshment rooms or serviced apartments, subject to the following condition: the gross floor area used for these and any other non-residential uses on the site does not exceed 2,000 square metres.	7. Use of certain land at Rozelle, Terry Street, Rozelle (1) This clause applies to land identified as (“E”) on the Additional Permitted Uses Map, being Lot 84, SP 72790, Lot 85, SP 72790, and Lot 1 SP 58291. (2) Development for the purposes of commercial premises and restaurants or cafes is permitted with development consent. Zone R1 General Residential	The development is now complete and the non-residential uses are located with frontage to Terry Street and Wulumay Close. As a consequence there is no requirement for gross floor area figures to be included. The area for the non-residential uses have been mapped (Lot 1 SP 58291). In 2010 a review of land uses on site which can be accommodated with the additional uses specified as Business premises, Office premises, Restaurant and Retail premises. In 2011 however there were a number of amendments to the Standard Instrument Order definitions. The additional permitted uses schedule was updated to take into account these changes to include Commercial premises and Restaurants or cafes. Further analysis of the definitions shows that by including the group term <i>commercial premises</i> it expands the range of uses permissible significantly from what was intended to be permissible on the site. Refer to Appendix 1 for analysis of definitions. <u>Recommendations</u> Retain Restaurants or cafes. Delete commercial premises and insert: • Shops, • Office premises. • Business premises. • Kiosk • Roadside stall

LEP 2000	Leichhardt LEP 2013	Comments/Recommendations
Terry Street, Rozelle (site known as <i>Balmain Shores</i>)—development for the purpose of any one or more of grocery and food shops, hotels, motels or taverns, refreshment rooms or serviced apartments, subject to the following conditions: (a) the gross floor area used for these and any other non-residential uses on the site (excluding so much of the gross floor area of the “pump house” as is utilised for a non-residential use) does not exceed 5,000 square metres, (b) the non-residential uses are, in the opinion of the consent authority, located to encourage an active waterfront parkland, and (c) the “pump house” is utilised for a non-residential use.	7. Use of certain land at Terry Street, Rozelle (1) This clause applies to land identified as (“E”) on Additional Permitted Uses Map, being Lot 84, SP 72790, Lot 85, SP 72790, and Lot 1 SP 58291. (2) Development for the purposes of commercial premises and restaurants or cafes is permitted with development consent. Zone R1 General Residential	The development is now complete and the non-residential uses are located with frontage to Terry Street. As a consequence there is no requirement for a gross floor area figures to be included; the area for the non-residential uses (excluding the Pump House) have been mapped (Lot 84, SP 72790, Lot 85, SP 72790). The Pump House is heritage listed and in Council ownership. There is no requirement to include additional uses for this heritage property as Council can consent to any use provided it does not adversely impact on the heritage significance of the item or the amenity of the area. In 2011 however there were a number of amendments to the Standard Instrument Order definitions. The additional permitted uses schedule was updated to take into account these changes to Commercial premises and Restaurants or cafes. Further analysis of the definitions shows that by including the group term <i>commercial premises</i> it expands the range of uses permissible significantly from what was intended to be permissible on the site. Refer to Appendix 1 for analysis of definitions. <u>Recommendations</u> See above.