



Leichhardt Local Environmental Plan 2000 (Amendment No 11)

under the

Environmental Planning and Assessment Act 1979

I, the Minister Assisting the Minister for Infrastructure and Planning (Planning Administration), make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (S03/02810/S69)

DIANE BEAMER, M.P.,

Minister Assisting the Minister for Infrastructure
and Planning (Planning Administration)

2004 No 163

Clause 1 Leichhardt Local Environmental Plan 2000 (Amendment No 11)

Leichhardt Local Environmental Plan 2000 (Amendment No 11)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Leichhardt Local Environmental Plan 2000 (Amendment No 11)*.

2 Aims of plan

This plan aims to amend *Leichhardt Local Environmental Plan 2000 (the 2000 plan)*:

- (a) to rationalise the objectives of the 2000 plan, and
- (b) to allow, without development consent, certain minor development on public roads, and
- (c) to allow, with development consent, development for the purposes of recreation areas in the Residential Zone, and
- (d) to allow, with development consent, development for the purposes of places of public worship, recreation areas, and outdoor recreation facilities in the Industrial Zone, and
- (e) to clarify the application of density controls for residential development, and
- (f) to rezone certain parcels of land under the 2000 plan, and
- (g) to correct a mapping error on the Heritage Conservation Map within the meaning of the 2000 plan, and
- (h) to correct several numbering errors in Schedule 2 (Heritage items) to the 2000 plan, and
- (i) to identify certain structures as heritage items under the 2000 plan, and
- (j) to remove certain buildings deemed to have no heritage significance from Schedule 2 (Heritage items) to the 2000 plan, and
- (k) to replace the definitions of *Heritage Conservation Map*, *Landscaped area* and *Zoning Map*, and

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- (l) to amend the provisions relating to building conversion and adaptation in the Residential Zone, and
 - (m) to amend the provisions relating to the commercial use of non-residential buildings in the Residential Zone.

3 Land to which plan applies

This plan applies to all land within the local government area of Leichhardt under *Leichhardt Local Environmental Plan 2000*.

4 Amendment of Leichhardt Local Environmental Plan 2000

Leichhardt Local Environmental Plan 2000 is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 6 Exempt and complying development

Omit clause 6 (5). Insert instead:

- (5) In this clause, references to *Development Control Plan No 35* are references to the provisions of that development control plan as adopted on 25 November 2003.

[2] Clause 9 Model provisions

Omit “, 14”.

[3] Clause 13 General objectives

Omit clause 13 (2)–(4). Insert instead:

- (2) The general objective for the **built and natural environment and amenity** is to encourage the design of buildings, structures and spaces which are compatible with the character, form and scale of the area to:
- (a) protect and enhance the area’s natural features, character and appearance, and
 - (b) protect, conserve and enhance the area’s heritage, and
 - (c) provide an environment meeting the principles of good urban design, and
 - (d) maintain amenity and contribute to a sense of place and community, and
 - (e) provide an environment which is visually stimulating, while being easy to manage and maintain, and
 - (f) provide adequate access and linkages to public open space, and
 - (g) accommodate the existing and future needs of the locality concerned, and
 - (h) protect and conserve ecologically sensitive land, particularly that which is visually exposed to the waters of Sydney Harbour and the Parramatta River and of natural or aesthetic significance at the water’s edge.

- (3) The general objective for **transport and access** is to encourage the integration of the residential and non-residential land uses with public and private transport and improve access to:
- (a) reduce the need for car travel and subsequent pressure on the existing road networks, and
 - (b) maximise utilisation of existing and future public transport facilities, and
 - (c) maximise the opportunity for pedestrian and cycle links, and
 - (d) identify and ameliorate adverse impacts of all transport modes on the environment, and
 - (e) improve road safety for all users, particularly pedestrians and cyclists.

[4] Clause 14 Urban design principles

Omit the clause.

[5] Clause 15

Omit the clause. Insert instead:

15 Objectives

The objectives of the Plan in relation to heritage conservation are as follows:

- (a) to protect, conserve and enhance the cultural heritage and the evidence of cultural heritage, including places, buildings, works, relics, townscapes, landscapes, trees, potential archaeological sites and conservation areas, and provide measures for their conservation,
- (b) to protect, conserve and enhance the character and identity of the suburbs, places and landscapes of Leichhardt, including the natural, scenic and cultural attributes of the Sydney Harbour foreshore and its creeks and waterways, surface rock, remnant bushland, ridgelines and skylines,
- (c) to prevent undesirable incremental change, including demolition, which reduces the heritage significance of places, conservation areas or heritage items,

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- (d) to allow compatible and viable adaptation and re-use of the fabric of heritage significance,
- (e) to ensure the protection of relics and places of Aboriginal cultural significance in liaison with the Aboriginal community.

[6] Clause 17

Omit the clause. Insert instead:

17 Objectives

The objectives of the Plan in relation to housing are as follows:

- (a) to provide development standards to ensure that the density and landscaped areas of new housing are complimentary to and compatible with the style, orientation and pattern of surrounding buildings, works and landscaping and to take into account the suite of controls in *Leichhardt Development Control Plan 2000* to achieve the desired future character,
- (b) to provide landscaped areas that are suitable for substantial tree planting and of a size and location suitable for the use and enjoyment of residents,
- (c) to provide for a minimum residential allotment size in order to protect the area's diverse subdivision pattern and to ensure the orderly and economic use and development of residential land,
- (d) to provide a diverse range of housing in terms of size, type, form, layout, location, affordability and adaptability to accommodate the varied needs of the community, including persons with special needs,
- (e) to improve opportunities to work from home.

[7] Clause 18 Development control table: Residential Zone

Insert after "public transport stops" under the heading "**Development allowed only with development consent**" in the Table to the clause:

recreation areas

[8] Clause 19 General provisions for the development of land

Omit clause 19 (5). Insert instead:

(5) Building conversion and adaptation

Irrespective of subclauses (2) and (3), consent may be granted to alterations to a non-residential building, in the Residential Zone, so as to allow it to be used for a residential use, if the consent authority is satisfied that:

- (a) the building is substantially retained, which means the building must be structurally capable of conversion without the need for the replacement of most of the structure, and
- (b) any increase in floor space is contained generally within the envelope of the existing building, and
- (c) the alteration of the building will meet the ecologically sustainable development objectives and controls of the Plan, and
- (d) the alterations have been designed with adequate provision for the intended occupants, and those in the vicinity of the site of the proposed development, in terms of amenity, and
- (e) the appearance of the building, after the alterations have been carried out, will integrate into and enhance the streetscape, and
- (f) the alteration of the building will provide useable private outdoor recreation space for, and directly adjoining, each dwelling, and
- (g) the conversion of the building will provide adequate, accessible and secure car parking spaces and bicycle storage facilities for residents of and visitors to the building, and
- (h) where the building is a heritage item or in the vicinity of a heritage item or within a conservation area, the conversion of the building meets the heritage objectives and controls of the Plan.

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[9] Clause 20

Omit the clause. Insert instead:

20 Objectives

The objectives of the Plan in relation to employment are as follows:

- (a) to ensure the sustainable growth of Leichhardt's economy by retaining existing employment uses and fostering a range of new industrial and business uses to meet the needs of the community,
- (b) to reinforce and enhance the role, function and identity of established business centres by encouraging appropriate development and to ensure that surrounding development does not detract from the function of these centres,
- (c) to integrate residential and business development in business centres,
- (d) to ensure that buildings to be used for employment are appropriately located and designed to minimise the generation of noise, traffic, car parking, waste, pollution and other adverse impacts, to maintain the amenity of surrounding land uses, and avoid harm to the environment,
- (e) to ensure the continuation of commercial port uses and railway uses,
- (f) to allow a range of water-based commercial and recreational facilities in waterfront areas in order to retain the visual diversity and maritime character of the area,
- (g) to ensure non-residential development in residential zones does not detract from the function of the established business centres.

[10] Clause 22 Development control table: Industrial Zone

Insert after "passenger transport terminals" under the heading "**Development allowed only with development consent**" in the Table to the clause:

places of public worship

[11] Clause 22, Table

Omit “recreation facilities (indoor)” from under the heading “**Development allowed only with development consent**”.

Insert instead:

recreation areas
recreation facilities

[12] Clause 23 General provisions for the development of land

Omit clause 23 (6) (b). Insert instead:

- (b) the building is substantially retained, which means the building must be structurally capable of conversion while meeting building, health, amenity and other environmental planning requirements, without the need for the replacement of most of the structure, and

[13] Clause 24

Omit the clause. Insert instead:

24 Objectives

The objectives of the Plan in relation to open space are as follows:

- (a) to maximise the provision of open space in order to provide a diverse range of settings and recreational opportunities to meet the needs of the community,
- (b) to ensure the equitable distribution of, and access to, open space and recreation facilities,
- (c) to retain, protect and promote public access to foreshore areas and provide links to existing open space,
- (d) to ensure development is compatible with any Parks Plans of Management, Landscape Plans and Bicycle Plan adopted by the Council,
- (e) to conserve and enhance the ecological role of open space, including flora and fauna diversity (including the genetic, species and ecosystem diversity of flora and fauna), habitat corridors and the potential of open space to cleanse air, water and soils,
- (f) to provide opportunities in open space for public art.

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[14] Clause 27

Omit the clause. Insert instead:

27 Objectives

The objectives of the Plan in relation to community uses are to facilitate the equitable provision and improve the range, quality and distribution of community and cultural facilities and services to meet the needs of residents, workers and visitors.

[15] Clause 38

Insert after clause 37:

38 Development on public roads

- (1) A person must not carry out development on a public road shown uncoloured on the Zoning Map, or part of such a road lawfully closed, without the development consent of the consent authority.
- (2) The consent authority may grant its consent under subclause (1) only for a purpose that may be carried out either with or without development consent on land adjoining that road.
- (3) Despite subclauses (1) and (2), the following development may be carried out without the consent of the consent authority on a public road shown uncoloured on the Zoning Map or part of such a road lawfully closed:
 - (a) Council development for the purposes of minor improvements to footpaths, such as landscaping and repaving, drainage, street resurfacing and the reconstruction of kerbs, footpaths, gutters and the like,
 - (b) exempt or complying development as described under clause 6,
 - (c) development for which approval has been granted under Part 1 of Chapter 7 of the *Local Government Act 1993*.

[16] Schedule 2 Heritage items

Insert in the matter relating to Darling Street, Balmain, in appropriate order according to the street number under the headings “**Street Number**”, “**Type**”, “**Description**” and “**Level of Significance**”:

68	Built	House	Local
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[17] Schedule 2

Insert in appropriate order according to the street name and number under the headings “**Street/Suburb**”, “**Type**”, “**Description**” and “**Level of Significance**”:

Little Stephen Street, Balmain	Other	Stone drain abutting 52 Palmer Street	Local
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[18] Schedule 2

Omit the matter relating to 75A–77 Moore Street, Leichhardt.

Insert instead in appropriate order according to the street number under the headings “**Street Number**”, “**Type**”, “**Description**” and “**Level of Significance**”:

77	Built	Shop and residence	Local
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[19] Schedule 2

Insert in the matter relating to Palmer Street, Balmain, in appropriate order according to the street number under the headings “**Street Number**”, “**Type**”, “**Description**” and “**Level of Significance**”:

20	Built	House	Local
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[20] Schedule 2

Insert in the matter relating to Pearson Street, Balmain, in appropriate order according to the street number under the headings “**Street Number**”, “**Type**”, “**Description**” and “**Level of Significance**”:

4	Built	House	Local
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[21] Schedule 2

Insert in the matter relating to Union Street, Balmain, in appropriate order according to the street number under the headings “**Street Number**”, “**Type**”, “**Description**” and “**Level of Significance**”:

18–20	Built	Pair of semi-detached houses	Local
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[22] Schedule 2

Omit the matter relating to 16–18 Wharf Road, Balmain.

[23] Schedule 2

Omit the matter relating to 19 Wharf Road, Balmain.

Insert instead in appropriate order according to the street number under the headings “**Street Number**”, “**Type**”, “**Description**” and “**Level of Significance**”:

19 and 19A	Built	House and Stannard’s marina	Local
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[24] Schedule 2

Omit the matter relating to 83 Young Street, Annandale.

Insert instead in appropriate order according to the street name and number under the headings “**Street/Suburb**”, “**Street Number**”, “**Type**”, “**Description**” and “**Level of Significance**”:

Young Street, Annandale	81	Built	Shop and residence	Local
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[25] Schedule 3 Glossary

Omit the definitions of *Heritage Conservation Map*, *Landscaped area* and *Zoning Map*.

Insert instead:

Heritage Conservation Map means the map marked “Leichhardt Local Environmental Plan 2000 Heritage Conservation Map Issued April 2003”, incorporating any relevant amendment to that map by the following plans:

Leichhardt Local Environmental Plan 2000 (Amendment No 1)

Leichhardt Local Environmental Plan 2000 (Amendment No 11)

Landscaped area means the part of a site area at ground level:

- (a) not occupied by any building above or below ground, and
- (b) not overhung by part of a building with a clearance of less than 2.4 metres,

and used for recreation, lawns, gardens and substantial planting. It does not include balconies, driveways and parking areas, but includes decks where they have a direct connection to ground level and are no higher than 500mm above ground level.

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Zoning Map means the map marked “Leichhardt Local Environmental Plan 2000 Zoning Map Issued April 2003” incorporating any relevant amendment to that map by the following plans:

Leichhardt Local Environmental Plan 2000 (Amendment No 1)

Leichhardt Local Environmental Plan 2000 (Amendment No 2)

Leichhardt Local Environmental Plan 2000 (Amendment No 6)

Leichhardt Local Environmental Plan 2000 (Amendment No 11)

BY AUTHORITY
