



New South Wales

Leichhardt Local Environmental Plan 2013 (Amendment No 18)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

BRETT WHITWORTH

As delegate for the Minister for Planning and Public Spaces

Leichhardt Local Environmental Plan 2013 (Amendment No 18)

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1 Name of Plan

This Plan is *Leichhardt Local Environmental Plan 2013 (Amendment No 18)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to Lot 2, DP 1015843, 469–483 Balmain Road, Lilyfield.

4 Maps

The maps adopted by *Leichhardt Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Leichhardt Local Environmental Plan 2013

[1] Clause 6.14 Development control plans for certain development

Omit clause 6.14(6). Insert instead—

- (6) This clause does not apply to development on land identified as—
 - (a) “1 Kolotex Labelcraft Site” on the Key Sites Map, and
 - (b) “J” on the Additional Permitted Uses Map, being Lot 2, DP 1015843.

[2] Clause 6.21

Insert after clause 6.20—

6.21 Development of land at 469–483 Balmain Road, Lilyfield

- (1) This clause applies to Lot 2, DP 1015843, 469–483 Balmain Road, Lilyfield.
- (2) The objective of this clause is to ensure the ongoing provision of employment, service and creative enterprise opportunities on the land.
- (3) Development consent must not be granted to mixed use development on the land that includes a residential flat building unless the consent authority is satisfied of the matters specified in subclause (4) and the conditions specified in subclauses (5)–(7) are met.
- (4) The consent authority must be satisfied that—
 - (a) at least 6,000 square metres of the total gross floor area will be set aside for employment uses, and
 - (b) at least 1,200 square metres of the 6,000 square metres set aside for employment uses will be used for a creative purpose, and
 - (c) the development provides for the adaptive reuse of existing buildings on the land, as far as is practicable, and
 - (d) at least 5% of the gross floor area that is to be used for the purpose of residential accommodation will be used for affordable housing.
- (5) Development consent must not be granted unless—
 - (a) a development control plan that provides for the matters specified in subclause (6) has been prepared for or applies to the land, or
 - (b) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (6) The development control plan must provide for all of the following—
 - (a) design principles drawn from an analysis of the site and its context,
 - (b) buildings to be retained in, and incorporated into, any future mixed use development,
 - (c) distribution of land uses, including open space (its function and landscaping),
 - (d) building envelopes and built form controls, including specified building storeys, setbacks (both to the ground floor and upper storeys), bulk, massing and modulation of buildings,
 - (e) housing mixes, including affordable and adaptable housing,
 - (f) vehicle access arrangements,

- (g) encouraging sustainable transport, including increased use of public transport, walking and cycling, and appropriate car parking provision,
 - (h) improvements to the public domain and opportunities for its passive surveillance,
 - (i) the application of the principles of ecologically sustainable development,
 - (j) environmental impacts such as overshadowing and solar access and visual and acoustic privacy,
 - (k) measures to mitigate land use conflict between the residential component and employment uses of the mixed use development,
 - (l) measures to mitigate land use conflict between the residential component of any future development and the employment uses surrounding the site, including light industrial uses.
- (7) Development consent must not be granted to the development unless conditions are imposed by the consent authority to the effect that—
- (a) for at least 30 years from the date of the issue of the occupation certificate—
 - (i) the accommodation proposed to be used for affordable housing will be used for affordable housing, and
 - (ii) the accommodation that is used for affordable housing will be managed by a registered community housing provider, and
 - (b) before the date of the issue of the occupation certificate, a restriction will be registered against the title of the land in accordance with section 88E of the *Conveyancing Act 1919* that will ensure that the requirements of paragraph (a) are met.
- (8) Subclause (7) does not apply to development on land owned by a public authority or to a development application made by, or on behalf of, a public authority or registered community housing provider.
- (9) A word or expression used in this clause has the same meaning as in *State Environmental Planning Policy (Affordable Rental Housing) 2009* unless it is otherwise defined in this Plan.
- (10) In this clause—
- employment uses** do not include home businesses, home industries, home occupations, residential accommodation or tourist and visitor accommodation.
- creative purpose** includes media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions, community facilities or other related purposes, but does not include business premises or office premises.

[3] Schedule 1 Additional permitted uses

Insert at the end of the Schedule, with appropriate clause numbering—

Use of certain land at Balmain Road, Lilyfield

- (1) This clause applies to land identified as “J” on the Additional Permitted Uses Map, being Lot 2, DP 1015843.
- (2) Development for the purpose of residential flat buildings is permitted with development consent.
- (3) This clause is repealed on the day that is 3 years after the day on which *Leichhardt Local Environmental Plan 2013 (Amendment No 18)* commenced

(the repeal date) if a development application for consent to development on the land for the purpose of a residential flat building has not been made before the repeal date.