

## SMALL BARS PLANNING PROPOSAL

C484/15P

RESOLVED

CHANNELLS/ EMSLEY

That Council:

1. Endorse the attached planning proposal and forward to the Minister for Planning for Gateway Determination in accordance with section 56 of the *Environmental Planning and Assessment Act 1979*;
2. Endorse the attached draft amendments to the Development Control Plan 2013, and place on public exhibition at the same time as the planning proposal.
3. Request the Department of Planning and Environment to delegate the plan making functions, in relation to the subject Planning Proposal, to Council;
4. Place the Planning Proposal (Attachment 6) and supporting documentation on public exhibition for a minimum of 28 days and public authorities be consulted on the Planning Proposal in accordance with the Gateway Determination, when issued;
5. Consider a report at the completion of the public exhibition period detailing submissions received and the outcome of consultation with public authorities.

**The vote for and against the above RESOLUTION is shown below for the record;**

FOR VOTE - Cr Rochelle Porteous, Cr Craig Channells, Cr Michele McKenzie, Cr John Jobling, Cr Tony Costantino, Cr Darcy Byrne, Cr Simon Emsley, Cr Linda Kelly, Cr Frank Breen

AGAINST VOTE - Cr John Stamolis

ABSENT. DID NOT VOTE - Cr Daniel Kogoy, Cr Vera-Ann Hannaford

PRESENT. DID NOT VOTE - Nil

**The following Foreshadowed motion was moved by Cr Stamolis but lapsed for want of a seconder.**

STAMOLIS

*That Council:*

1. *Forward the attached planning proposal to the Minister for Planning for Gateway Determination in accordance with section 56 of the Environmental Planning and Assessment Act 1979;*

2. *Place the attached draft amendments to the Development Control Plan 2013, and place on public exhibition at the same time as the planning proposal.*
3. *Request the Department of Planning and Environment to delegate the plan making functions, in relation to the subject Planning Proposal, to Council;*
4. *Place the Planning Proposal (Attachment 6) and supporting documentation on public exhibition for a minimum of 28 days and public authorities be consulted on the Planning Proposal in accordance with the Gateway Determination, when issued;*
5. *Consider a report at the completion of the public exhibition period detailing submissions received and the outcome of consultation with public authorities.*

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

**PLANNING PROPOSAL**

**To make small bars and pubs a prohibited land use within the B1  
Neighbourhood Centre, and make changes of use between small bars,  
restaurant and cafes a type of exempt development under the *Leichhardt Local  
Environmental Plan 2013***



## **Part 1 – Objectives or Intended Outcomes**

This planning proposal seeks to facilitate small bars in appropriate locations by creating a change of use exemption between small bars and restaurants and cafes in the B2 Local Centre zone under Schedule 2 of *Leichhardt Local Environmental Plan 2013*. This planning proposal also seeks to prohibit small bars and pubs from inappropriate areas such as the B1 Neighbourhood Centre zone. The proposed changes are shown in italics below.

### ***B1 Neighbourhood Centre Land Use Table***

#### **4. Prohibited**

[To insert into existing text] *Small bars*

### ***Schedule 2 Exempt development***

#### ***Change of use between restaurant and café and small bar***

*The following development does not require development consent under Leichhardt Local Environmental Plan 2013:*

- a) *a change of use of a building which currently has development consent for use as a restaurant and café to a small bar or development consent for a small bar to a restaurant and cafe where:*
  - i. *the building is on land zoned B2 Local Centre; and*
  - ii. *the new use operates in accordance with the current conditions of development consent relating to its use as a restaurant or café or as a small bar and which has capacity for no more than 60 patrons.*

## **Part 2 – Explanation of the Provisions**

This amendment aims to facilitate small bars in appropriate locations to strengthen the night time economies of the local centres in the Leichhardt LGA. Over the last decade retail vacancy rates have increased in many of Leichhardt main business corridors including; Parramatta Road and Norton Street, Leichhardt; and Darling Street, Balmain. A number of objectives and actions in Leichhardt Council's strategic plans address the night time economy and live music initiatives. These actions included a Council resolution to review planning provisions in order to facilitate small bar developments.

The review showed that Council had only been consulted on two small bar liquor licenses and no small bar development applications since LEP 2013 was published on 3 February 2014. The review also found that the permissibility of small bars and pubs did not support the objectives of the B1 Neighbourhood Centre zone. Consequently, this proposal proposes to prohibit these land uses from this zone.

In addition, the report found that restaurants and cafes or small pubs with a general bar licence can operate in much the same way as a small bar. A comparative analysis of both Marrickville and the City of Sydney councils found that development applications for food and drink premises with capacity of 120 patrons or less were assessed against many of the same or similar development control measures. Some of the development controls under Leichhardt DCP 2013 that applied to small bars, for example parking rates and information to be contained within a Plan of Management, were originally devised for larger licensed premises such as registered clubs and pubs. As small bars however have lesser impact than these larger licensed premises, more appropriate controls DCP amendments have been proposed along with this planning proposal.



The proposed amendment of the Leichhardt Development Control Plan 2013 will mean that small bars, restaurants and cafes have to meet the same planning requirements. It therefore stands to reason that a change of use between these land uses should be made exempt development in the B2 Local Centre zone, as effectively no development or operational changes will arise from this type of change of use. To be considered exempt development the new use must operate in

Thus, a local exemption clause for change of use between these uses in the B2 Local Centre zone is proposed in Schedule 2 of the LEP 2013. More detail is provided below.

### **B1 Neighbourhood Centre**

Under Leichhardt LEP 2013 small bars are currently permissible with consent in the B1 Neighbourhood Centre zone. Other venues that may require a liquor licence, such as restaurants, cafes and pubs are also permissible with consent in this zone. This zone complements the surrounding residential uses without competing with the larger B2 Local Centres. The *Leichhardt Local Environmental Plan 2013* objectives for the B1 Neighbourhood Centre are:

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure that development is appropriately designed to minimise amenity impacts.*
- *To allow appropriate residential uses to support the vitality of neighbourhood centres.*

There are eight areas zoned B1 Neighbourhood Centre in the Leichhardt LGA (refer to Figure 1). All of these locations fall outside the late-night trading areas identified in the Leichhardt Development Control Plan 2013. Most of them are small and surrounded by residential neighbourhoods and are generally remote from taxi facilities. Retaining small bars and pubs as permissible with consent in the B1 Neighbourhood Centres could have amenity implications for the surrounding residential areas relating to safety, intensification of use and traffic. The character of the surrounding areas could be altered and the potential for land use conflicts and complaints significantly increased.

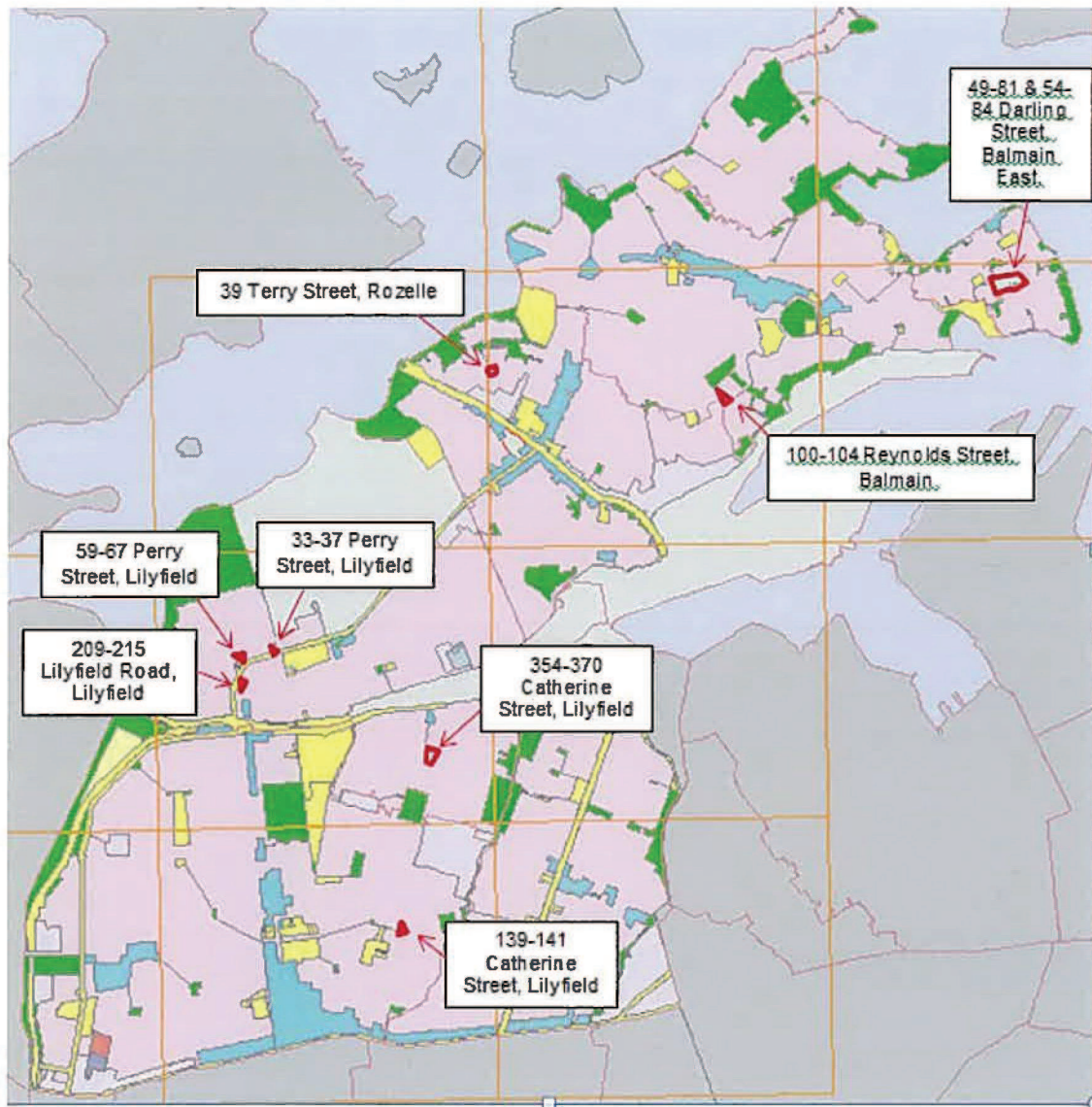


Figure 1: Location of the eight B1 Neighbourhood Centres

Small bars and pubs encourage the establishment of essential fabric for a night time economy. As small bars encourage a multi-destination patronage, the establishment of a few could encourage the development of other associated businesses. Locating small bars and pubs in B1 Neighbourhood Centres could dilute the potential for clusters of other such night time economy businesses in B2 local centres. Given that small bars and pubs can support live music initiatives it is desirable that be they are located in more business orientated B2 Local Centres within designated late-night trading areas. For these reasons it is proposed that small bars and pubs are prohibited in B1 Neighbourhood Centre under *Leichhardt LEP 2013*.

### Change of Use Exemption Clause

In addition to the exempt development specified under the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, Schedule 2 of *LEP 2013* allows additional local exempt development not specified in that Policy.

The Council review of small bars planning provisions concluded that the B2 Local Centre zone is the most appropriate location for the development of small bars in the Leichhardt LGA. These areas include Parramatta Road, Norton Street, in Leichhardt, Booth Street,



Annandale, Darling Street and Victoria Road, in Rozelle and Balmain. The majority of late night trading activities will occur in this zone, and therefore an opportunity exists to promote the development of small bars by amending Schedule 2 of LEP 2013.

The proposed exemption clause will allow a change of use between small bars and restaurants and cafes provided that the property concerned has an existing development consent allowing for no more than 60 patrons. The new use must operate in accordance with the current conditions of development consent relating to the use, if changes to the conditions are proposed a development application must be lodged with council.

A review of the characteristics of small bars found that a reasonable agglomeration of small bars in appropriate locations, such as late night trading areas, town centres and shopping streets can complement each other to create a precinct destination, more than a single venue such as a large pub or club does. This creates a sense of place and encourages local businesses and a late-night economy. Thus the purpose of this amendment is to encourage fine grain developments associated that support the night time economy.

### **Part 3 – Justification**

#### **Section A – Need for planning proposal**

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

This planning proposal is in response to a Council resolution to promote small bar developments in appropriate locations across the Leichhardt LGA. There are a number of objectives and actions within Council's strategic plans which relate to small bars due to their relevance to the night time economy and live music initiatives. These are discussed in further detail in Question 5, however the planning proposal is considered to be best practice planning was the subject of the review described above in Part 2, and is consistent with these planning objectives.

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

This proposal is considered the best way of achieving the objective to improve the operation of the Leichhardt LEP 2013 in regards to small bar developments. This will be complemented by amendments to Leichhardt Development Control Plan 2013.

##### ***Q3. Is there a net community benefit?***

Yes, small bars are attributed with having many positive impacts compared to large traditional drinking establishments such as hotels, pubs and nightclubs.

These include:

- Catering for demographic or population groups currently not catered for or under-catered for in particular localities;
- Fulfilling unmet demand for small or unique venues;
- Promoting balanced enjoyment of alcohol through the provision of food, seated drinking, higher prices to moderate binge drinking, and competition for high-risk venues such as pubs;
- Supporting the arts as potential venues for music, enhancing a cultural identity and attachment to place;



- Showcasing local and/or specialty products such as boutique beers or food makers (for example cheese);
- Activation of disused spaces (such as laneways);
- Activation of street fronts with improved passive surveillance and lighting of streets to increase perceptions of safety;
- Assisting the implementation of local and State government plans for revitalisation of urban and suburban areas;
- Increasing diversity of people visiting entertainment districts to help improve standards of behaviour;
- Providing employment opportunities for local people;
- Boosting tourism and spending in local economies; and
- Establishing or reinforcing desirable cultural characteristics in an area, such as artistic communities and heritage precincts.

This means they will continue to be permissible in B2, B4 and IN2 zones to facilitate the above benefits. The community will also benefit as the residential areas that surround B1 Neighbourhood Centre zones will be protected from land use conflicts that could arise from new small bars or pubs in these centres.

**Section B – Relationship to strategic planning framework.**

**Q4. 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 A *Plan for Growing Sydney* and the Draft Inner West Subregional Strategy. The following actions and objectives outlined in the tables below are of particular relevance.

<b>A Plan for Growing Sydney</b>	
<b>Objective</b>	<b>Comment</b>
<i>Direction 1.7 Grow Strategic Centres</i>	Action 1.7.1 promotes the creation of vibrant hubs of activities, to provide a range of services to make places attractive to live, work and play. The planning proposal aims to enliven local night time economies by promoting fine-grain low impact premises in local centres, such as small bars and licensed restaurants and cafes. It aims to improve vibrancy and create place making leisure activities for local residents and visitors.
<i>Direction 3.1 Revitalise Existing Suburbs</i>	<p>Action 3.1.1 supports planning initiatives that direct development to existing infrastructure that can cater for the needs of the development. This planning proposal and associated amendments to the Leichhardt Development Control Plan 2013 aim to promote small business food and drink premises in local centres - the most accessible places for local communities. Creating a vibrant centre which attracts both business and communities.</p> <p>Action 3.4 promotes Sydney's heritage, arts and culture. This proposal supports the development of late night trading premises which facilitate the provision and visibility of live music, cultural and arts venues. The proposal will also aid place making to promote the identity of local communities and help retain small heritage premises.</p>
<b>Draft Inner West Subregional Strategy</b>	
<b>Action</b>	<b>Comment</b>
A 3.3 Encourage Emerging Businesses	The draft plan recognises Balmain and Norton Street as town centres, as well as Leichhardt Market Place as a village, this planning proposal seeks to encourage and facilitate small businesses such as small bars and licensed restaurants and cafes in local centres across the LGA. The proposal therefore supports this objective.
B4.1 Concentrate Retail Activity in Centres, Business Development Zones and Enterprise	Retails strips with a mixture of shops and restaurants characterise Norton Street, Leichhardt and Darling Street, Balmain, whilst niche retailing is located along Parramatta Road for bridal shops and musical instruments. Over recent years



Corridors.	retail vacancy rates have been increasing in these areas. This proposal promotes place making developments such as small bars, restaurants and cafes within these areas to promote vibrancy. These uses are considered complementary to the activities of other commercial uses.
F4.2 Recognise the Night Economy to Protect Entertainment and Nightlife Clusters	Parramatta Road is recognised within the plan as an attractive location to support creative industry clusters. The planning proposal seeks to facilitate complementary activities to encourage this sector to expand in the area. Night economy areas are composed of restaurants, cafes, bars, hotels, theatres and cinemas. Annandale, Balmain and Norton Street are recognised as areas which currently support night time economy clusters. This proposal seeks to encourage the prosperity low impact licensed premises which support other larger entertainment activities and night time economies.
G1.2 – Improve local planning and assessment	The planning proposal seeks to improve the development assessment process by introducing more appropriate controls for licensed premises in the LGA.

**Q5. 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 2025+' and other associated local community strategic plans.

<b>Leichhardt 2025+</b>	<b>Comment</b>
<b>Community well being</b>	
People are connected to each another People are connected to place Health and Wellbeing are promoted	The enlivening of the night time economy in appropriate locations will encourage attachment to place and positive social interactions. Although alcohol consumption can have safety and health issues, small bars promote a positive drinking culture that encourages arts and cultural activities to occur in a positive social sphere. Therefore the proposal is consistent with these objectives.
<b>Accessibility</b>	
Environmental conditions are improved.	Disabled access, amenity and safety will be managed through the relevant merit based assessment of development applications.
<b>Place where we live and work</b>	
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	The proposal will encourage the development and enhancement of local business precincts and night time economy as well as encourage the expansion of the creative arts in public spheres. The proposal provides a fair and flexible planning process for small bar development



<b>Leichhardt 2025+</b>	<b>Comment</b>
enables people to develop our area according to a shared vision for the community.	in appropriate business zones.
<b><i>A Sustainable Environment</i></b>	
Our commitment capacity to consistently support environmental sustainability is developed.	Any new proposals for small bars will be required to comply with the sustainability objectives of the DCP.
<b><i>Business in the Community</i></b>	
Places are created that attract and connect people.	The proposal aims to promote social activity in business centres and the local late-night economies to attract people and support arts and cultural endeavours.
<b><i>Sustainable Service and Assets</i></b>	
Requirements and clear standards for infrastructure and services which meet the needs of local communities are provided and maintained. Transparent, consistent, efficient and effective participative processes are delivered.	The relevant standards will be achieved through the merit based assessment process. This proposal aims to locate small bars in appropriate land use zones to minimise potential land use conflicts.

**Q6. 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)**

<b>SEPP Title</b>	<b>Applicable</b>	<b>Comments</b>
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.

SEPP Title	Applicable	Comments
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 and 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 (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 (Three Ports) 2013		Does not apply to this LGA.
SEPP (Miscellaneous Consent Provisions) 2007	No	N/A to proposal.
SEPP (Urban Renewal) 2010	No	N/A to proposal.

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



REP Title	Applicable	Consistent
Greater Metropolitan REP No. 2 - Georges River Catchment	No	Does not apply to this LGA.
Hunter REP 1989 - Heritage	No	Does not apply to this LGA.
Illawarra REP No. 1	No	Does not apply to this LGA.
Illawarra REP No. 2 - Jamberoo Valley	No	Does not apply to this LGA.
Jervis Bay REP 1996	No	Does not apply to this LGA.
Lower South Coast REP No. 2	No	Does not apply to this LGA.
North Coast REP	No	Does not apply to this LGA.
Sydney Regional Environmental Plan No. 8 (Central Coast Plateau Areas)	No	Does not apply to this LGA.
Riverina REP No. 1	No	Does not apply to this LGA.
Willandra Lakes REP No. 1 - World Heritage Property	No	Does not apply to this LGA.
Murray REP No. 2 - Riverine Land	No	Does not apply to this LGA.
Orana REP No.1 - Siding Spring	No	Does not apply to this LGA.
REP No.8 - Central Coast Plateau Areas	No	Does not apply to this LGA.
REP No.9 - Extractive Industry (No 2—1995)	No	Does not apply to this LGA.
REP No.16 - Walsh Bay	No	Does not apply to this LGA.
REP No.18 - Public Transport Corridors	No	Does not apply to this LGA.
REP No.19 - Rouse Hill Development Area	No	Does not apply to this LGA.
REP No.20 - Hawkesbury-Nepean River (No 2—1997)	No	Does not apply to this LGA.
REP No.24 - Homebush Bay Area	No	Does not apply to this LGA.
REP No.26 - City West	No	N/A to proposal.
REP No.30 - St Marys	No	Does not apply to this LGA.
REP No.33 - Cooks Cove	No	Does not apply to this LGA.
SREP (Sydney Harbour Catchment) 2005	No	Does not apply to those parts of the LGA affected by this planning proposal.

**Q7. 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
<b>1. Employment &amp; Resources</b>			
1.1 Business and Industrial Zones	Yes	Yes	The proposal encourages business in suitable locations and supports the viability of existing business corridors.



s.117 Direction Title	Applicable	Consistent	Comments
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	
<b>2. Environment &amp; Heritage</b>			
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	
<b>3. Housing Infrastructure &amp; Urban Development</b>			
3.1 Residential Zones	Yes	Yes	The proposal enhances residential amenity and safety by removing incompatible land uses from inappropriate zones
3.2 Caravan Parks and Manufactured Home Estates	No	N/A	
3.3 Home Occupations	No	N/A	
3.4 Integrating Land Use & Transport	Yes	Yes	Some areas in Leichhardt are subject to noise attenuation measures because of their location within ANEF contours. Any proposed development will be subject to the relevant noise mitigation measures as required by the <i>Leichhardt LEP 2013</i> . It is considered that there is no change to existing policy.
3.5 Development near licensed aerodromes	Yes	Yes	The proposal is consistent with the objectives as there would be no impact on the operation of the aerodrome.
3.6 Shooting Ranges	No	N/A	

<b>s.117 Direction Title</b>	<b>Applicable</b>	<b>Consistent</b>	<b>Comments</b>
<b>4. Hazard &amp; Risk</b>			
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	
<b>5. Regional Planning</b>			
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 Revoked	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	
5.9 North West Rail Link Corridor Strategy	No	N/A	
<b>6. Local Plan Making</b>			
6.1 Approval and Referral Requirements	Yes	Yes	The proposal serves to simplify the development assessment process by facilitating small bars in appropriate locations and removes small bars from an inappropriate land use zone.
6.2 Reserving Land for Public Purposes	No	N/A	
6.3 Site Specific Provisions	No	N/A	
<b>7. Metropolitan Planning</b>			
7.1 Implementation of <i>A Plan for Growing Sydney</i>	Yes	Yes	It is consistent with the plan's objective of enhancing business precincts and encouraging late-night local economies that

s.117 Direction Title	Applicable	Consistent	Comments
			enliven their communities.



## **Section C – Environmental, social and economic impact**

**Q8. *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?***

No ecological impacts will occur as a result of this planning proposal. Any subsequent development applications will be subject to merit based assessment and appropriately regulated through development consents and plans of management.

**Q9. *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

No adverse environmental effects are anticipated as development will be confined to business precincts which are already developed. Any environmental effects occurring from individual development applications will be mitigated as part of the process of merit based assessment.

**Q10. *How has the planning proposal adequately addressed any social and economic effects?***

Under the Leichhardt Local Environmental Plan 2013, small bars are permissible with consent in B2 Local Centres, B4 Mixed Use zones and IN2 Light Industrial. It is considered that these zones will adequately accommodate small bar developments in a positive manner.

## **Section D – State and Commonwealth interests**

**Q11. *Is there adequate public infrastructure for the planning proposal?***

The proposal seeks to encourage development in business corridors which are well serviced by public transport and taxi services. Any development activity that may be generated by the implementation of this proposal will be minor due to the small scale of small bar operations and should relate well to the use of public transport.

**Q12. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?***

This section of the planning proposal would be completed following the issue of a Gateway determination which identifies which State and Commonwealth public authorities should be consulted.

## **Part 4 – Mapping**

There are no mapping changes associated with this planning proposal.

## **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 principal Local Environmental Plan, and
- does not reclassify public land.

“A guide to preparing local environmental plans” suggests that community consultation for a low impact planning proposal is usually 14 days. Given that small bars may involve some community sensitivities, 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)
Anticipated commencement date (date of Gateway determination)	1 December 2015
Anticipated timeframe for the completion of required technical information	At this stage 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 – 1 February to 29 February 2016.
Dates for public hearing (if required)	To be determined post exhibition
Timeframe for consideration of submissions	14 March 2016
Report final Draft Planning Proposal to Council	15 April 2016
Date of Submission to Parliamentary Counsel	Late April 2016



## Attachment 1- Delegation of Plan Making Functions to Council

Council is seeking an authorisation to make the plan for this planning proposal. The following response to the evaluation criteria is in support of this request;

(NOTE – where the matter is identified as relevant and the requirement has not been met, council is attach information to explain why the matter has not been addressed	Council Response		Department Assessment	
	Y/N	Not Relevant	Agree	Not Agree
Is the planning proposal consistent with the Standard Instrument Order 2006?	Y			
Does the planning proposal contain an adequate explanation of the intent, objectives, and intended outcome of the proposed amendment?	Y			
Are appropriate maps included to identify the location of the site and the intent of the amendment?	Y			
Does the planning proposal contain details related to proposed consultation?	Y			
Is the planning proposal compatible with an endorsed regional or sub-regional planning strategy endorsed by the Director-General?	Y			
Does the planning proposal adequately address any consistency with all relevant S117 Planning Direction?	Y			
Is the planning proposal consistent with all relevant State Environmental Planning Policies (SEPPs)?	Y			
<b>Minor Mapping Error Amendments</b>				
Does the planning proposal seek to address a minor mapping error and contain all appropriate maps that clearly identify the error and the manner in which the error will be addressed?		NA		
<b>Heritage LEPs</b>				
Does the planning proposal seek to add or remove a local heritage item and is it supported by a strategy/study endorsed by the Heritage Office?		NA		
Does the planning proposal include another form of endorsement or support from the Heritage Office if there is no supporting strategy/study?		NA		
Does the planning proposal potentially impact on an item of State Heritage Significance and if so, have the views of the Heritage Office been obtained?		NA		
<b>Reclassifications</b>				
Is there an associated spot rezoning with the reclassification?	N			
If yes to the above, is the rezoning consistent with an endorsed Plan of Management (POM) or strategy?		NA		
Is the planning proposal proposed to rectify an anomaly in a classification?	N			
Will the planning proposal be consistent with an adopted POM or other strategy related to the site?		NA		
Will the draft LEP discharge any interests in public land under section 30 of the <i>Local Government Act, 1993</i> ?	N			
If so, has council identified all interests; whether any rights or interests will be extinguished; any trusts and covenants relevant to the site; and, included a copy of the title with the planning proposal?		NA		
Has the council identified that it will exhibit the planning proposal in accordance with the department's Practice Note (PN 09-003) <i>Classification and reclassification of public land through a local</i>		NA		