

Rezoning 55 Justin Street, Lilyfield from IN2 Light Industrial to B7 Business Park

Proposal Title : **Rezoning 55 Justin Street, Lilyfield from IN2 Light Industrial to B7 Business Park**

Proposal Summary : **Amend the draft Leichardt LEP 2013 by rezoning 55 Justin Street, Lilyfield from IN2 Light Industrial to B7 Business Park.**

PP Number : **PP_2013_LEICH_003_00** Dop File No : **13/09683**

Proposal Details

Date Planning Proposal Received : **06-Jun-2013** LGA covered : **Leichhardt**

Region : **Sydney Region East** RPA : **Leichhardt Municipal Council**

State Electorate : **BALMAIN** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **55 Justin Street**

Suburb : **Lilyfield** City : **Sydney** Postcode : **2040**

Land Parcel : **Lot 59 Sec B DP 1474, Lot 60 Sec B DP 1474, and Lot 61 Sec B DP 1474**

DoP Planning Officer Contact Details

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RPA Contact Details

Contact Name : **Vasiliki Andrews**

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DoP Project Manager Contact Details

Contact Name : **Sandy Shewell**

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Land Release Data

Growth Centre : Release Area Name :

Regional / Sub Regional Strategy : **Metro Inner West subregion** Consistent with Strategy : **No**

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	3
Gross Floor Area :	0	No of Jobs Created :	12
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :	The Department of Planning and Infrastructure's Code of Conduct has been complied with. Sydney Region East has not met with or communicated with any lobbyist in relation to this planning proposal.		
Have there been meetings or communications with registered lobbyists? :	No		
If Yes, comment :			

Supporting notes

Internal Supporting Notes :	The planning proposal seeks to rezone the site from IN2 Light Industrial to B7 Business Park under the draft Leichhardt LEP 2013. The Department supports this planning proposal because: - the proposed zone is consistent with the current land use; and - the site adjoins land zoned B7 Business Park;
External Supporting Notes :	Council supports this planning proposal because: -the subject site has an existing residential dwelling; -it is compatible with the adjoining site at 57-79 Justin Street and also 62-84 Justin Street which are zoned B7 Business Park; -it will increase housing and employment opportunities; and -will be suitable for mixed use development once the site is remediated. 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 EP&A Act 1979 to progress this planning proposal.

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 rezone the land from IN2 Light Industrial zone to B7 Business Park.

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

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

Comment : **The explanation of provision is adequate.**

The planning proposal will amend the draft Leichhardt LEP 2013 by rezoning the site from IN2 Light Industrial zone to B7 Business Park.

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

1.1 Business and Industrial Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

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? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

1.1 Business and Industrial Zone

The planning proposal is inconsistent with this direction because by rezoning this site to B7 Business Park it reduces the potential floor space for industrial uses in industrial zones by introducing other land uses such as limited residential and child care centres. This inconsistency requires the Director General's delegate approval. It is recommended that the Director General's delegate approve this inconsistency because, although it will reduce the industrial area, the B7 Business Park zone allows light industries and warehouse and distribution. The Leichhardt Employment Lands Study 2010 recommends that the Lilyfield Industrial precinct be retained for light industry. This planning proposal will create 12 jobs.

The planning proposal is considered consistent with all other relevant section 117 directions.

SEPP 55 - Remediation of Land

SEPP 55 applies to this planning proposal. A Stage 2 Contamination Assessment Report found that the site is contaminated and requires remediation. A condition will be placed that a Council endorsed Remediation Action Plan is placed on exhibition with the planning proposal.

The planning proposal is considered consistent with all other relevant SEPPs.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Maps provided include:

- Site Identification Map;
- Aerial photograph
- Leichhardt LEP 2000 Zoning Map;
- draft Leichhardt LEP 2012 Zoning Map (as exhibited); and
- draft Leichhardt LEP 2012 Zoning Map (planning proposal).

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council proposes to exhibit the planning proposal for 28 days. A minimum of 14 days for public exhibition is considered suitable as this is a low impact proposal.

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Project Time Line.

The planning proposal contains an estimated project time line for completion within 4 months, however a time frame of 9 months is considered more realistic.

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 :

The planning proposal provides adequate information for the following:

1. objectives and intended outcomes.
2. explanation of the provisions.
3. justification for the proposal.
4. community consultation.
5. project time line

Delegation of plan making functions is considered to be appropriate in this instance.

Proposal Assessment

Principal LEP:

Due Date : **September 2013**

Comments in relation
to Principal LEP :

Council's internal review and public exhibition of the draft Leichhardt LEP 2013 resulted in a number post-exhibition changes that are significant enough to require re-exhibition. Discussions between Council staff and Department officers (including Regional Director, Sydney Region East) concluded that in order to avoid delaying the making of the LEP, and to ensure transparency, it is appropriate that these changes be dealt with by way of a planning proposal.

Council's section 68 submission is expected on 19 June 2013.

It is anticipated that this planning proposal will be completed alongside or after the draft LEP is made.

Assessment Criteria

Need for planning
proposal :

The need for this planning proposal emerged from the landowner requesting this site be rezoned from IN2 Light Industrial to B7 Business Park, under the draft Leichhardt LEP 2013.

Council believes that this planning proposal is needed because:

- the subject site has a residential dwelling;
- it is compatible with the adjoining site at 57-79 Justin Street and also 62-84 Justin Street, which are zoned B7 Business Park;
- it will increase housing and employment opportunities; and
- the site will be suitable for mixed use development once the site is remediated.

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Consistency with strategic planning framework :

The planning proposal is consistent with Council's Leichhardt 2020+ and draft Leichhardt 2025+.

The planning proposal is not consistent with the following strategies:

Metropolitan Plan for Sydney 2036

Action E3.2 Identify and retain strategically important employment lands.

The draft Inner West Subregional Strategy

Under this Strategy, the site has also been identified as Category 1 employment lands.

Draft Metropolitan Strategy for Sydney to 2031

Objective 13: Provide a well located supply of industrial lands

The planning proposal is inconsistent with these strategies as it seeks to reduce the amount of industrial land and remove Category 1 employment land within the LGA. However the planning proposal seeks to rezone this site to B7 Business Park which allows light industries and warehouse or distribution centres in the zone. This inconsistency is considered justified.

Environmental social economic impacts :

The planning proposal will not adversely affect critical habitats, threatened species or ecological communities.

The site is contaminated and requires a Council endorsed remediation action plan to be placed on exhibition with the planning proposal.

The B7 Business Park zone will encourage land uses such as arts, technology, production and design sectors which are more compatible with the nearby residential areas.

Assessment Process

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

Timeframe to make LEP : **9 Month** 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 :

Employment Lands (ELDP)

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Maps.pdf	Map	Yes
LMC_Planning Proposal_ Item 6_55 Justin Street Lilyfield.pdf	Proposal	Yes
Signed Cover Letter_ DoP_PlanningProposal - Proposed changes to Exhibited Draft LEP 2012.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 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 the planning proposal proceed subject to the following conditions:**

- **Planning proposal is exhibited for 14 days.**
- **Planning proposal be completed within 9 months.**
- **A public hearing is not required to be held.**
- **A Council endorsed Remediation Action Plan be placed on public exhibition with the planning proposal.**
- **The Director General's delegate approval for the inconsistency with direction 1.1 Business and Industrial zone is required. It is recommended that the Director General's delegate approve this inconsistency with the direction.**
- **An authorisation to exercise delegation to make the plan be issued to the council for this planning proposal.**

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

- **The site adjoins land zoned B7 Business Park;**
- **It is considered this planning proposal is compatible with the surrounding environment;**
- **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:

Sandy Shewell

Date:

07-06-13