

Housekeeping amendments to Schedule 1

Proposal Title :	Housekeeping amendments to Schedule 1		
Proposal Summary :	The planning proposal seeks to amend Clauses 1, 4 and 7 in Schedule 1 of Leichhardt Local Environmental Plan 2013 (Leichhardt LEP 2013) to delete references to "commercial premises" in order to reflect a more accurate translation of Leichhardt LEP 2000 and add land uses that are more consistent with the nature and character of the sites.		
PP Number :	PP_2014_LEICH_002_00	Dop File No :	14/05481

Proposal Details

Date Planning Proposal Received :	07-Mar-2014	LGA covered :	Leichhardt
Region :	Sydney Region East	RPA :	Leichhardt Municipal Council
State Electorate :	BALMAIN	Section of the Act :	55 - Planning Proposal
LEP Type :	Housekeeping		

Location Details

Street :	Buchanan Street and Reynolds Street		
Suburb :	Balmain	City :	Sydney
Land Parcel :	SP 65243 Lots 85-93 and 126-145		
Postcode :	2041		
Street :	Rosebery Place		
Suburb :	Balmain	City :	Sydney
Land Parcel :	SP 60159 Lots 1-3, SP 62009 Lots 5-9 and SP 60158 Lots 1-20		
Postcode :	2041		
Street :	Terry Street		
Suburb :	Rozelle	City :	Sydney
Land Parcel :	SP 72790 Lots 84 and 85, and SP 58291 Lot 1		
Postcode :	2039		

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DoP Planning Officer Contact Details

Contact Name : **Nava Sedghi**
Contact Number : **0285754117**
Contact Email : **nava.sedghi@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Clare Harley**
Contact Number : **0293679226**
Contact Email : **clareha@lmc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Diane Sarkies**
Contact Number : **0285754111**
Contact Email : **diane.sarkies@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro Inner West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment :

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

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The subject sites include:**
- Buchanan and Reynolds Streets, Balmain (part of site formerly known as Ampol);
- Rosebery Place, Balmain (Former Oil Mill Buildings); and
- Terry Street, Rozelle (Balmain Cove & Balmain Shores).

Council have initiated the planning proposal because during the legal drafting of Leichhardt LEP 2013, it was discovered that the inclusion of the group term 'commercial premises' significantly expanded the range of uses permissible from what was originally intended on the subject sites. The sites were previously used for industrial purposes and have now been redeveloped predominantly as residential.

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DELEGATION OF PLAN MAKING FUNCTIONS

Leichhardt Council has accepted the Minister's offer to delegate his plan-making functions under the EP&A Act. Council is seeking delegation to carry out the Minister's functions under section 59 of the Environmental Planning and Assessment Act 1979 (EP&A Act) to progress this planning proposal. Council has provided Attachment 4 - Evaluation criteria for the delegation of plan making functions.

External Supporting
Notes :

Council supports this planning proposal for the following reasons:

- the inclusion of 'commercial premises' in the new comprehensive LEP significantly expanded the range of uses permissible from what was originally intended on the sites; and
- the proposed land uses are consistent with the nature and character of the sites.

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 ensure a more accurate translation of provisions in Schedule 1 in the previous Leichhardt LEP 2000 into Leichhardt LEP 2013. The planning proposal aims to ensure that additional permissible uses are consistent with the nature and character of the sites to which the schedule applies.

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

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

Comment : The following amendments to Schedule 1 in Leichhardt LEP 2013 are needed to achieve the intended outcomes:

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

- delete "commercial premises" and insert "business premises, kiosks, office premises, recreational facility (indoor), roadside stalls and shops."

Clause 4 Use of certain land at Roseberry Place, Balmain

- delete "commercial premises" and insert "business premises, kiosks, office premises, roadside stalls and shops."

Clause 7 Use of certain land at Terry Street, Rozelle

- delete "commercial premises" and insert "business premises, kiosks, office premises, roadside stalls and shops."

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

3.1 Residential Zones

3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.3 Flood Prone Land

6.1 Approval and Referral Requirements

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

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

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain : **The planning proposal is considered consistent with all relevant section 117 directions.**

There are no applicable State Environmental Planning Policies relevant to the planning proposal.

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **There are no map changes associated with the planning proposal.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **A public exhibition period of 28 days is recommended by Council.**

Project Timeline

The planning proposal contains an estimated project timeline for completion by 23 July 2014. The agency considers a 6 month project timeline for completion is adequate (October 2014).

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 : **December 2013**

Comments in relation to Principal LEP : **Leichhardt LEP 2013 was notified on 23 December 2013.**

Assessment Criteria

Need for planning proposal : **The subject sites are zoned as R1 General Residential and contain additional permitted uses under Schedule 1 of Leichhardt LEP 2013. The sites include:**

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

There is a need for the planning proposal because the group term 'commercial premises'

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significantly expanded the range of uses permissible from what was originally intended on the subject sites under Leichhardt LEP 2000. The standard instrument definition of 'commercial premises' includes business premises, office premises or retail premises. The inclusion retail premises has expanded the permissible uses on the sites, where certain uses including bulky goods, garden centres and timber yards, are considered unsuitable for these fully redeveloped, predominantly residential sites.

Clauses 1,7 and 7 in Schedule 1 of Leichhardt LEP 2013 therefore requires an amendment to reflect a more accurate translation of the additional permissible uses contained in Leichhardt LEP 2000 and allow land uses that are more compatible with the predominantly residential sites and surrounding residential context.

Consistency with strategic planning framework :

The proposal is consistent with the objectives of the Metropolitan Plan for Sydney 2036 and draft Metropolitan Strategy for Sydney 2031 in that it will potentially offer a broad range of local employment types, recreational opportunities and provide employment opportunities in Sydney.

The proposal is consistent with the actions of the draft Inner West Subregional Strategy in that it will improve local planning and assessment by a more accurate translation of Leichhardt LEP 2000.

Environmental social economic impacts :

Given the administrative nature of the planning proposal, it is not expected that it will have any adverse environmental, social and economic impacts.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2) (d) :

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 :

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Documents

Document File Name	DocumentType Name	Is Public
Cover letter.pdf	Proposal Covering Letter	Yes
Planning proposal.pdf	Proposal	Yes
Proposed community consultation and project timeline.pdf	Proposal	Yes
Appendix 1 - Analysis of Definitions.pdf	Proposal	Yes
Attachment 4 - Delegation of plan making functions.pdf	Determination Document	No

Planning Team Recommendation

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

S.117 directions: **2.3 Heritage Conservation**
 3.1 Residential Zones
 3.4 Integrating Land Use and Transport
 3.5 Development Near Licensed Aerodromes
 4.1 Acid Sulfate Soils
 4.3 Flood Prone Land
 6.1 Approval and Referral Requirements
 6.3 Site Specific Provisions
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the planning proposal proceed subject to the following conditions:**

- 1. The planning proposal is exhibited for a minimum of 14 days, or 28 days, consistent with Council's intentions.**
- 2. The planning proposal is to be completed within 6 months from the week following the date of the Gateway determination.**
- 3. A public hearing is not required to be held.**
- 4. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act 1979 is issued to Council in relation to the planning proposal.**

Supporting Reasons : **The planning proposal should be approved for the following reasons:**

- it will allow a more accurate translation of additional uses in Schedule 1 of Leichhardt LEP 2000 into Schedule 1 of Leichhardt LEP 2013;**
- it will allow land uses which are more consistent with the nature and character of the sites; and**
- Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of council's delegation is supported.**

Signature:



Printed Name:

Diane Sarkies

Date:

7/5/14