

LEICHHARDT MUNICIPAL COUNCIL

PROPOSED AMENDMENTS TO EXHIBITED DRAFT LEICHHARDT LOCAL ENVIRONMENTAL PLAN 2012

PLANNING PROPOSAL

ITEM 6

**55 JUSTIN STREET LILYFIELD
Lot 59 Sec B DP 1474, Lot 60 Sec B DP 1474 and Lot 61 Sec B DP
1474**

Part 1 – Objectives or Intended Outcomes

On the 21st May 2013 Council resolved (C2012/13) to endorse the changes required to the exhibited *Draft Leichhardt Local Environmental Plan 2012* and initiate the plan making process (Planning Proposal) for the rezoning of 55 Justin Street, Lilyfield from *IN2 Light Industrial* to *B7 Business Park*.

This amendment proposes to rezone No.55 Justin Street Lilyfield being Lot 59 Sec B DP 1474, Lot 60 Sec B DP 1474 and Lot 61 Sec B DP 1474, from *IN2 Light Industrial* zone as exhibited under the *Draft Leichhardt Local Environmental Plan 2012* to *B7 Business Park*.

The site is currently zoned Industrial under *Leichhardt Local Environmental Plan 2000*.

Part 2 – Explanation of the Provisions

The proposed amendment will be achieved by:

Amendment of the exhibited *Draft Leichhardt Local Environmental Plan 2012* Land Zoning Map as follows:

- Rezone No. 55 Justin Street Lilyfield being Lot 59 Sec B DP 1474, Lot 60 Sec B DP 1474 and Lot 61 Sec B DP 1474 from *IN2 Light Industrial* to *B7 Business Park*.

Refer to Part 4 below for maps of the subject site.

Part 3 – Justification

Section A – Need for planning proposal

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

The *Draft Leichhardt Local Environmental Plan 2012* was exhibited for a period of 74 days from 17 December 2012 to the 28 February 2013.

GSA Planning made a submission on behalf of the owner of No. 55 Justin Street, Lilyfield requesting that the site be rezoned from the exhibited *IN2 Light Industrial* to *B7 Business Park* under the *Draft Leichhardt Local Environmental Plan 2012*.

The key reasons Council supports the proposed rezoning of the subject site are as follows:

- The existing zoning (under LEP 2000) and proposed zoning (under DLEP 2012) do not reflect the existing use of the subject site as a residential dwelling;
- The site is located adjacent to other live/work developments (being No. 57 – 79 Justin Street and also No. 62-84 Justin Street) proposed to be zoned B7 Business Park under the *Draft Leichhardt Local Environmental Plan 2012* and therefore it is logical to extend the B7 Zone to No. 55 Justin Street as the site is considered suitable to similar live/work developments.
- The subject site is considered to have potential to increase housing and employment opportunities within the Leichhardt LGA.
- A Preliminary Stage 2 Contamination Assessment indicates that site may be suitable for mixed use development following remediation works to the site.

- The proposed zone is consistent with local and state government planning strategies;
- The site currently relies on Existing Use Rights for residential development; and
- The subject site has an approval (under complying development) for the demolition of the existing dwelling.

For more detailed information refer to **Appendix A**

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 exhibited *Draft Leichhardt Local Environmental Plan 2012*. The proposed amendment the *Draft Leichhardt Local Environmental Plan 2012* is considered to be of significance and therefore requires re-exhibition and community consultation. The planning proposal is the best way of achieving the proposed changes to the plan and ensuring the community is notified of these changes.

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 following strategies apply to the planning proposal:

- State Government's Current Metropolitan Plan for Sydney 2036;
- Draft Metropolitan Strategy for Sydney 2031 (currently on exhibition); and
- Inner West Draft Subregional Strategy

The following sections of these strategies apply to the proposal:

Metropolitan Plan for Sydney 2036 (Current)	
Objectives	Response
A2 To achieve a compact connected, multi centres and increasingly networked city structure	The site is located within close proximity to Light rail, bus services and other B7 zoned lands. It is also within close proximity to larger business centres.
A3 To contain the urban footprint and achieve a balance between greenfield growth and renewal in existing areas	The proposal provides opportunity for urban renewal that contains residential and employment opportunities.
B1 To focus activities in accessible centres	See A2 response above.
B2 To strengthen major and specialised centres to support the sustainable growth of Sydney	This employment area has the potential to support larger nearby business centres including Norton Street and Rozelle.
C3 To build on Sydney's strengths by further integrating transport and land use planning and decision making to support increased public transport mode share	See A2 response above.
D1 To ensure an adequate supply of land and sites for residential	The proposal will permit limited residential in conjunction with a range of employment

Metropolitan Plan for Sydney 2036 (Current)	
Objectives	Response
development	generating uses.
D2 To produce housing that suits our expected future needs	See D1 response above.
E1 To ensure adequate land supply for economic activity, investment and jobs in the right locations	See A2 response above.
E4 To provide a broad range of local employment types in dispersed locations	See D1 response above. The proposal has the potential to increase/accommodate local employment.
H3 To provide healthy, safe and inclusive places based on active transport	See A2 response above.

Draft Metropolitan Strategy 2031 (currently on exhibition)	
Objective	Response
3 – Make Sydney connected	The proposal provides opportunity for growth in an accessible and well serviced location. The site is located within close proximity to Light rail, bus services and other B7 zoned lands. It is also within close proximity to larger business centres.
5 – Delivery new housing to meet Sydney's growth	The proposal will permit limited residential in conjunction with a range of employment generating uses.
6 – Deliver a mix of well-designed housing that meets the needs of Sydney's population	This proposal provides the site with an opportunity to deliver a greater variety of housing types and sizes.
7 – Deliver well designed and active centres that attract investment and growth	This proposal provides the site with an opportunity to attract new business and residents and extend live/work development.
10 – Provide capacity for jobs and diversity across Sydney	This proposal which rezones the site to B7 provides an opportunity for the site to accommodate a range of employment generating uses to improve diversity and distribution of skills.
13 - Provide a well located supply of industrial lands	See table below the analysis against "checklist for rezoning of existing industrial land to other uses"
24 – Plan and deliver transport and land use that are integrated and promote sustainable transport choices	See 3 & 5 above.
26 – Improve accessibility and connectivity for centres and new urban areas	The proposal provides opportunity for growth in an accessible and well serviced location. The site is located within close proximity to Light rail and bus services which connect to surrounding suburbs and CBD.

Draft Metropolitan Strategy 2031 (currently on exhibition) - Criteria Table 1: Industrial Lands Strategic Assessment

Checklist for rezoning of existing industrial land to other uses

Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?	The proposed rezoning is not inconsistent with Leichhardt Employment Lands Study (ELS) 2010 (prepared by SGS) and the draft Employment and Economic Development Plan 2013. Both encourage opportunities for live/work developments. The ELS identifies the site within the Lilyfield Road Industrial Precinct. The ELS proposes that the precinct be zoned IN2 Light Industrial. Under the exhibited Draft LEP 2012 the existing live/work developments within the Lilyfield Road Industrial Precinct were zoned B7 to allow Council to accommodate the existing residential component. The rezoning of the site which is currently a residential dwelling within IN2 zone will make provision for live/work development.
Is the site: • near or within direct access to key economic infrastructure? • contributing to a significant industry cluster?	The site is located within walking distance of the Catherine Street light rail stop, bus services along Lilyfield and Balmain Roads and adjacent to the City West Link. The site is also situated between major thoroughfares such as Parramatta and Victoria Roads. The site extends the cluster of existing B7 zoned lands on Justin Street.
How would the proposed rezoning impact the industrial land stocks in the subregion or region and the ability to meet future demand for industrial land activity?	It is not expected that the rezoning will significantly impact existing industrial land stocks within the municipality as the site is solely used for residential purposes. The rezoning will increase floor space available for employment generating uses as the proposed B7 Zoning will require employment uses to be located on the ground floor.
How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objectives?	The proposed rezoning will not impact on Council's capacity to meet employment targets as outline in the Inner West Draft Subregional Strategy.
Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future and what opportunities may exist to redevelop the land to support new forms of industrial land uses such as high-tech	The subject site is located adjacent to land zoned B7, IN2, B2 and R1. The subject site has for many decades relied on existing use rights for the use of a dwelling on the site. Redevelopment of the subject site for mixed uses including for residential purposes

Draft Metropolitan Strategy 2031 (currently on exhibition) - Criteria Table 1: Industrial Lands Strategic Assessment

Checklist for rezoning of existing industrial land to other uses

or creative industries?	would be in context with adjoining and surrounding development and would rectify the current planning anomaly in the LEP where the existing dwelling is located on Industrial zoned land. The proposal provides the opportunity for light industrial uses (including high tech or creative industries) to continue to be permissible at the subject site; however B7 zone expands the permissible range of employment generating uses which assist redevelopment of the site.
Is the site critical to meeting the need for land for an alternative purpose identified in other NSW Government or endorsed council planning strategies?	The subject site is identified on the periphery of "Lilyfield Road" employment lands precinct which is classified as category 1 (land to be retained for industrial purposes) under the Inner West Draft Subregional Strategy. It is considered that the rezoning to B7 will not be inconsistent with the objectives of this area given that the employment lands will not be diminished and light industrial uses will remain permissible.

Inner West Draft Subregional Strategy

Action	Response
A - Economy & Employment	
A1 – Provide suitable commercial sites and employment lands in strategic areas	The proposal does not decrease the proportion of employment lands.
A1.2 Provide for sufficient zoned land and infrastructure to achieve employment capacity targets in employment lands	The target for increased employment in Leichhardt is 500. The proposal has the potential to increase/accommodate employment.
A1.6 Improve planning and delivery of employment lands	The proposal will continue to support the retention of employment within the area.
A1.9 Facilitate the use of old industrial areas	The proposal provides for the opportunity revitalise the site and ensure connection to other existing live/work developments.
A2.1 Establish a framework to support innovation across Sydney	The proposed B7 provides opportunity for creative and innovative uses.
A3.2 Increase integration of housing markets	The proposal provides the site with the opportunity to accommodate housing in conjunction with employment. This will help ensure diversity in the supply of local labour.
B – Centres and Corridors	
B1 Provide places and locations for all types of economic activity and employment across the Sydney region	The proposal provides the site for an opportunity to accommodate a wide range of employment uses to facilitate economic

Inner West Draft Subregional Strategy	
Action	Response
	activity within the local area.
C – Housing	
C2.3 Provide a mix of housing	The proposal will contribute to diversity of housing types within municipality.

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 Councils Community Strategic Plan 'Leichhardt 2020+' and 'Draft Leichhardt 2025+'

Leichhardt 2020+
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; 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 and employment growth that allows greater opportunities that allows for our residents to work locally; 6.1 – Apply our values to deliver transparent, consistent, efficient and effective participative processes

Draft Leichhardt 2025+
<i>Place where we live and work</i>
- 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; and - An integrated planning process is promoted to make planning easier for the community and to establish a service that people want to use.
<i>Business in the Community</i>
- Places are created that attract and connect people; - The changing needs of the customer and community are met; - The new economy is embraced; and - Economic assets are protected and leveraged

Q5. Is the planning proposal consistent with applicable state environmental planning policies?

Consideration of State Environmental Planning Policies (SEPPs)

SEPP Title	Applicable	Consistent
1. Development Standards	No	N/A
4. Development without Consent and Miscellaneous Complying Development	No	No
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	No	N/A

SEPP Title	Applicable	Consistent
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 – see below.
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	No
SEPP Infrastructure 2007	No	No
SEPP Kosciuszko National Park – Alpine Resorts 2007	No	N/A
SEPP Major Development 2005	No	No
SEPP Mining, Petroleum Production and Extractive Industries 2007	No	N/A
SEPP Penrith Lakes Scheme 1989	No	N/A
SEPP Rural Lands 2008	No	N/A
SEPP Sydney Region Growth Centres 2006	No	N/A
SEPP Temporary Structures 2007	No	No
SEPP Urban Renewal 2010	No	No
SEPP Western Sydney Employment Area 2009	No	N/A
SEPP Western Sydney Parklands 2009	No	N/A

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

REP Title	Applicable	Consistent
8. Central Coast Plateau Areas	No	N/A
9. Extractive Industry (No 2—1995)	No	N/A
16. Walsh Bay	No	N/A
18. Public Transport Corridors	No	N/A
19. Rouse Hill Development Area	No	N/A

REP Title	Applicable	Consistent
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
30. St Marys	No	N/A
33. Cooks Cove	No	N/A
SREP Sydney Harbour Catchment 2005	No	N/A

State Environmental Planning Policy No. 55

The provisions of State Environmental Planning Policy No.55 (SEPP 55) have been considered in the preparation of this planning proposal.

A Stage 2 Contamination Assessment Report prepared by Ground Technologies Pty Ltd (reference GTE-188 and dated 27 September 2012) was prepared for the subject site.

The report advises that the site is contaminated and requires remediation. The report states:

“The results of the chemical analysis indicate that the site does not currently meet the assessment criteria (HILs (A) and EIL) for being re-zoned for residential use. Remediation / removal of the contaminated fill profile, followed by further assessment is required before the site can be considered to be free of contamination.”

The conclusions within the report advise:

- *“The subject structure has been used as a residential house for the entirety of its existence.*
- *No history of dangerous manufacturing utilizing heavy chemicals or metals was documented.*
- *No history of heavy chemicals or metals storage was documented.*
- *Minor filling has been imported in order to create a level site”*

“The results of the chemical analyses for the soils beneath the subject site indicate that a contamination hotspot is located within the imported fill profile at the location of TS2. This fill is identified as being located within the rear portion of the site, bound by the retaining wall along the rear property boundary and the retaining wall adjacent to the driveway”

In satisfaction of Clause 6(1)(c) of SEPP 55 *“if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose”* a Remediation Action Plan (RAP) is required for the site. The RAP is required to satisfy Council that the land will be suitable, after remediation, for all the purposes for which land in the zone concerned is permitted to be used.

Discussions with the property owner and consultants from Ground Technologies Pty Ltd have confirmed that a RAP will be provided prior to public exhibition.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

Consideration of Ministerial Directions

s.117 Direction Title	Applicable	Consistent	Comments
1. Employment & Resources			
1.1 Business and Industrial Zones	Yes	No	The proposal is consistent with the objectives and directions listed. The planning proposal gives effect to the directions and it retains employment lands.
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	No	N/A	
2.4 Recreation Vehicle Areas	No	N/A	
3. Housing Infrastructure & Urban Development			
3.1 Residential Zones	No	N/A	
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	
3.3 Home Occupations	Yes	Yes	Consistent with the terms of this direction. Home occupations are permitted without consent within the B7 Zone.
3.4 Integrating Land Use & Transport	Yes	Yes	Consistent with the terms of this direction. It is noted that the subject site is serviced by established public transport including regular bus services and the inner west light rail system which is within walking distance.
3.5 Development near licensed aerodromes	No	N/A	

s.117 Direction Title	Applicable	Consistent	Comments
3.6 Shooting Ranges	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	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 the planning proposal does not seek to include unnecessarily restrictive site specific planning controls. The proposal seeks to rezone the site to an existing zone already applying within the DLEP 2012.
7. Metropolitan Planning			
Implementation of the Metropolitan Strategy	Yes	Yes	Consistent with the terms of this direction see Q3.

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?

The rezoning will remediate contaminated land at the rear of the site. Where future development applications are lodged a full merit assessment of environmental effects will be made at the time.

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

The proposal will allow for mixed use development including residential and employment uses which will provide greater opportunities to permit people to work closer to home. A B7 zoning provides a broader range of office and light industrial uses and would provide an improved range of job prospects including in the arts, technology, production and design sectors. The rezoning is considered to have social, economic, community and environmental benefits.

Section D – State and Commonwealth interests

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

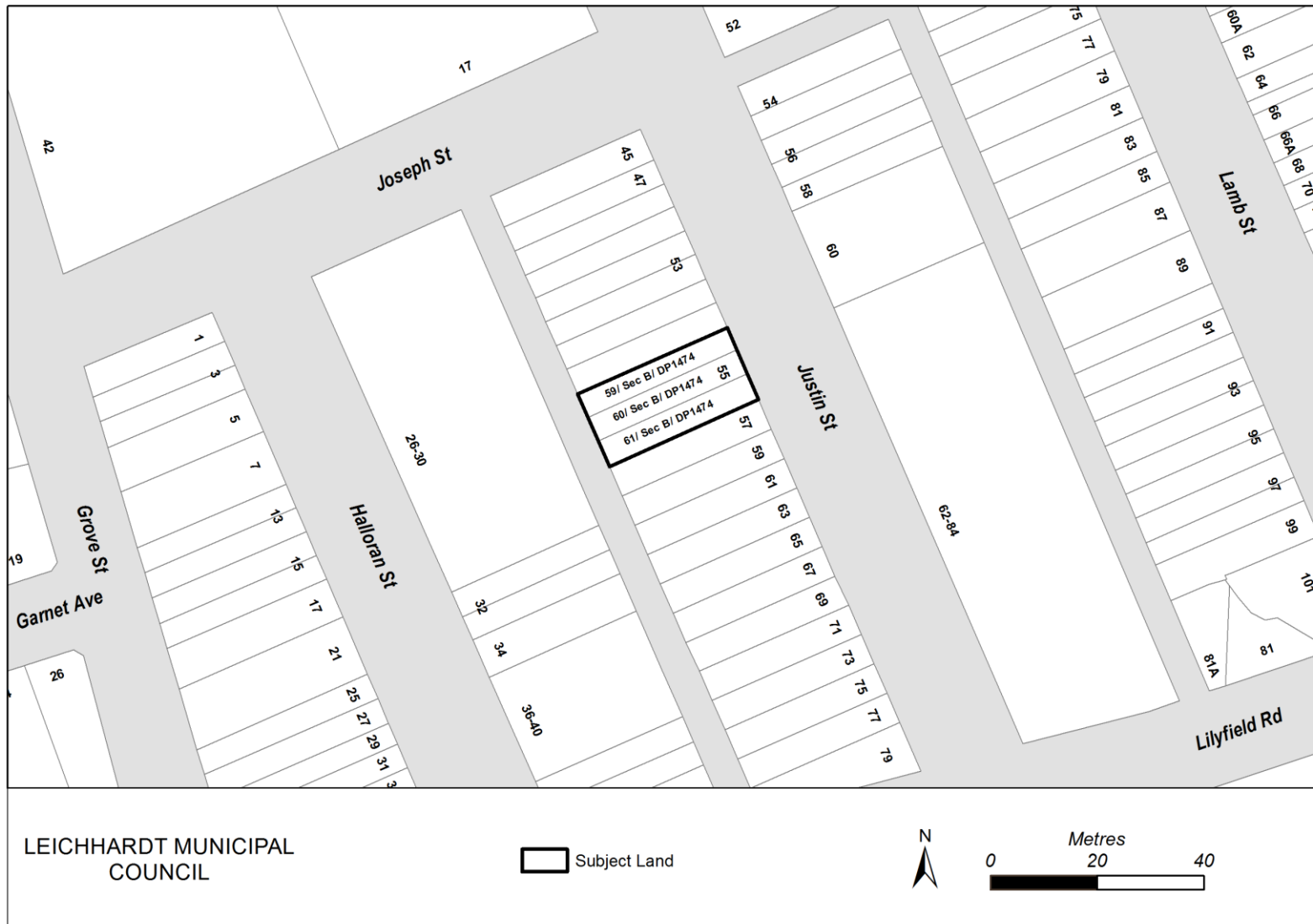
The site is located within an established area that is well serviced by public infrastructure. It is noted that the subject site is serviced by established public transport including regular bus services and the inner west light rail system which is within walking distance.

Given the nature of the proposal, it is considered that any additional demand on infrastructure will be negligible.

Q11. 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.

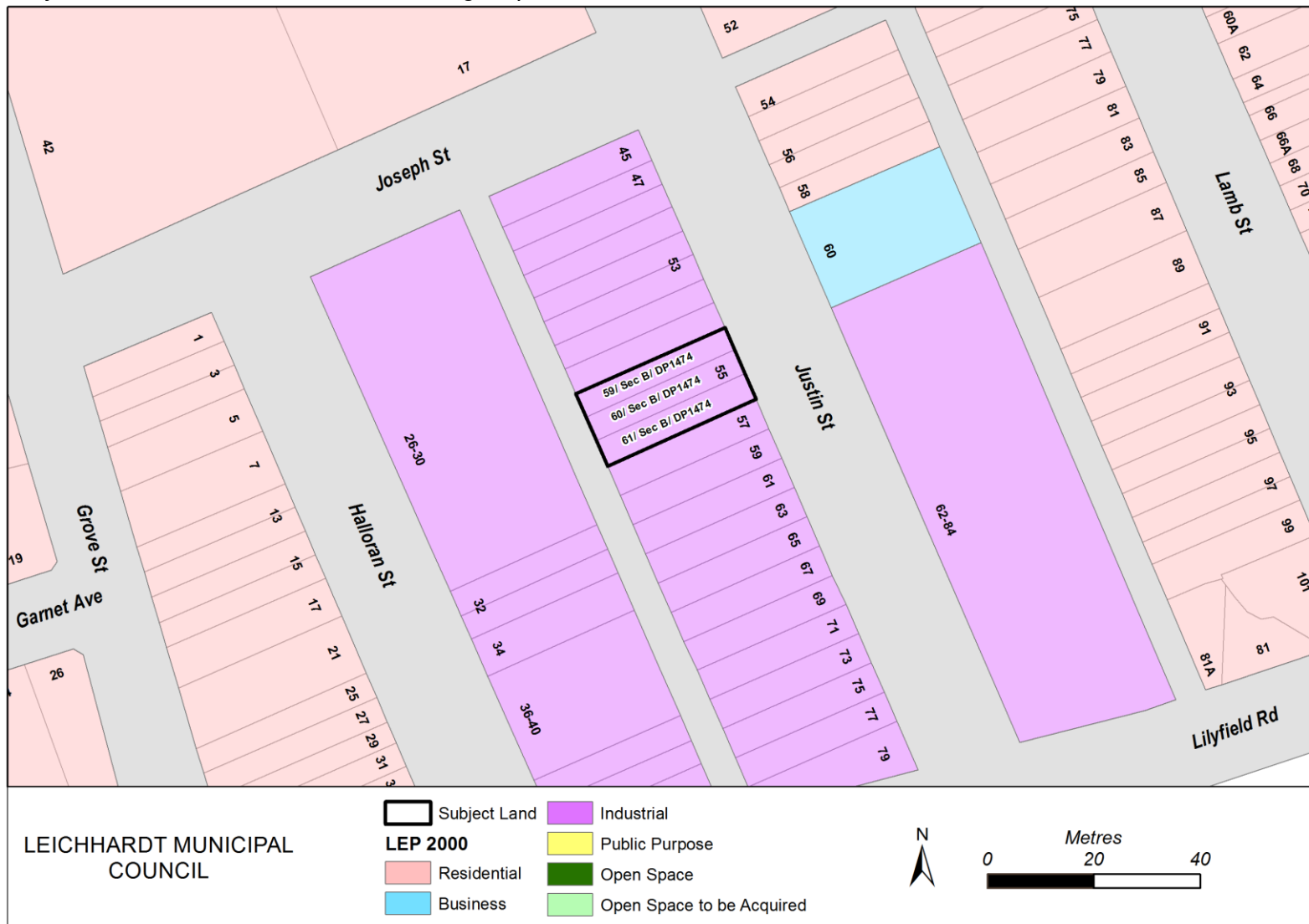
Part 4 – Mapping
Subject Land



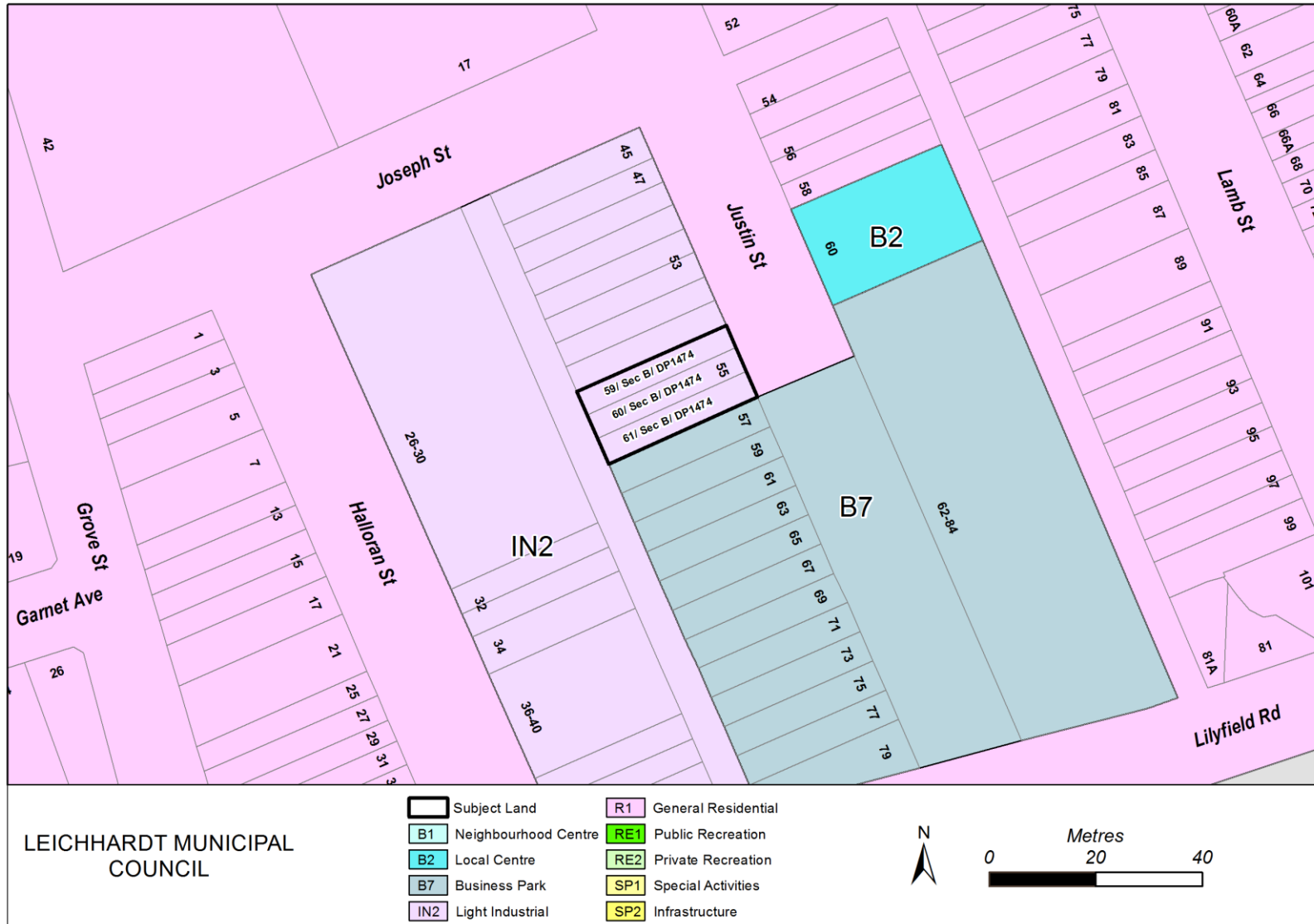
Aerial view of subject land



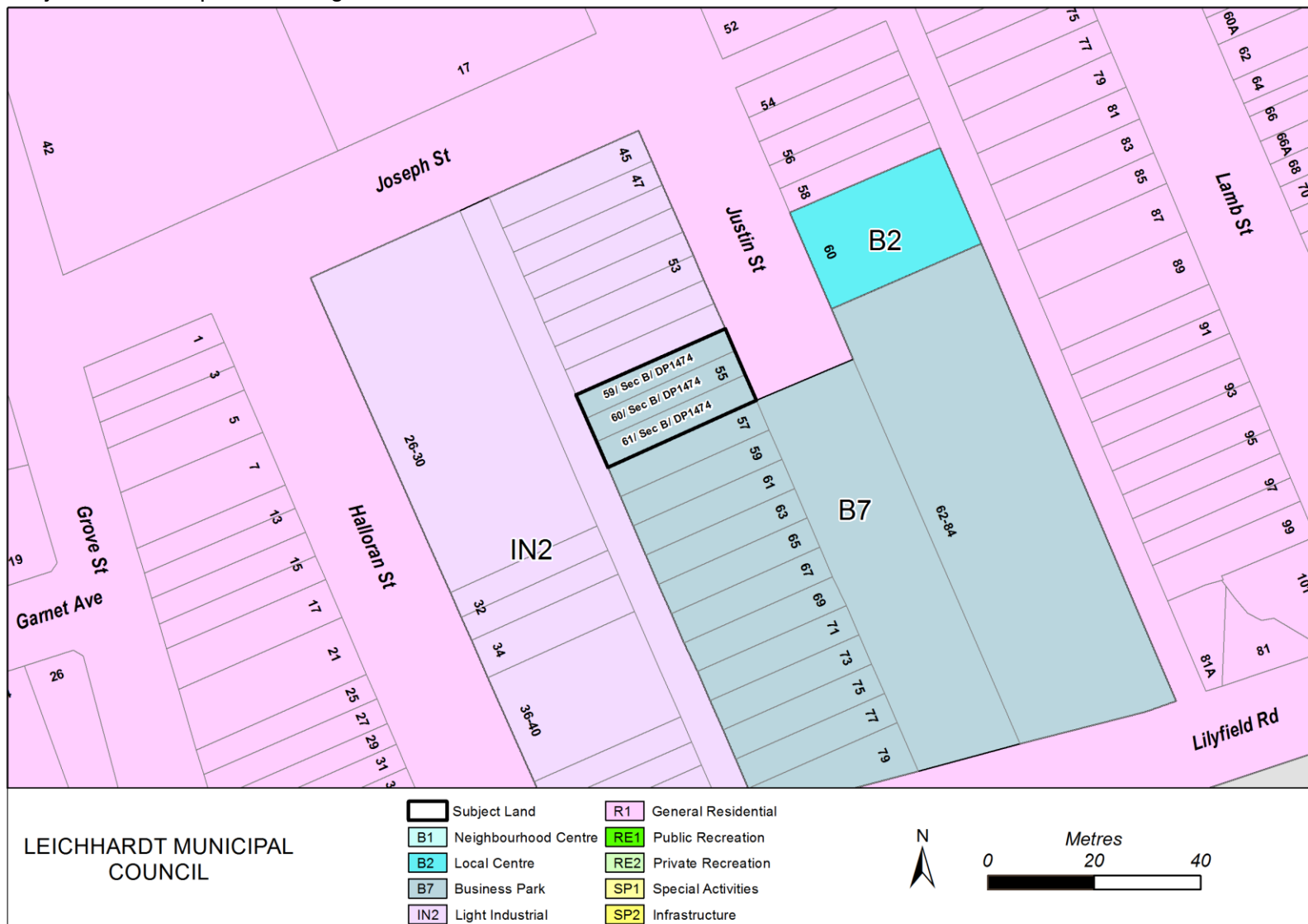
Subject land – Leichhardt LEP 2000 Zoning Map



Subject land – Zoning “as exhibited” under the Draft Leichhardt LEP 2012



Subject land – Proposed zoning under the Draft Leichhardt LEP 2012



Part 5 – 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 Local Environmental Plan, 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 planning proposal be exhibited for a minimum of 28 days.

Part 6 – Project Timeline

Anticipated Project Timeline	Proposed Date (s)
Commencement date (date of Gateway determination)	21 June 2013
Timeframe for the completion of required technical information	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
Dates for public hearing (if required)	To be determined post exhibition
Timeframe for consideration of submissions	August 2013
Timeframe for the consideration of a proposal post exhibition	September 2013
Date of submission to the department to finalise the Local Environmental Plan	October 2013

Appendix A

**Submission in Response to the Draft Leichhardt LEP 2012
No. 55 Justin Street, Lilyfield**

Prepared by GSA Planning, Dated 18 February 2013