

Planning Proposal

Draft Amendment to Leichhardt Local Environmental Plan 2013

DESCRIPTION

Land Situated at 250 Annandale Street, Annandale, currently Lot 2 DP 1046985 (approved Lots 1 & 2 DP 1046985 in accordance with Determination Notice D/2010/217) and 35 Edna Street, Lilyfield, currently Lot 1 DP 343175 (approved Lots 1 & 2 DP 343175 in accordance with Determination Notice D/2010/218)

September 2013

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Appendix 1 : List of Previous Studies – 35 Edna Street, Lilyfield

- 1.A – Remediation Action Plan (April 2013) – CH2Mhill
- 1.B – Retaining Walls Report (July 2009) – Wood Grieve Engineers
- 1.C – Indicative Development Outcome (October 2009) – Architectus Group Pty Ltd
- 1.D – Stormwater Drainage and Overland Flow Study (Oct 2009) – Northrop Consulting Engineers
- 1.E – Traffic (December 2005) – Maunsell | AECOM
- 1.F – Heritage Impact Statement (January 2010) – Graham Brooks and Associates
- 1.G – Statements of Environmental Effects for the Subdivision Development Application (April 2010)
– Architectus Group

Appendix 2 : List of Previous Studies – 250 Annandale Street, Annandale

2.A – Remediation Action Plan (June 2006) – GHD Pty Ltd and CH2MHill

2.B – Retaining Walls Report (July 2009) – Wood Grieve Engineers

2.C – Indicative Development Outcome (December 2005) – Architectus Group Pty Ltd

2.D – Stormwater Drainage and Overland Flow Study (July 2009) – Northrop Consulting Engineers

2.E – Traffic (December 2005) – Maunsell | AECOM

2.F – Heritage Impact Statement (January 2010) – Graham Brooks and Associates

2.G – Utility Servicing Strategy (December 2005) – Patterson Britton and Partners

2.H – Statements of Environmental Effects for the Subdivision Development Application (April 2010)
– Architectus Group

Executive Summary

This Planning Proposal considers the planning merits of a draft amendment to *Leichhardt Local Environmental Plan 2103* to rezone two Sydney Water owned sites, that are surplus to the Agency's requirements and no longer required for public purpose, at 35 Edna Street, Lilyfield and part of 250 Annandale Street, Annandale from *SP2 – Infrastructure (Sewerage System)* to *R1 - General Residential* and part from *R1* to *SP2*.

Given the proximity of the sites to each other, this Planning Proposal considers the merits of both sites within this one report.

The Sydney Water sites have been the subject of ongoing discussion between Sydney Water, Council and the Department of Planning and Infrastructure. Both sites have Joint Regional Planning Panel approvals for portions of each to be subdivided for Residential purposes. Studies supporting the Sydney Water applications, that remain relevant to this Planning Proposal, indicated that 35 Edna Street, Lilyfield could accommodate up to four (4) dwellings at 35 Edna Street, Lilyfield and one (1) dwelling house at 250 Annandale Street, Annandale. Both sites also have Site Compatibility Certificates issued by the Department of Planning and Infrastructure that confirm that the relevant portions can be used for residential purposes.

This proposal has been prepared in accordance with Section 55 of the *EP&A Act* and relevant Department of Planning and Infrastructure Guidelines including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”. This Planning Proposal has been assessed against Council's planning and strategic policies including the Local Environmental Plan; Development Control Plan (DCP); Employment and Economic Development Plan; Leichhardt 2025+; Integrated Transport Plan; Community and Cultural Plan and Public Art Policy. It has also been assessed against State strategic planning policies.

Other Council policies and interests including affordable housing, Voluntary Planning Agreements, water sensitive urban design, traffic and active transport have also been considered.

While the sites broadly reflect the characteristics of industrial land, they are not zoned as such and consequently, do not impact on the employment figures for the Leichhardt Local Government Area (LGA). On assessment of the sites against the broad criteria of Council's Employment and Economic Development Plan, it is considered that the sites could be considered fragmented industrial sites and suitable for rezoning.

The Planning Proposal identified a range of possible community benefits that could flow from the rezoning including an increased population to support public transport and local centres.

Consequently, this Pre-Gateway Planning Proposal has sufficient merit for referral to the Department of Planning and Infrastructure for a Gateway determination.

It is Council's policy to negotiate Voluntary Planning Agreements on a case by case basis for amendments to the Local Environmental Plan such as rezoning and/or an increase in Floor Space Ratio. Any draft Voluntary Planning Agreement should be the subject of public exhibition if the Gateway determines the Planning Proposal should proceed.

1 Introduction

This Planning Proposal has been prepared in accordance with Section 55 of the *EP&A Act* and relevant Department of Planning and Infrastructure Guidelines including “*A Guide to Preparing Local Environmental Plans*” and “*A Guide to Preparing Planning Proposals*”.

The general objectives of this Planning Proposal are to amend *Leichhardt Local Environmental Plan 2013* to make provision for the rezoning of:

- Approved Lot 2 (Determination Notice No. D/2010/218) at 35 Edna Street, Lilyfield from *SP2 Sewerage System* to *R1 General Residential*. (See Figures 10 and 11).
- The part of the land at 250 Annandale Street, Annandale that is *SP2 Sewerage System* to *R1 General Residential* (i.e. approved Lot 1 in accordance with Determination Notice No. D/2010/217) and the part of the land that is *R1 General Residential* to *SP2 Sewerage System* (i.e. approved Lot 2 in accordance with Determination Notice No. D/2010/217). (See Figures 12 and 13).

The properties are owned by Sydney Water and are surplus to their requirements. The proposal falls within the objectives of the *State Owned Corporations Act* (SOC Act) 1989 that governs the manner in which the applicant must deal with its surplus land holdings for highest and best use benefit for all recipients of its water supply and sewerage services.

This Planning Proposal has been structured in the following manner:

- Section 2 provides a description of the precinct and its context, including identification of the land to which the proposed rezoning applies, existing development and the planning policy framework.
- Section 3 sets out the Planning Proposal in the terms required by Department of Planning and Infrastructure Guidelines (outlined above).
- Section 4 provides a conclusion.

2 The Sites and Context

2.1 Overview

This section describes the location of the sites; existing development on the land; the planning framework policy and the relationship of the area to other Council strategies and relevant subregional strategies.

35 Edna Street, Lilyfield is approximately 400m walking distance from 250 Annandale Street, Annandale as shown in Figure 1. The proposals have been reviewed against the provisions of the Leichhardt Local Environmental Plan 2000 and 2013. Number 35 Edna Street, Lilyfield and part of 250 Annandale Street, Annandale are zoned Public Purpose under the current *Leichhardt Local Environmental Plan 2000*, as indicated in Figures 10 and 12 below. The northern part of 250 Annandale Road is currently zoned Residential (Figure 12). It is proposed to rezone the sites to part R1 – Residential, with the remaining parts of the lots to be zoned SP2 – Sewerage Infrastructure as indicated in Figures 11 and 13.

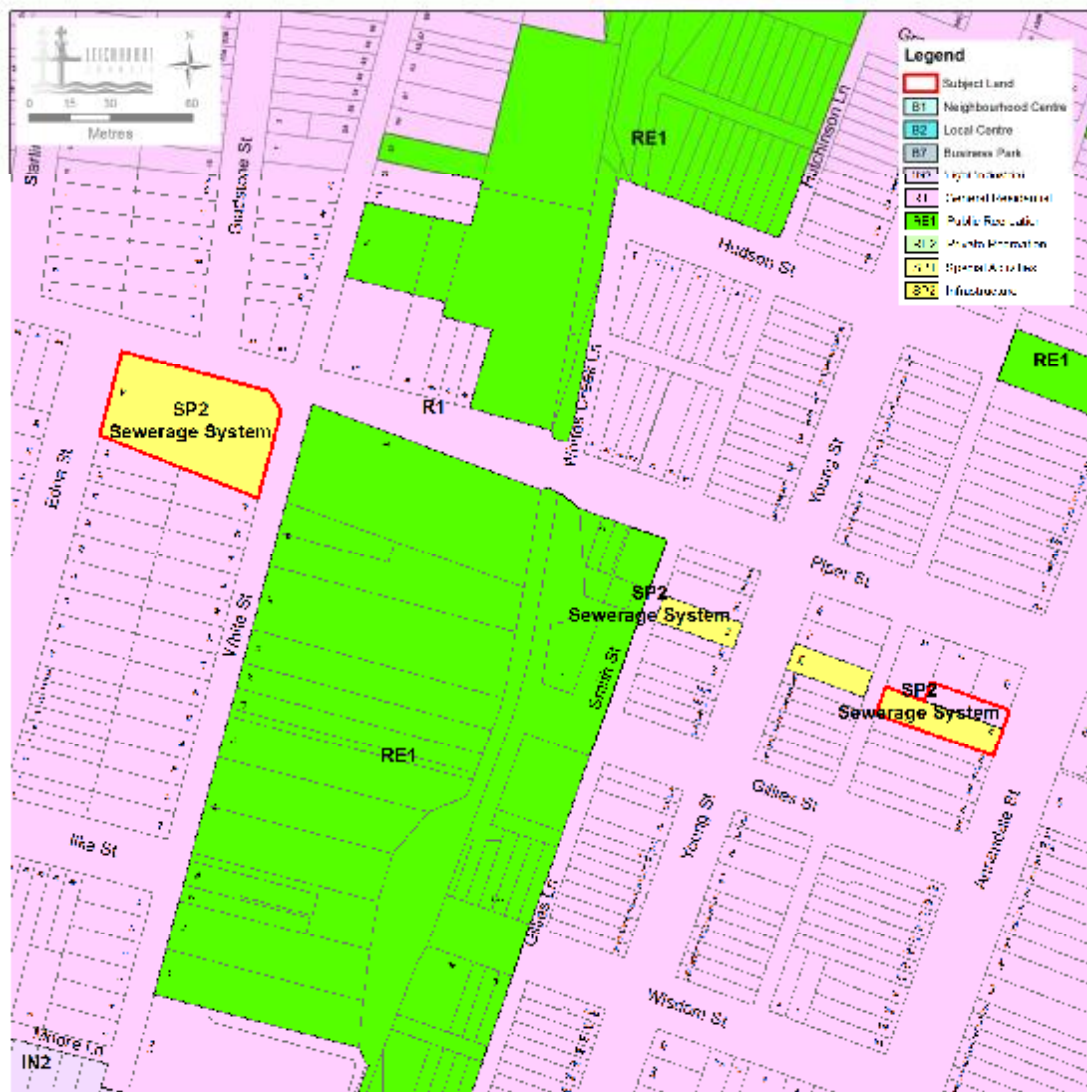


Figure 1: Location Plan showing Local Environmental Plan 2013 zoning

2.2 35 Edna Street, Lilyfield

The site is legally described as Lot 1 in DP 343175, 35 Edna Street, Lilyfield. The site is in the Leichhardt Local Government Area (LGA) on the southern side of Piper Street, Lilyfield and extends between Edna Street (west) and White Street (east). Piper Street, which runs in an east-west direction, allows vehicle and pedestrian access across the Whites Creek open space corridor. White Street and Edna Street are minor/local roads that intersect Piper Street and run in a north-south direction. There is a prevailing east-west lot orientation which results in the majority of properties along Piper Street fronting the cross streets.

The site's characteristics include that it:

- Is located within the Catherine Street Distinctive Neighbourhood under *Leichhardt Development Control Plan 2000 (DCP 2000)* and also draft *Leichhardt Development Control Plan 2013 (draft DCP 2013)*, which is an established residential precinct.
- Contains a heritage item known as the Whites Creek Aqueduct, however it is not located within a conservation area.
- Is identified as a flood control lot.
- Is located approximately 3.8 kilometres west of Central Sydney.
- Is located approximately 1.4 kilometres north-east of Leichhardt.
- Is in close proximity to public transport, including bus and light rail services.
- Is approximately 450 metres walking distance from Lilyfield light rail station which provides direct access to Central Sydney.
- Is in close proximity to the City West Link, providing direct access to Sydney City and major roads including Parramatta Road, Victoria Road and other local and metropolitan road networks.
- Is close to a range of services and amenities including public open space, local schools and local shops located on Catherine Street.

An aerial view of the subject site is shown in Figure 2.

Development to the north, south and south-west of the site is generally detached dwellings of one and two storeys. There is a small-scale town house development immediately opposite the site to Piper Street. Opposite White Street, to the east, is open space. Single and two storey, detached, residential dwellings surround the site to the south and west.

A neighbourhood retail strip is located along Catherine Street, approximately 220 metres west of the site. The Whites Creek Valley Park is located east of the site, opposite White Street.



Figure 2: Aerial view showing 35 Edna Street, Lilyfield

2.2.1 Land subject to the Planning Proposal

The subject site is approximately 2180.1m² in area and has a frontage of 32.745m to White Street (east); 55.63m to Piper Street (north) and 32.38m to Edna Street (west). The site also has an 8.68m splay between White Street and Piper Street.

The Planning Proposal relates to the northern portion of the site with a site area of approximately 1224m², i.e. approved Lot 2 under Subdivision Application Determination No. D/2010/218 (refer to Section 2.2.3 below). It is proposed to re-zone this northern portion of the site R1 – General Residential.

The southern portion of the site, with a site area of 956.1m², has frontage to both Edna Street and White Street. This southern portion of the site contains part of the two storey brick building that also spans into the northern portion of the site, a brick shed and part of the aqueduct which runs from the site across east to 250 Annandale Road, Annandale. The southern portion of the site will remain for the use of Sydney Water Corporation.

2.2.2 Existing Development

The site presently accommodates a works depot and associated buildings owned by Sydney Water.



Photograph 1: 35 Edna Street, Lilyfield as viewed from Gladestone Street looking south.



Photograph 2: 35 Edna Street, Lilyfield as viewed from Piper Street and White Street looking south west.



Photograph 3: 35 Edna Street, Lilyfield as viewed from White Street looking north.



Photograph 4: 35 Edna Street, Lilyfield from corner of Edna Street and Piper Street looking south east.

2.2.3 Approved Subdivision

Determination D/2010/218 for the Subdivision of 35 Edna Street, Lilyfield into two (2) lots - one (1) lot (Lot 1) to remain a public purpose lot to be retained by Sydney Water and the other lot (Lot 2) for future residential development (with the potential to provide four (4) dwelling house allotments) - was issued for approval in March 2011 and remains valid.

The conditions of consent include that the part of the site, being the subject of a Site Compatibility Certificate for residential use, cannot be disposed for an alternative use until a Subdivision Certificate has been obtained from Council. Further, Clause 3 of the determination confirms that prior to registration of ANY Subdivision Certificate, the site must be remediated suitable for residential purposes otherwise no construction certificates will be issued by Council.

A copy of the subdivision plan is provided at Figure 3.

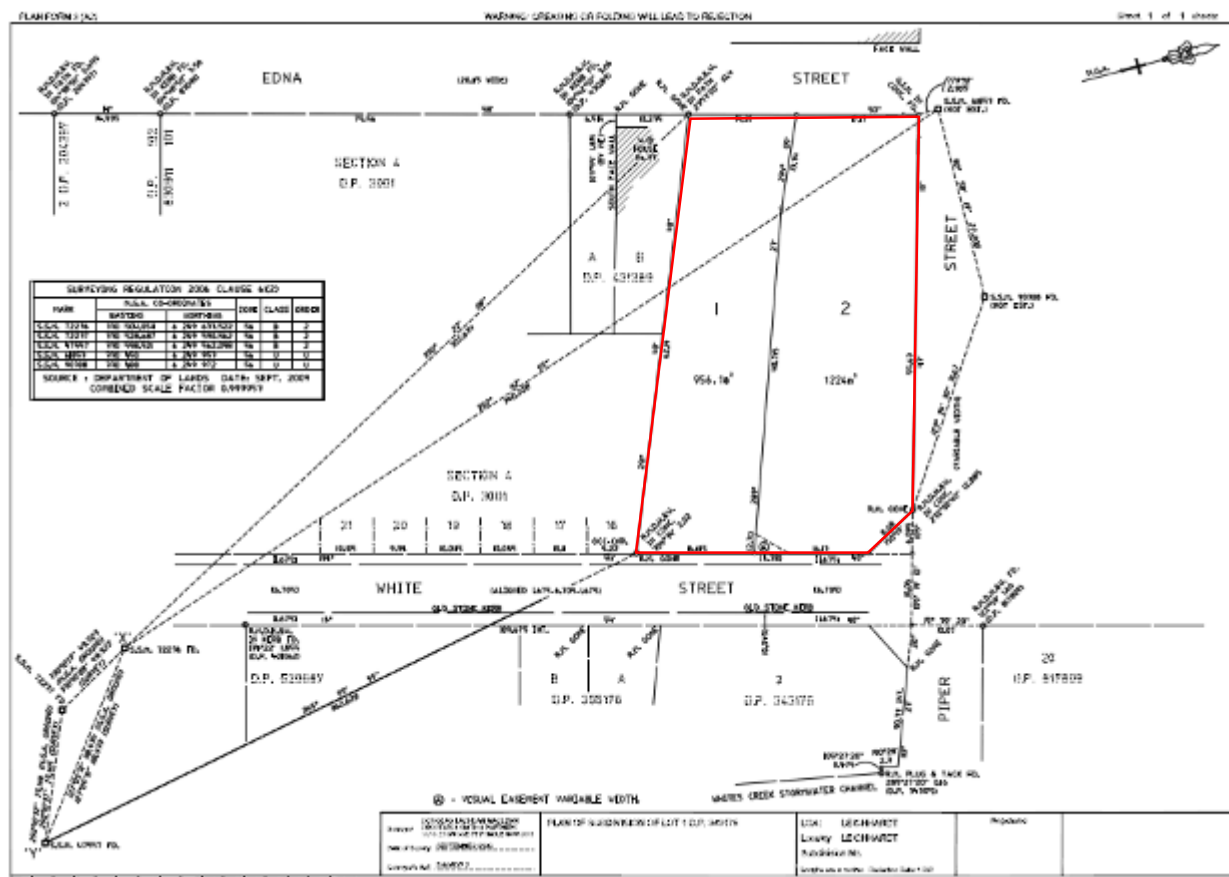


Figure 3: Subdivision Plan – 35 Edna Street, Lilyfield

2.3 250 Annandale Street, Annandale

The site is legally described as Lot 2 in DP 1046985, 250 Annandale Street, Annandale. The site is located on the western side of Annandale Street close to the intersection with Piper Street and adjoins the heritage listed Whites Creek Aqueduct. The rear is serviced by a lane which has been closed and adjoins the subject property. The site is where the Aqueduct goes into cut and tunnel under Annandale Street and to the east

Surrounding development generally comprises low and medium density, residential, dwellings. There is a lineal park on the creek to the west and the major local road, Johnston Street, is located close by to the east.

The site is:

- Within the Annandale Street Distinctive Neighbourhood under DCP 2000 and also draft DCP 2013, which is an established residential precinct.
- Within the Annandale Heritage Conservation Area and Annandale Street is also listed as a Landscape Item under *Leichhardt Local Environmental Plan 2000*.
- The subject site contains a heritage item known as the Whites Creek Aqueduct.
- Identified as a flood control lot.
- 3.4 kilometres west of Central Sydney.
- 1.8 kilometres north-east of Leichhardt.
- In close proximity to public transport, including bus and light rail services.
- Approximately 850 metres walking distance from Lilyfield light rail station which provides direct access to Central Sydney.
- In close proximity to the City West Link, providing direct access to Sydney City and major roads including Parramatta Road, Victoria Road and other local and metropolitan road networks.
- Close to a range of services and amenities including public open space, local schools and local shops located on Both Street and Johnston Street.

An aerial view is shown in Figure 4.



Figure 4: Aerial view showing 250 Annandale Street, Annandale

2.3.1 Land subject to the Planning Proposal

The site has frontage to Annandale Street (18.7m) and Collins Lane (11.43m). The site is in an 'L' shape, with the Annandale Street frontage being larger than the rear boundary to the laneway. The site is 45.72m deep with an overall site area of approximately 745.4m².

The Planning Proposal relates to the southern portion of the site with a site area of approximately 242.3m², i.e. approved Lot 1 under Subdivision Application Determination No. D/2010/217 (refer to Section 2.3.3 below). It is proposed to re-zone this southern portion of the site R1 – General Residential.

The northern portion of the site has a frontage of 13.445m to Annandale Street, with an area of 495.6m². This lot will be retained for its current use by Sydney Water Corporation. It will include part of the State Heritage Listed Whites Creek Aqueduct that runs east/west from this site to the Sydney Water land at 35 Edna Street, Lilyfield.

2.3.2 Existing Development

The site is currently part of Sydney Water property at 250 Annandale Street, Annandale. The northern portion of the site is used for Sydney Water operational purposes. The southern portion of the site is surplus to the operational requirements of Sydney Water.

2.3.3 Approved Subdivision Plan

In March 2011 Council issued Determination D/2010/217 for the subdivision of the site into two (2) lots and the remediation of the site. The subdivision approval remains a valid consent. A copy of the subdivision plan is provided at Figure 5.

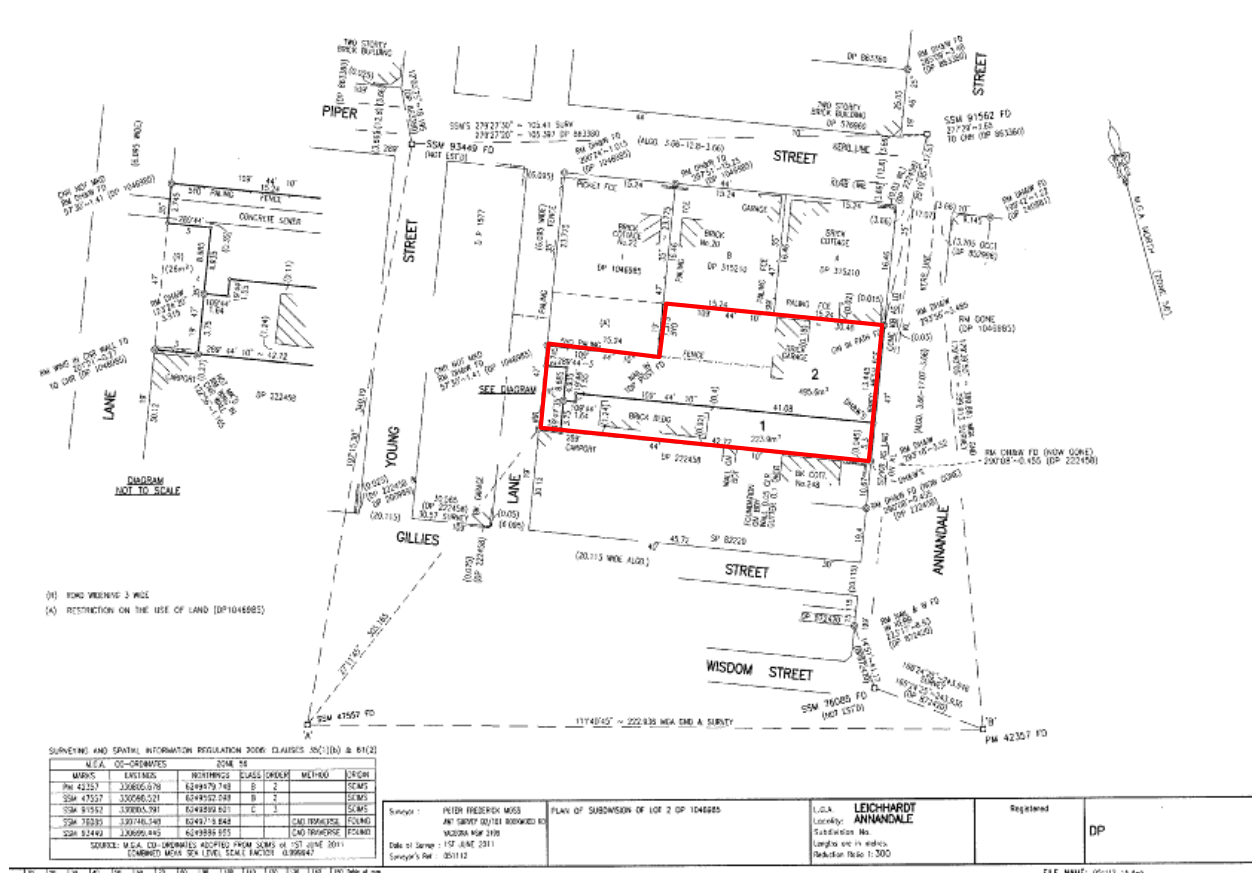


Figure 5: Subdivision Plan – 250 Annandale Street, Annandale



Photograph 5: 250 Annandale Street looking west.



Photograph 6: View looking towards 250 Annandale Street from Young Street, looking east.

2.3.4 The sites and their broad context

The sites and their broad context are shown in Figure 6.

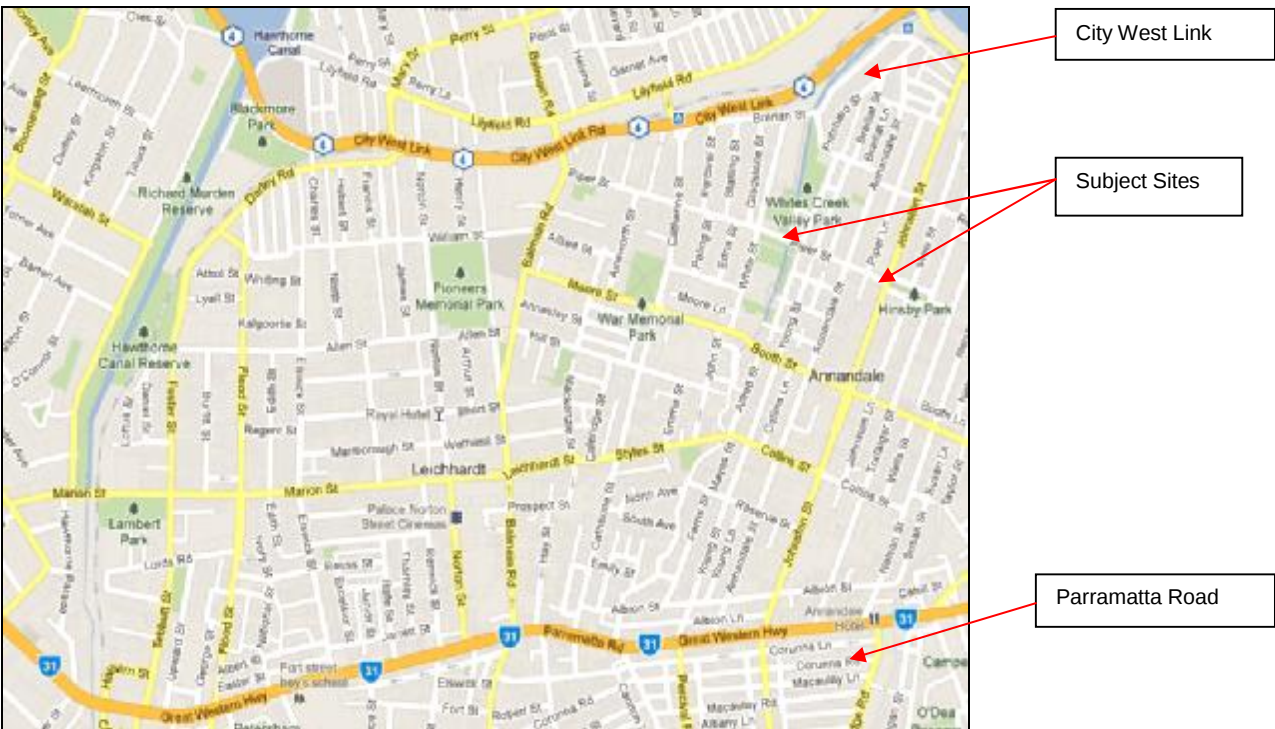


Figure 6: The context of the subject sites

2.4 Leichhardt Municipal Council Planning Framework

2.4.1 Leichhardt Local Environmental Plan 2000

The proposals have been reviewed against the provisions of the Leichhardt Local Environmental Plan 2000 and 2013. This section deals with Local Environmental Plan 2000. Number 35 Edna Street, Lilyfield and part of 250 Annandale Street, Annandale are zoned Public Purpose under the current *Leichhardt Local Environmental Plan 2000* (*Leichhardt Local Environmental Plan 2000*), as indicated in Figure 7 below. The northern part of 250 Annandale Road is currently zoned Residential.



Figure 7: Current zoning under Leichhardt Local Environmental Plan 2000

Zoning

The current Public Purpose zoning prohibits “dwellings”, except for housing for seniors or people with a disability and only those uses listed as permissible with consent can be carried out within the subject zone. Those uses listed as being permissible with consent include:

Advertisements; boarding houses; car parking; child care facilities; clubs; community facilities; community gardens; depots; educational establishments; hospitals, high impact telecommunication facilities; housing for seniors or people with a disability; markets; passenger transport terminals; places of assembly; places of public worship; police facilities; public amenities; public buildings; public transport stops; recreation facilities; roads; transport depots; water-based commercial and recreational facilities; demolition; and subdivision.

The current Residential zoning, on the northern part of 250 Annandale Street, Annandale, lists the following uses as being permissible with consent include:

Advertisements; bed and breakfast accommodation; boarding houses; boatsheds; child care facilities; clubs; community facilities; community gardens; dwellings; educational establishments; exhibition homes; group homes; health care premises, high impact telecommunication facilities; home based employment; hospitals; housing for seniors or people with a disability; local shops; places of public worship; playgrounds; public transport stops; recreation areas; roads; demolition; and subdivision.

Heritage and Conservation

The Whites Creek Aqueduct, located on both subject sites, is to be retained by Sydney Water Corporation as it is a listed item under the State Heritage Register (SHR No 01354).

At 35 Edna Street, the area approved for subdivision at Lot 2, does not contain any part of the State Heritage listed item or its curtilage area. The boundary of approved Lot 2 is located at least three metres from the Aqueduct and therefore outside the heritage curtilage area. Approved Lot 1 is the southern part of the site and contains the heritage listed Aqueduct. It will be zoned *SP2 Sewerage System* and is to be retained by Sydney Water.

A Statement of Heritage Impact was prepared by Graham Brooks and Associates to support the Subdivision Applications for both sites. In terms of 35 Edna Street, Lilyfield, it is concluded in the Heritage Statement that:

The overall impact of the proposed subdivision is considered acceptable in heritage terms for the following reasons:

- *The proposed reduced allotment at the western end of the aqueduct provides sufficient curtilage for the heritage item. The proposed visual easement will maintain views from the public domain and help to interpret and understand the significance of the aqueduct as a whole.*
- *The potential future development that results from the subdivision will not compromise the significance of the heritage item.*
- *The proposal has no adverse impact on the heritage significance of the Whites Creek Sewage Aqueduct. It will remain an important element of the built environment and a major landmark for inner Western Sydney.*

- *In terms of its impact on the urban context, the proposed subdivision represents an improvement and positive contribution to the streetscape of Edna, White and Piper Streets and will reinforce the urban character of the neighbourhood.¹*

Number 250 Annandale Street, Annandale, is within the Annandale Conservation Area under Leichhardt Local Environmental Plan 2000. Annandale Street is also listed as a Landscape Item under the Local Environmental Plan. Lot 1 on the approved subdivision plan is outside the boundary of the State Heritage Register listing. Lot 2 on the approved subdivision plan is within the boundary of the State Heritage Register Whites Creek Aqueduct listing and will be zoned SP2 Sewerage System. It will remain in Sydney Water's ownership. In terms of the subdivision of 250 Annandale Street, Annandale, it is concluded in the Heritage Statement that:

It is considered acceptable in heritage terms from the following reasons:

- *The proposed reduced allotment at the eastern end of the aqueduct provides sufficient curtilage for the interpretation and understanding of the cultural significance of the aqueduct as part of the Bondi Ocean Outfall Sewer (BOOS) system.*
- *The potential future development that results from the subdivision will not compromise the significance of the heritage item.*
- *Provided that the fabric of the aqueduct is adequately protected by appropriate fencing, the extension of Collins Lane to the north is considered acceptable in heritage terms. The proposal will have no adverse impact on the heritage significance of the Whites Creek Sewage Aqueduct. It will remain an important element of the built environment and a major landmark for inner Western Sydney.*
- *In terms of its impact on the urban context, the proposed subdivision represents an improvement and positive contribution to the streetscape of Annandale Street and the urban character of the neighborhood.²*

Density and Height

The *Leichhardt Local Environmental Plan 2000* does not prescribe floor space ratio; maximum building heights or minimum lot size requirements for development within the Public Purpose zone. The *DCP 2000* prescribes residential height controls in Part A (Distinctive Neighbourhood Controls) and Part B (Residential Development Controls).

The localities surrounding the subject sites are zoned Residential under the *Local Environmental Plan 2000* (as shown in Figure 7). The residential Density Map, adopted under clause 19 of *Local Environmental Plan 2000*, prescribes a maximum FSR of 0.5:1 to land within Leichhardt (which includes 35 Edna Street, Lilyfield) and 0.6:1 applying to 250 Annandale Street, Annandale.

Landscaping

Clause 19 (3) of *Local Environmental Plan 2000* also requires that residential development maintains 40% of the site as landscaped area and that 25% of this be provided as deep soil landscaping.

2.5 Draft Leichhardt Local Environmental Plan 2013

The *draft Local Environmental Plan 2013 (draft Local Environmental Plan 2013)* was prepared as a "translation" Local Environmental Plan and its main purpose is to provide a translation of the

¹ Graham Brooks & Associates (Jan 2010) White's Creek Aqueduct , 35 Edna Street, Lilyfield - Proposed Subdivision, Heritage Impact Statement

² Graham Brooks & Associates (Jan 2010) White's Creek Aqueduct , 250 Annandale Street, Annandale - Proposed Subdivision, Heritage Impact Statement

existing controls into the standard Local Environmental Plan template. It was resolved by Council that any recommendations arising from specific studies and strategies shall be dealt with as future amendments.

The *draft Local Environmental Plan 2013* was publicly exhibited from 17 December 2012 to 28 February 2013. Council resolved in May 2013 to issue the exhibited *draft Local Environmental Plan 2013* to the Department of the Planning and Infrastructure for assessment and approval in accordance with Section 68 of the *EP&A Act 1979*. Council resolved that the exhibited *draft Local Environmental Plan 2013* be issued with a deferred commencement date of 30 November 2013.

In conjunction with the May 2013 resolution, Council resolved to amend the exhibited *draft Local Environmental Plan 2013*. Planning Proposals were prepared to address six (6) amendments and were publicly exhibited from 24 June 2013 to 31 July 2013. The six (6) amendments included:

- i. *Changes to Aims of Plan and Zone Objectives.*
- ii. *Amendments to Clause 4.3A Landscaped Area for residential development in Zone R1 [local].*
- iii. *Include Subclause 4.4B Exceptions to maximum floor space ratio for non residential development [local] and subsequent amendments to Floor Space Ratio maps.*
- iv. *Amendments/additions Land Use Tables.*
- v. *Rezone 55 Justin Street, Lilyfield from IN2 Light Industrial to B7 Business Park.*
- vi. *Include Complying Development Controls for the Installation of photovoltaic panels.*

It is envisaged that the six (6) amendments shall be progressed through Council and the Department of Planning and Infrastructure prior to the commencement date of 30 November 2013.

In addition, at its May 2013 meeting, Council considered the two (2) sites subject to this Planning Proposal. Council considered that Sydney Water's request to part rezone their sites to General Residential would be a significant departure from the exhibited *Draft Local Environmental Plan 2013* and therefore require re-exhibition. Consequently, the Planning Proposal process has been initiated for the sites.

Under *draft Local Environmental Plan 2013*, number 35 Edna Street, Lilyfield is proposed to be zoned *SP2 Infrastructure (Sewerage System)* and 250 Annandale Street, Annandale is proposed to be zoned part *R1 Residential* and part *SP2 Infrastructure (Sewerage System)*.

In accordance with the *draft Local Environmental Plan 2013*, the range of uses permitted with consent on land zoned *SP2 Infrastructure (Sewerage System)* includes the following uses:

Child care centre; Community facilities; Entertainment facilities; Home business; Information and Education facilities; Passenger transport facilities; Recreation areas; Recreation facility (indoor); Respite day care centres; Roads; the purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

Regarding the land at 250 Annandale Street, Annandale, partially zoned *R1 Residential*, in accordance with the *draft Local Environmental Plan 2013*, the range of uses permitted with consent includes the following uses:

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Boat sheds; Building identification signs; Business identification signs; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Exhibition homes; Group homes; Home based childcare; Home businesses; Home industries; Hostels; Information and education facilities; Multi dwelling housing; Neighbourhood shops; Places of public worship; Public administration buildings; Roads; Recreation areas; Residential flat buildings; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing; Any development not specified in item 2 or 4.

The Planning Proposal is not seeking to use the sites for the range of uses listed above. The outcome of the proposed rezoning of the sites is for the sites to be used for dwelling houses (up to four (4) dwelling houses at 35 Edna Street, Lilyfield and one (1) dwelling house at 250 Annandale Street, Annandale). Any future uses at the sites would be subject to further approval.

Under the Amending Planning Proposal for the *draft Local Environmental Plan 2013* a maximum FSR of 1:1 will apply to the *SP2 Infrastructure (Sewerage System)* part of the site. On the portion of 250 Annandale Road, Annandale proposed to be zoned *R1 – General Residential*, a maximum FSR of 0.6:1 is proposed. All surrounding properties to 250 Annandale Road, Annandale are proposed to have a maximum FSR of 0.6:1, while all surrounding properties to 35 Edna Street, Lilyfield are proposed to have a maximum FSR of 0.5:1, which is consistent with the *Local Environmental Plan 2000* FSR controls.

There are no prescribed maximum building height requirements prescribed within the *draft Local Environmental Plan 2013* that relate to the subject sites.

2.5.1 Site Context

Land immediately surrounding the subject sites is proposed to be zoned *R1 - General Residential* under Local Environmental Plan 2013. The land density map, adopted under clause 4.4 of the *draft Local Environmental Plan 2013*, proposes to retain the existing FSR control 0.5:1 surrounding 35 Edna Street, Lilyfield and 0.6:1 surrounding 250 Annandale Street, Annandale. The *draft Local Environmental Plan 2013* adopts the principle development standards, set out in Table 1 below, which relate to residential development within Zone R1.

Table 1: Draft Local Environmental Plan 2013 Zone R1 Development Standards

Planning Matter	Clause	Requirements
Subdivision	Clause 4.1	Requires that subdivision of land within the zone R1 must not be less than 200sqm in area. (This development control does not apply to strata plan or community title schemes).
Landscaping	Clause 4.3A	(2) Requires the minimum landscaped area for residential development in Zone R1 must not be less than 10% of the site area. (3) Requires that the minimum dimension of landscaped area for residential development in Zone R1 is 1 metre.
Site Coverage	Clause 4.3B(2)	Requires that that development cover no more than 60% of the site area.
Floor Space Ratio	Clause 4.4(2)	Requires that the maximum floor space ratio does not exceed the floor space ratio shown for the land on the Floor Space Ratio Map.

The Standard Instrument Clause 4.3 'Height of Buildings' (optional clause) was not adopted by Leichhardt Council for use in *draft Local Environmental Plan 2013*. Building height is controlled through the application of controls from the *draft Local Environmental Plan 2013* as well as controls from the *draft DCP 2013*.

Other local provision controls

The *draft Local Environmental Plan 2013* adopts the following local provision controls (Table 2 below) that relate to the development of the subject sites.

Table 2: Draft Local Environmental Plan 2013 Local Provision Controls

Planning Matter	Clause	Requirements
Acid sulphate soils	Clause 6.1	Requires that development on land identified on the Acid Sulphate Map meet the requirements of this clause.
Airspace operations	Clause 6.2	Requires consideration of the Obstacle Limitation Surface Map. Given the AHD level of the land and the surrounding built form, this clause is not likely to be relevant to any future development proposal.
Adaptive reuse of existing non-residential buildings in Zone R1	Clause 6.3	N/A
Use of non-residential buildings in R1	Clause 6.4	N/A
Certain office and business uses in Zone IN2	Clause 6.5	N/A
Development in areas subject to aircraft noise	Clause 6.6	Requires that development appropriately meet the requirements of AS 2021-2000.
Earthworks	Clause 6.7	Requires that all proposed development ensure that earthworks at the site will not detrimentally impact environmental functions on surrounding lands.
Flood planning	Clause 6.8	Requires that all proposed development ensures that flood risk to life and property is minimised.
Foreshore access	Clause 6.9	N/A
Foreshore building line	Clause 6.10	N/A
Residential use in Zone B7 Business Park	Clause 6.11	N/A
Stormwater Management	Clause 6.12	Requires that development appropriately minimise the impact of urban stormwater on the subject site and adjoining properties.
Development requiring preparation of site specific development controls	Clause 6.13	N/A
Diverse Housing	Clause 6.14	Requires the provision of a diversity of dwelling sizes are provided in residential flat buildings when the development comprises of four or more dwellings. A minimum of 25% of dwellings are 'bedsitter' or one bedroom dwellings; and a maximum of 30% are three or more bedroom dwellings.

2.6 Leichhardt Development Control Plan 2000

The Leichhardt *Development Control Plan 2000 (DCP 2000)* currently applies to the subject sites and surrounding residential area. *DCP 2000* is split into parts that address and different control categories of development. In this regard, the relevant sections of the DCP area as follows:

- Part A: General Information – that relates to all forms of development undertaken throughout the Leichhardt Local Government Area (LGA) and includes locality statements;
- Part B: Residential Development; and

- Part C: Non-Residential Development – including commercial, retail, industrial development and the like.

The *Local Environmental Plan 2000* does not prescribe maximum height controls, instead, these controls are provided within Parts A (General Information) and B (Residential Development) of *DCP 2000*. The DCP utilises a building envelope to determine appropriate building heights which reflect the prevailing built form and scale of surrounding development.

Number 35 Edna Street, Lilyfield is identified as being within the Catherine Street Distinctive Neighbourhood. Under Part A10.1.1 Catherine Street Distinctive Neighbourhood statement of the *Leichhardt DCP 2000*, a maximum wall height of 3.6m is prescribed.

Number 250 Annandale Street, Annandale is identified as being within the Annandale Street Distinctive Neighbourhood. Under Part A10.3.2 Annandale Street Distinctive Neighbourhood statement of the *Leichhardt DCP 2000*, a maximum wall height of 3.6m is prescribed however, this may be waived where a new development adjoins 2 storey or higher buildings.

2.7 Draft Leichhardt Development Control Plan 2013

Future development on the sites will be subject to the *Draft Development Control Plan 2013 (draft DCP 2013)*. The *draft DCP 2013* was on public exhibition from 24 June 2013 to 31 July 2013. It is anticipated that the *draft DCP 2013* will be operational at the same time as *draft Local Environmental Plan 2013* comes into force. The *draft DCP 2013* is divided into the following chapters as outlined in Table 3 below.

Table 3: Chapter Headings in Draft DCP 2013

Chapter	Topics
Part A Introduction	This section outlines the administrative details relevant to the implementation and jurisdiction of the document.
Part B Connections	This section encourages planning for a well-connected and cohesive community.
Part C Place	This section provides controls which maximise opportunities for urban design, amenity and sustainable development.
Part D Energy	This section provides controls which promotes energy use minimisation, renewable energy production and waste management in the planning and development process.
Part E Water	This section provides controls which promotes water sensitive urban design.
Part F Food	This section provides controls which promotes facilitating food production.
Part G Site Specific Controls	This section provides site specific controls for certain sites within the municipality.

The subject sites are located within the Catherine Street Distinctive Neighbourhood (applying to 35 Edna Street, Lilyfield site) and the Annandale Street Distinctive Neighbourhood (applying to 250 Annandale Street, Annandale). The corresponding character statement is provided within Part C of the Plan.

Other relevant Chapters of the *Draft DCP 2013* are required to be addressed in the future development of the subject site.

2.8 Strategic Context and Specific Studies

2.8.1 Metropolitan Plan for Sydney 2036

The Metropolitan Plan is a broad planning framework used to guide the development of Sydney to 2036. The Strategy plans population growth, new housing, new jobs, increases in industrial land, and commercial and retail floor space over a 25 year period for the whole of Sydney. Some key features of the plan include:

- Locate at least 70 per cent of new housing within existing urban areas.
- Subregional net additional dwelling targets for the Inner West (including Leichhardt LGA) is 35,000 new dwellings by 2036. The targets are to be reflected in Local Environmental Plans (Action D1.2).

Consistency of the Planning Proposal with the relevant objectives and actions of the Metropolitan Plan for Sydney 2036 are considered in detail in Section 3.4.2 - Table 5.

2.8.2 Inner West Subregion Draft Subregional Strategy (July 2008)

Implementation of the Metropolitan Plan for Sydney 2036 is, in part, achieved through the breakdown of areas into subregions. Leichhardt LGA is located within the Inner West Subregion. Accordingly, strategic development decisions and tools are informed by the goals set by the Inner West Subregion Draft Subregional Strategy. The Strategy includes specific growth targets in relation to new housing.

Consistency of the Planning Proposal with the relevant objectives and actions of the Inner West Subregion Draft Subregional Strategy are considered in detail in Section 3.4.2, Table 6.

2.8.3 Draft Metropolitan Strategy for Sydney to 2031 (March 2013)

The draft Metropolitan Strategy (draft Strategy) for Sydney is designed to set out a new plan for the city's future over the next two decades. It is expected that by 2031, 1.3 million more people will be located in the city. The draft Strategy aims to provide 545,000 new homes and 625,000 new jobs spread across the metropolitan area. The draft Strategy aims to enable greater choice of housing that is more affordable and create jobs closer to homes. The draft Metropolitan Strategy for Sydney to 2031 is designed to align with the NSW Long Term Transport Master Plan and the NSW State Infrastructure Strategy.

Consistency of the Planning Proposal with the relevant objectives and actions of the draft Metropolitan Strategy for Sydney 2031 are considered in detail in Section 3.4.2, Table 7.

2.8.4 Employment and Economic Development Plan 2013

The Council adopted the Employment and Economic Development in June 2013. It provides a strategic framework to help realise the community's vision of a sustainable, liveable and connected community. It is comprised of a 10 Year Strategic Plan which sets out broad strategies and initiatives and a 4 Year Service Delivery Plan that contains the actions, activities, projects and services that will work to deliver the strategic objective.

The current zoning of the Sydney Water Sites as Public Purpose under the *Leichhardt Local Environmental Plan 2000*, mean they are not "employment lands". However, the sites have some of the characteristics of traditional industrial or employment lands, such as supporting limited

landscaping and the buildings on site are industrial in nature (maintenance sheds and 2 storey administration building with limited architectural merit). Consequently, the proposal to re-zone the sites to Residential is therefore assessed, in broad terms, against the EEDP criteria for rezoning land at Section 3.4.2, Table 8.

2.9 Previous Studies

A number of site-specific studies were undertaken for each property for the Subdivision applications and these are assessed below.

2.9.1 Previous Studies Relating to 35 Edna Street, Lilyfield

The Statement of Environmental Effects (SEE), prepared by Architectus Group Pty Ltd, April 2010, accompanying the Development Application (DA) for 35 Edna Street included the following comments in relation to the specialists studies prepared in support of the approved subdivision applications:

Contamination and soils

A site audit was undertaken for the site, confirming that the site in its current form is not suitable for residential uses. A Remediation Action Plan (RAP) for the site was prepared in April 2013 by CH2MHill regarding the remediation of the site to ensure it is suitable for future residential uses. (See Appendix 1.A).

Assessment: It is considered that the site audit and RAP are relevant to this Planning Proposal.

Access and circulation

The site is currently accessible from Piper Street. There is potential for access points to be created off Edna Street and White Street to accommodate future residential development, which would be complementary to the existing pattern of access and orientation of lots.

Buses operate through Lilyfield and include the following routes:

- Route 470 – Lilyfield to Sydney City via Glebe and Broadway.
- Route 370 – Lilyfield to Coogee via Newtown.
- Route 440 – To Sydney City via Norton Street, Leichhardt and Broadway.
- Route 445 – Rozelle to Petersham railway station via Norton Street, Leichhardt.

The Lilyfield light rail station is located approximately 450 metres walking distance from the site. The light rail connects Lilyfield to Central Station via Pyrmont and Ultimo with stops at Sydney Fish Markets, Star City and the Convention and Exhibition Centre.

The City West Link (Metroad 4) is in close proximity to the site, providing connections to Sydney City via the Anzac Bridge, Victoria Road, Parramatta Road and the Hume Highway. Piper Street connects Balmain Road and Johnston Street, which provide connections to other nearby local town centres.

A north-south bicycle route runs along the White Creek corridor. This route leads onto the Anzac Bridge and also connects to the bicycle route along Victoria Road. Other bicycle and pedestrian paths also exist within the area, including an on street bicycle path along Piper Street.

At Appendix K to the SEE for the subdivision of 35 Edna Street is a copy of Maunsell's traffic and transport report. Maunsell's assessment of the traffic and transport issues associated with the proposed development concludes that:

- The proposed development is less intensive than the existing land use of the site. The traffic generation associated with the proposed development would not have a significant impact on the surrounding road network;
- The proposed parking and access provisions for the development meet Australian Standard AS/NZ 2890.1 and the Leichhardt DCP 2000;
- There are no apparent pedestrian or cyclist issues; and
- Public bus services in the area are available within 400 metres of the site and are relatively frequent.

In summary the proposed development should not be prevented from proceeding on the basis of traffic matters. (See Appendix 1.E)

Assessment: The likely resulting density at the site (i.e. accommodating up to four (4) dwelling houses), is not likely to have any noticeable impact on traffic and parking in the locality. The site is well located to a range of public transport options, including light rail and buses, connecting the site to employment, education, health services, recreational opportunities and retail and shops. Consequently, it is considered that the conclusions of the Maunsell | AECOM Traffic and Access report remains relevant to this Planning Proposal.

Stormwater drainage, utilities and services

A Flood Impact Assessment and Concept Site Stormwater Drainage Plan have been prepared by Northrop Consulting Engineers. This report is additional to the preliminary stormwater assessment undertaken by Patterson Britton and Partners prepared as part of the Site Compatibility Certificate Process.

The Flood Impact Assessment and Concept Stormwater Drainage Plan finds that the site is currently subject to overland flow, entering the site at the western boundary and being directed across the northern frontage and most likely discharged into White Street via the stormwater drainage structure located on the corner of Piper/White Streets. As such, appropriate stormwater management is required for future residential development on proposed Lot 2. Northrop concludes that:

- There is risk of overland flow from the Edna Street drainage system affecting the subject site. This will be conveyed through the southern (undeveloped) portion of the subdivided lot.
- The following minimum floor levels are recommended for proposed future dwellings on the northern part of the site.

Lot 1	12.95
Lot 2	9.80
Lot 3	15.65
Lot 4	11.60

This makes an allowance for 500mm freeboard above 100-year ARI flows in the southern portion of the site and suitable levels for driveway access from the street.

- The minimum heights for floor levels and/or bunding are required to contain Edna Street overflow within the southern site corridor and achieve minimum 500mm freeboard to floor levels. This applies to both proposed and existing lots directly adjacent to the corridor.

Referring to Appendix 3, the required levels for the existing lots along the southern boundary of the site and the proposed lots will be required as follows;

Position along boundary	100-year ARI flood level (m)	Minimum flood planning level (RL – m)	Proposed bund/flood protection level (RL – m)	
			Existing lots	Proposed lots
West side	13.89	14.39	14.86	15.15
Middle	12.33	12.83	12.83	12.83
East side	10.77	11.27	11.27	11.27

- Overflow from Edna Street will occur via the remaining SWC owned portion of the site. Flow will be directed from the street by lowering the boundary wall to footpath level across the frontage at the southern site portion.
- A Concept Site Stormwater Management Plan for the site has been prepared to comply with Leichhardt Council requirements for stormwater. This incorporates grassed basins for On-site Stormwater Detention (OSD). The volume of each basin is approximately 10m³ per lot; required volume is doubled as it is in a landscaped area as per Leichhardt Council guidelines - discharging to Piper and White Street. Plan shows nominal locations for rainwater harvesting tanks.
- Buildings along the southern boundary will require bunding for flood protection as shown on Concept Site Stormwater Drainage Plan, Appendix 5 (drawing number 09447-DA01).
- The above recommended levels and drainage management measures could be conditioned as part of the Subdivision Development Application approval and activated as part of the future Development Applications for the dwelling houses. (See Appendix 1.D)

Assessment: While generally it is considered that Northrop's Stormwater Drainage and overland Flow Study remains relevant to this Planning Proposal, it is recommended that an updated Flood Study be requested at Gateway to reflect recent Council flood planning work.

Heritage and conservation

The Whites Creek Aqueduct, located on the lot to be retained by Sydney Water Corporation, is a listed item under the State Heritage Register (Listing No 215148).

The impact of such is discussed further under Section 2.5.1 Leichhardt Local Environmental Plan 2000 – Heritage and Conservation of this Planning Proposal. (See Appendix 1.F).

Assessment: The subdivision application for the site was supported by Council's heritage advisor on heritage grounds. It is considered that the Heritage Impact Statement (HIS) prepared by Graham Brooks and Associates is relevant to the Planning Proposal and the conclusions of the HIS remain applicable to the site.

Retaining wall structures

A Retaining Wall Report has been prepared by Wood and Engineers. The report concludes that the existing retaining walls on the site are considered to be of satisfactory structural condition to support future residential development on Lot 2. (See Appendix 1.B).

The assessment of the retaining walls finds that:

- The various sections of the retaining walls all appear to be in good structural condition.
- The retaining walls are all of substantial depth/thickness.

- The site has historically been supporting relatively high service loads and since the site is going to be used only for residential two storey, maximum, then construction such as that associated with the new surcharge loads should not be any higher than the existing loads.
- Where excavation occurs for future basement car parking areas within the boundary of Lot 2 (as illustrated further under Section 3.2) this may act to reduce the loads on some wall elements.

It is also noted that a stormwater trench exists adjacent to the retaining wall to the north east corner of the site. This stormwater trench will be retained, and its future use or removal part of a future DA's on Lot 2, depending on the requirements for such future site works/residential development.

Assessment: It is considered that the Retaining Wall Report remains relevant to the Planning Proposal.

Indicative development outcome

Architectus prepared an indicative development outcome to accompany the subdivision application for 35 Edna Street, Lilyfield. The SEE includes that:

The indicative development outcome shows four east-west lots (two fronting Edna Street and two fronting White Street) with lot sizes between 299sqm to 312sqm. The future lots are capable of accommodating development with a maximum FSR of 0.5:1 and 50% deep soil landscaping. (See Appendix 1.C).

Assessment: It is considered that the Indicative development outcome study remains relevant to the Planning Proposal. The indicative house designs demonstrate that the four (4) lots can accommodate dwelling houses that are consistent with Council's controls for residential dwelling houses.

SEE – Subdivision Development Application

The SEE prepared by Architectus concludes that the proposed subdivision of the site at 35 Edna Street, Lilyfield, is appropriate for the site for the following reasons:

The site is subject to a Site Compatibility Certificate, allowing for part of the site to take on residential uses, additional to the uses permissible within the 'Public Purpose' zoning under the Leichhardt Local Environmental Plan 2000.

The Heritage Branch of the NSW Department of Planning has granted its consent for the proposal, considered acceptable with regards to its impact on the State Heritage Listed aqueduct.

To confirm, the application seeks consent for the subdivision of the site into two (2) lots: **Lot 1**, a Public Purpose Lot, which would be retained by Sydney Water Corporation; and **Lot 2** providing a residential land parcel in the northern area of the site, which could provide 4 dwelling housing allotments as illustrated by this proposal (and subject to future planning application/s).

The proposal has been assessed against all relevant controls and objectives as given by Section 79C of the Environmental Planning and Assessment Act 1979 and is consistent, or capable of accommodating future compliant development with the relevant State and local plans and policies. (See Appendix 1.G).

Assessment: It is considered that the assessment of the environmental impacts of the subdivision of the site for future residential purposes remains relevant to this Planning Proposal and the conclusions of the SEE are supported.

2.9.2 Previous Studies Relating to 250 Annandale Street, Annandale

The SEE prepared by Architectus Group Pty Ltd, April 2010, accompanying the DA for 250 Annandale Street, Annandale included the following comments in relation to the specialist's studies prepared in support of the approved subdivision applications:

Contamination and soils

A site audit was undertaken for the site, confirming that the site in its current form is not suitable for residential uses. A Remediation Action Plan (RAP) for the site was prepared in June 2006 by GHD regarding the remediation of the site to ensure it is suitable for future residential uses. (See Appendix 2.A).

Assessment: It is considered that the site audit and RAP remain relevant to this Planning Proposal.

Access and circulation

The site is currently inaccessible from Annandale Street. Vehicular and pedestrian access is available off Collins Lane. It is likely that the proposed residential lot will retain access of Collins Lane. The western portion of the site is to be dedicated to Council to facilitate additional area for vehicle manoeuvrability, as recommended by Council in the pre-Development application meeting minutes provided at Appendix G.

Several bus routes operate within close proximity to the site. These include:

- Route 370 – Travels along Booth Street connecting Leichhardt and Coogee.
- Route 470 – Travels along Booth Street and provides a link between Leichhardt and Circular Quay
- Route 433 – Travels along The Crescent, and provides a link between Sydney City to Balmain via Glebe Point..

The site is also located within 650 metres of Lilyfield Light Rail Station, which provides regular services to Pyrmont and Central Railway Station.

The City West Link, which forms part of Metroad 4, runs east to the city over ANZAC bridge, and west to Parramatta. It also provides connections to Victoria Road and other major roads. Annandale Street connects with Parramatta Road to the south, which also provides connections to Sydney City, Parramatta and other major metropolitan roads and centres.

The local area includes several bicycle routes which provide continuous cycling paths which run into Sydney City.

A traffic assessment has been prepared by Maunsell Australia.
Maunsell's report concludes:

Maunsell's assessment of the traffic and transport issues associated with the proposed development concludes that:

- The proposed development is less intensive than the existing land use of the site. The traffic generation associated with the proposed development would not have a significant impact on the surrounding road network;

- The proposed parking and access provisions for the development meet Australian Standard AS/NZ 2890.1 and the Leichhardt DCP 2000;
- There are no apparent pedestrian or cyclist issues; and
- Public bus services in the area are available within 400 metres of the site and are relatively frequent.

In summary the proposed development should not be prevented from proceeding on the basis of traffic matters. (See Appendix 2.E).

Assessment: The likely resulting density at the site (i.e. accommodating one (1) dwelling house), will have negligible impact on traffic and parking in the locality. The site is well located to a range of public transport options, including light rail and buses, connecting the site to employment, education, health services, recreational opportunities and retail and shops. Consequently, it is considered that the conclusions of the Maunsell | AECOM Traffic and Access report remains relevant to this Planning Proposal.

Services and utilities

A Utility Servicing Strategy has been prepared by Patterson Britton and Partners. The assessment notes that the site is located within an area serviced by potable water, sewerage, telecommunications, gas and electricity. (See Appendix 2.G).

Assessment: It is considered that the conclusions to the Utility Servicing Strategy remain relevant to this Planning Proposal.

Stormwater and overland flow

A Stormwater Drainage and Overland Flow Study has been prepared by Northrop Consulting Engineers Pty Ltd. This report confirms that the site is not subject to overland flow. This is demonstrated and modelled in the Study.

The Northrop report (July 2009) concludes:

A sag or low point in front of street number 250 Annandale Street, Annandale as indicated on the orthophoto plan does not exist. Annandale Street has a longitudinal fall ranging from 0.5% to 4.3% towards Gillies Street.

Overland flows from upstream catchments are contained within the kerb and gutter on the eastern side of Annandale Street and which by-passes the site. As overland flows are contained on the eastern side of Annandale St overland flow will not be conveyed through the site. Furthermore conveyance of overland flow past the site is not reliant on in the in ground stormwater drainage system. In this regard if the pit and pipe system was 100% blocked, overland flow will not be directed through the site.

Provision of a 3.5m³ on site detention basin or 5,000 litre rainwater tank will allow stormwater runoff from the newly created lot to be discharged to the unnamed lane at pre-development levels. (See Appendix 2.D).

Assessment: While generally it is considered that Northrop's Stormwater Drainage and Overland Flow Study remains relevant to this Planning Proposal, it is recommended that an updated Flood Study be requested at Gateway to reflect recent Council flood planning work.

Heritage and conservation

The site lies within the Annandale Conservation Area under Leichhardt Local Environmental Plan 2000. Annandale Street is also listed as a Landscape Item under the Local Environmental Plan. The Whites Creek Aqueduct is listed on the State Heritage Register (Listing No 215148).

Proposed Lot 1 is outside the boundary of the State Heritage Register listing. Proposed Lot 2 is within the boundary of the State Heritage Register listing. (See Appendix 2.F).

The impact of such is discussed further under Section 2.5.1 Leichhardt Local Environmental Plan 2000 – Heritage and Conservation of this Planning Proposal.

Assessment: The subdivision application for the site was supported by Council's heritage advisor on heritage grounds. It is considered that the HIS prepared by Graham Brooks and Associates is relevant to the Planning Proposal and the conclusions of the HIS remain applicable to the site.

Indicative development outcome

Architectus prepared an indicative development outcome to accompany the subdivision application for 250 Annandale Street, Annandale. The Statement of Environmental Effects states that:

The indicative development outcome demonstrates the capability of the future development to be suitable in context of the surrounding area whilst being consistent with the Leichhardt planning controls and guidelines. The proposed lot is capable of accommodating development with a maximum FSR of 0.6:1 and at least 40% landscaping.

The subdivision of the site into an east-west lot will ensure the accommodation of residential development of a similar scale and orientation to existing development in the surrounding area, keeping with the character of the surrounding area. (See Appendix 2.C).

Assessment: It is considered that the Indicative development outcome study remains relevant to the Planning Proposal. The indicative building footprint demonstrates that the lot can accommodate one (1) dwelling house that achieves the objectives of Council's controls for residential dwelling houses.

SEE – Subdivision Development Application

The SEE prepared by Architectus concludes that the proposed subdivision of the site at 250 Annandale Street, Annandale, is appropriate for the site for the following reasons:

The site is subject to a recently issued Site Compatibility Certificate, allowing for part of the site to take on residential uses, additional to the uses permissible within the 'Public Purpose' zoning under the Leichhardt Local Environmental Plan 2000.

The Heritage Branch of the NSW Department of Planning has granted its consent for the proposal, considered acceptable with regards to its impact on the State Heritage Listed aqueduct and the urban context.

To confirm, the application seeks consent for the subdivision of the site into two (2) lots consisting: one (1) new residential lot on the southern portion of the site and; one (1) residue lot in the northern portion of the site to be retained by Sydney Water Corporation. The proposal includes associated remediation and access works to facilitate the Subdivision.

The proposal has been assessed against all relevant controls and objectives as given by Section 79C of the Environmental Planning and Assessment Act 1979 and is consistent, or capable of accommodating future compliant development with the relevant State and local plans and policies. (See Appendix 2.H).

Assessment: It is considered that the assessment of the environmental impacts of the subdivision of the site for future residential purposes remains relevant to this Planning Proposal and the conclusions of the SEE are supported.

3 The Planning Proposal

3.1 Part 1 – Objectives or Intended Outcomes

On 21 May 2013, Council resolved (C2012/13) to endorse the changes required to the exhibited *draft Leichhardt Local Environmental Plan 2013* and initiate the plan making process (Planning Proposal) for the part rezoning of two (2) Sydney Water sites at 35 Edna Street, Lilyfield and 250 Annandale Street, Annandale from *SP2 Sewerage System* to *R1 General Residential*.

This amendment proposes to rezone part 35 Edna Street Lilyfield, being Lot 1 in DP 343175, from *SP2 Sewerage System* zone as exhibited under the *draft Leichhardt Local Environmental Plan 2012/13* (See Figure 10) to *R1 General Residential* (See Figure 11). In addition, this amendment proposes to rezone 250 Annandale Street, Annandale, being Lot 2 in DP 1046985, from the part that is zoned *SP2 Sewerage System* (See Fig 12) to *R1 General Residential* (See Fig13), and the part that is zoned *R1 General Residential* (See Fig12) to *SP2 Sewerage System* (See Fig13) as exhibited under the *draft Leichhardt Local Environmental Plan 2012/13*.

Number 35 Edna Street, Lilyfield is currently zoned Public Purpose under *Leichhardt Local Environmental Plan 2000*. Number 250 Annandale Street, Annandale is currently partly zoned part Public Purpose and part Residential under *Leichhardt Local Environmental Plan 2000*.

3.1.1 Objective

The general objectives of this Planning Proposal are to amend *Leichhardt Local Environmental Plan 2013* to make provision for the rezoning of:

- Approved Lot 2 (Determination Notice No. D/2010/218) at 35 Edna Street, Lilyfield from *SP2 Sewerage System* to *R1 General Residential*. (See Figures 10 and 11 below).
- The part of the land at 250 Annandale Street, Annandale that is *SP2 Sewerage System* to *R1 General Residential* (i.e. approved Lot 1 in accordance with Determination Notice No. D/2010/217) and the part of the land that is *R1 General Residential* to *SP2 Sewerage System* (i.e. approved Lot 2 in accordance with Determination Notice No. D/2010/217). (See Figures 12 and 13 below).



Figure 10: 35 Edna Street, Lilyfield - current zoning under draft *Leichhardt Local Environmental Plan 2013*



Figure 11: 35 Edna Street, Lilyfield – proposed zoning



Figure 1 2: 250 Annandale Street, Annandale - current zoning under draft Leichhardt Local Environmental Plan 2013

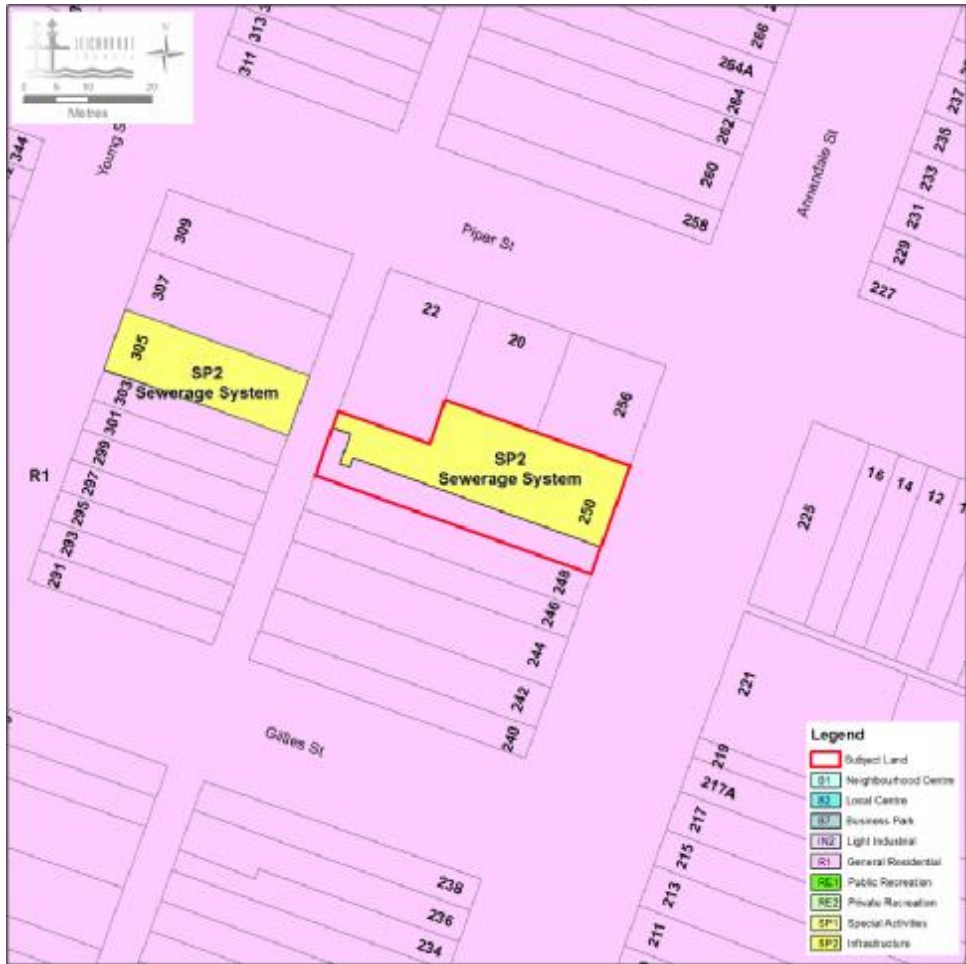


Figure13: 250 Annandale Street, Annandale – proposed zoning

3.1.2 Outcomes

The outcome of this proposal is to facilitate rezoning of the lands as contemplated by approved Crown Development Applications 217/2010 and 218/2010. The approved Crown Development Applications demonstrated to Leichhardt Council, the Joint Regional Planning Proposal and the community that the rezoned lands would be sold by Sydney Water for the purposes of private development by a future owner. Although this proposal contemplates future residential development, it does not seek to specify in any way the built form of such future development.

Council will have the opportunity to merit assess issues such as the number and types of dwellings, FSR, impacts on public transport, cycle and pedestrian and impacts on open space in future Development Applications.

In delivering the foregoing objectives, it is intended that the following outcomes be realised:

- Allow the intentions clearly stated by the subdivision approvals of 30 March 2011 for residential purposes to be formalised.
- Follow the zoning recommendations issued by the Department of Planning and Infrastructure in 2008 by way of a Site Compatibility Certificate.

The stated objectives or intended outcomes of the *Zone R1 General Residential* under the *draft Leichhardt Local Environmental Plan 2012/13* are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To improve opportunities to work from home.
- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscape, works and landscaping.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- To ensure that subdivision of land is of a regular shape complementary to and compatible with the character, style, orientation and pattern of the surrounding area.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

Sydney Water has provided Leichhardt Council and the Joint Regional Planning Proposal with extensive analysis in support of the subdivision applications which are now approved as DA 217/2010 and 218/2010 that addressed an outcome that would result in a low density residential use for the lands being the subject of this proposal. The Statements of Environmental Effects and supporting documents, that resulted in the approved subdivision applications that are current until 2016, address *Local Environmental Plan 2000* and *DCP 2000* policies. They also address:

- Transport
- Services, infrastructure and schools
- Urban design

- Concepts for likely new dwellings, FSR, etc.
- Social impact in respect of open space, heritage
- Contamination and Remediation

The Statements of Environmental Effects and all supporting documents are appended to this Planning Proposal.

The Joint Regional Planning Proposal has assessed the issue of Affordable Housing impacts and suitability of the sites being the subject of the proposal. The Joint Regional Planning Proposal determined that the lands are not suited to provide a reasonable opportunity for meeting Affordable Housing targets and this determination is known to Council and the community.

3.2 Part 2 – Explanation of the Provisions

The *draft Leichhardt Local Environmental Plan 2013* will be amended by revising the Land Zoning Map as follows:

- Rezone part Lot 1 in DP 343175 (35 Edna Street, Lilyfield) from *SP2 Sewerage System* to *R1 General Residential*.
- Rezone part Lot 2 in DP 1046985 (250 Annandale Street, Annandale) to alter the land zoned *SP2 Sewerage System* to *R1 General Residential* and alter the land zoned *R1 General Residential* to *SP2 Sewerage System*.

Refer to Figures 8 and 9 below for aerial maps of the subject sites and proximity to local sites.



Figure 8: 35 Edna Street, Lilyfield



Figure 9: 250 Annandale Street, Annandale

3.3 Further Studies

It is considered that the majority of the site-specific studies prepared in 2009 and 2010 remain relevant to the Planning Proposal. However, it is recommended that an updated Flood Study be requested at Gateway to reflect recent Council flood planning work and the Gateway process should determine that the previous studies should be peer reviewed and updated if necessary.

It is Council's policy to negotiate Voluntary Planning Agreements on a case by case basis for amendments to the Local Environmental Plan such as rezoning and/or an increase in Floor Space Ratio. Any draft Voluntary Planning Agreement should be the subject of public exhibition if the Gateway determines the Planning Proposal should proceed. Consequently appropriate community benefits should be negotiated in a draft Voluntary Planning Agreement.

The Planning Proposal would rezone the sites from *SP2 Sewerage System* to *R1 General Residential* and a portion of 250 Annandale Street from *R1* to *SP2*. This zone would permit a range of residential uses. The key planning controls such as FSR would be incorporated into the proposed Local Environmental Plan 2013 amendment.

3.4 Part 3 – Justification

This section addresses the rationale for the rezoning; why the Planning Proposal is the best approach and the community benefits.

3.4.1 Section A – Need for a Planning Proposal

This overview establishes the case for the zoning change proposed in the Local Environmental Plan amendment. The Planning Proposal will facilitate the redevelopment of the sites for residential purposes with the attended benefit of providing new housing stock within an established urban area, serviced by existing infrastructure, with access to public transport routes that connect to strategic centres.

Number 250 Annandale Street, Annandale, is located within the 600m walking distance of an identified “village” centre and approximately 1.3km of the Norton Street Town Centre. Number 35 Edna Street is within 250m walking distance of a neighbourhood centre; 800m walking distance from the Annandale Village and approximately 1.8km from Norton Street Town Centre. The proposal is appended by various studies that support the concept of a development that conforms with an *R1 General Residential Zoning* on the lands.

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

Leichhardt Council has prepared a number of strategy documents that inform the future of Leichhardt's growth and are addressed below. However, this proposal is not the result of any strategic study or report. The applicant, Sydney Water, is in possession of Site Compatibility Certificates and the Joint Regional Planning Proposal approved subdivision applications for the lands. The Site Compatibility Certificates confirm that the sites are suitable for residential purposes. The objective of this proposal, for rezoning of the lands for residential uses, is as contemplated by those documents.

The proposal also falls within the objectives of the *State Owned Corporations Act (SOC Act) 1989* that governs the manner in which the applicant must deal with its surplus land holdings for highest and best use benefit for all recipients of its water supply and sewerage services.

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 2013*. The proposed amendment to the *Draft Leichhardt Local Environmental Plan 2013* 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.

Q3. Is there a Net Community Benefit?

Table 4 addresses the evaluation criteria for conducting a “net community benefit test” assessed under the criteria set out in the Department of Planning and Infrastructure's Draft Centres Policy (2009), as required by the guidelines for preparing a Planning Proposal.

Both the subdivision applications were subject to the normal development application community engagement process when lodged with Leichhardt Council and also when the applications were referred to the Joint Regional Planning Proposal. A number of community benefits could result from this rezoning including:

- New housing opportunities within the LGA, in proximity of existing and new public transport services, which could reduce reliance on car usage and traffic congestion.
- An improved amenity to the surrounding residential zone and streetscape.
- Support for local centres, through increasing population and density within the walking catchments of neighbourhood, village and town centres.

- Economic redevelopment of land that demonstrates the broad characteristics of fragmented employment land that may otherwise be constrained in terms of future industrial or commercial development potential.

The applicant is a State Owned Corporation and is dealing with its surplus assets as it must under the *NSW Government SOC Act 1989* to ensure that highest and best outcomes are achieved for the benefit of all its customers receiving sewer and water services.

Appropriate community benefits should be negotiated with the proponent as the basis of a Voluntary Planning Agreement that should be exhibited at the same time as the post-Gateway Planning Proposal.

Table 4: Net Community Benefit Test

Evaluation Criteria	Y/N	Comment
Will the Local Environmental Plan be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposed rezoning is compatible with the Metropolitan Plan, the Subregional Plan, the Leichhardt Strategic Plan 2025+ (refer to comments below).
Is the Local Environmental Plan located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	N	The subject sites are not identified within a key strategic centre or corridor but are contiguous with residential development.
Is the Local Environmental Plan likely to create a precedent or create or change the expectations of the landowner or other landowners?	N	The proposed rezoning is unlikely to create a precedent within the locality or change the expectations in respect of the land, particularly having regard to the Strategies addressed below.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	All other spot rezonings before Council in the Leichhardt Local Government Area generally comply with Council's strategic direction. This proposal will have no significant cumulative effect as it is a rezoning of land resulting in the potential for a single dwelling house at 250 Annandale Street, Annandale and four (4) dwelling houses at 35 Edna Street, Lilyfield. This is a negligible increase in population to the area.
Will the Local Environmental Plan facilitate a permanent employment generating activity or result in a loss of employment lands?	N	The sites are not zoned for employment generating uses.
Will the Local Environmental Plan impact upon the supply of residential land and therefore housing supply and affordability?	Y	The proposal will have a positive impact on the residential supply by creating future opportunities to the amount of available residential accommodation of land that is needed in the LGA.

Evaluation Criteria	Y/N	Comment
Is the existing public infrastructure (roads, rail, and utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	The existing public infrastructure is adequate to meet the needs of the proposal. However, subsequent housing will support Leichhardt businesses. Local buses that service the area should be adequate to support any future development concept that may be approved by Council under R1 General Residential.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N	The proposal is seeking to increase housing opportunities in an area. It is envisaged that public transport would be used by residents of the subsequent development. The resulting number of dwellings that each site can accommodate is not major, with only one (1) dwelling at 250 Annandale Street, Annandale and four (4) dwellings at 35 Edna Street, Lilyfield. The development is therefore unlikely to have a significant impact on greenhouse gases, operating costs or road safety
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	The proposal does not require further investment in public infrastructure. Any future proposal for development of the lands will utilise the existing infrastructure and services. The future developer will extend and upgrade infrastructure to service the development at no cost to government and Council.
Will the proposal impact on land that the Government has identified a need to protect (e.g. and with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	The site has not been identified for conservation purposes. The land is not identified to be flood prone. This proposal addresses flood issues in the reports attached to it and a recent Leichhardt Council issued Flood Certificate also attached.
Will the Local Environmental Plan be compatible or complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Y	The proposal is compatible with adjoining land uses. The sites are well serviced by existing infrastructure. The land was used for depot purposes and is currently used only for sewer infrastructure maintenance purposes. The proposed change in use to part low density residential is in keeping with surrounding use. It improves the public domain in the future by removing a vista and use that is not compatible with surrounding residential use.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	No. This is a rezoning proposal for future low density residential housing.

Evaluation Criteria	Y/N	Comment
If a stand-alone proposal and not a centre does the proposal have the potential to develop into a centre in the future?	N/A	Not applicable
What are the public interest reasons for preparing the draft plan? What Are the implications of not proceeding at that time?	Y	The applicant is a State Owned Corporation (SOC) and is dealing with its surplus assets as it must under the SOC Act to ensure that highest and best outcomes are achieved for the benefit of all its customers receiving sewer and water services. The proposal will provide for additional housing opportunities to assist in the delivery of meeting the housing growth from the Subregional and local strategies. Not progressing this proposal will result in the continued use of the lands for a purpose that is not compatible with surrounding uses
Will the public domain improve?	Y	Section 94 Contributions will be required by Leichhardt Council to support open space/community facilities when a future development application is approved. These contributions will improve the public domain.

3.4.2 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)?

State Government's Metropolitan Strategy

The Metropolitan Plan is a broad planning framework used to guide the development of Sydney to 2036. The Strategy plans population growth, new housing, new jobs, increases in industrial land, and commercial and retail floor space over a 25 year period.

The Metropolitan Plan for Sydney 2036 identifies seven (7) key strategies comprising the following parts Economy and Employment, Centres and Corridors, Housing, Transport, Environment and Resources, Parks and Public Places and Governance and Implementation.

The pursuit of providing future in-fill residential development within an established urban area supported by services and public transport infrastructure is consistent with the following relevant actions:

Table 5: Consistency with the Metropolitan Plan for Sydney 2036

Strategic Direction	Objectives / Actions	Comment
<i>Strategic Direction 'A' – Strengthening a City of Cities</i>	<i>Objective A1 To promote Regional Cities to underpin sustainable growth in a multi-centred city.</i>	The subject sites are proximate to the Lilyfield Light rail station combined with regular bus services and routes available that will connect the sites to major strategic centres. The proposal would contribute to increasing residential density around transport routes and networks, is within walking distance of local and town centres plus will contribute to the creation of a sustainable city.
	<i>Objective A3 To contain the Urban Footprint and achieve a balance between Greenfields Growth and renewal in existing urban areas.</i>	Leichhardt LGA is an established area located within 6.6 kilometres of the Sydney CBD, serviced by existing infrastructure, including existing and planned public transport connections. The proposed rezoning of the subject sites to permit infill residential development would contribute to urban consolidation and renewal of the area.
	<i>Objective A8 To plan and coordinate delivery of Infrastructure to meet Metropolitan Housing and Employment Growth rates.</i>	The Inner West Subregion Draft Subregional Strategy identifies a need to provide an additional 2,000 new dwellings within the Leichhardt LGA by 2031. The proposed rezonings could contribute to achieving this goal through the comprehensive and coordinated rezoning and redevelopment of land strategically located on and near existing transport lines, supported by existing services and infrastructure.
<i>Strategic Direction 'B' – Growing and Renewing Centres</i>	<i>Objective B1 To focus activity in accessible centres.</i>	The sites are located close to four (4) centres: § Catherine St North Neighbourhood Centre; § Rose St/ Johnston St Neighbourhood Centre; § Annandale Small Village; and § Norton Street, Leichhardt Town Centre.
	<i>Action B1.3 Aim to locate 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport.</i>	The site is located within the walking catchment of existing centres and public transport routes.
<i>Strategic Direction 'C' – Transport for a Connected City</i>	<i>Action C2.1 Ensure subregional housing and employment targets are informed by analysis of current and planned public transport capacity availability.</i>	The site is located on existing public transport corridors. Increasing the provision of housing within proximity of the public transport is consistent with the objective of the Metropolitan Plan for Sydney 2036 to foster increased residential development close to public transport to reduce car dependence and road congestion.
<i>Strategic Directions 'D' – Housing Sydney's Population</i>	<i>Objective D1 To ensure adequate supply of land and sites for residential development.</i>	Rezoning the sites will contribute to the supply of residential land within an existing and established urban area.

Strategic Direction	Objectives / Actions	Comment
	<i>Action D1.1 Locate 70 per cent of all new housing within existing urban areas and up to 30 per cent of new housing in new release areas.</i>	The sites are located within an established urban area supported by existing services and infrastructure. The proposals would increase the land available within the Leichhardt LGA used for residential purposes.
	<i>Action D2.1 Ensure local planning controls include more low-rise medium density housing in and around small centres.</i>	The Metropolitan Plan for Sydney 2036 identifies a need to provide a total of 35,000 new dwellings within the inner west, which includes the Leichhardt LGA. The proposed rezoning of the sites would facilitate the redevelopment of the sites for an appropriate form of residential development that responds to the local character and strategic location.
	<i>Objective D3 To improve Housing Affordability</i>	Increasing the quantum of residential land available within the Leichhardt LGA, combined with improving the provision of diversity in housing form and typology will contribute to the supply of dwellings and housing affordability within the area.
	<i>Objective D4 To improve the quality of new housing development and urban renewal</i>	The sites are surplus Sydney Water Land and detract from the surrounding visual and residential amenity. The Planning Proposal supports the redevelopment of the sites for residential purposes consistent with the surrounding character. Any future development will be subject to assessment in accordance with relevant local and states policies. Redevelopment of the sites will contribute to improved streetscape and residential amenity.
<i>Strategic Direction 'G' – Tackling Climate Change and Protecting Sydney's Natural Environment</i>	<i>Objective G8 To minimise household exposure to unacceptable noise level</i>	The subject sites are affected by Aircraft Noise Exposure Forecast (ANEF) 20 contour under the ANEF 2033. Land within the ANEF 20 is acceptable for residential purposes subject to construction in accordance with <i>Australian Standard 2021- 2000 Aircraft Noise Intrusion Building Siting Acceptability based on ANEF Zones</i> . In accordance with s.117 Direction 3.5 should the rezoning be supported future development will be governed by suitable controls in this regard.
	<i>Action G8.1 Avoid noise based land use conflict through strategic planning and development assessment processes</i>	The subject sites are located within an area that may be affected by aircraft noise exposure. However, the levels of noise generated by the identified sources could be resolved through appropriate and site responsive design and suitable construction methods. These matters would be addressed at Development Application stage and are matters for consideration under s.79C of the <i>EP&A Act</i>.

Strategic Direction	Objectives / Actions	Comment
<i>Strategic Direction 'I' – Delivering the Plan</i>	<i>Objective 14 To ensure Local Environmental Plans deliver the intent and yield anticipated under the Metropolitan Plan</i>	The Planning Proposal to rezone the sites would amend the <i>draft Local Environmental Plan 2013</i> and would contribute to the quantum of residential land available to help Leichhardt LGA provide an additional 2,000 new dwellings by 2031 as required by the draft Inner West Subregion Draft Subregional Strategy.

Inner West Subregion Draft Subregional Strategy

The Metropolitan Plan for Sydney 2036 is divided into sub-regions and the Department of Planning and Infrastructure has maintained the subregional strategies in draft form. The subject site is located within the Inner West Subregion.

The subregional strategies are designed to assist Council's with the preparation of their Local Environmental Plans. The Inner West Subregion Draft Subregional Strategy was drafted for release in July 2008. The purpose of the subregional strategy is to provide for targeted and specific response to the state level strategic objectives and aims set by the Metropolitan Plan for Sydney 2036 at a regional level.

The key directions and targets identified in the Inner West Subregion Draft Subregional Strategy of relevance to the proposal are outlined in Table 6.

Table 6: Consistency with the Inner West Draft Subregional Strategy

Strategic Direction	Objectives / Actions	Comment
Key Directions 'A' – Economy and Employment	IW A3.2 Integration of employment and housing markets	The future opportunity for development of housing will accommodate an increase in workforce close to employment areas.
Key Directions 'B' – Centres and Corridors	B2.1 Plan for housing in centres consistent with their employment role	The future opportunity for development of housing will accommodate an increase in workforce close to employment areas.
Key Directions 'C' - Housing	IW C1.3.1 Inner West Councils to plan for sufficient zoned land to accommodate their local government area housing targets through their Principal Local Environmental Plans.	The Planning Proposal will contribute to the quantum of residential zoned land.
	IW C2.1.1 Inner West Councils to ensure the location of new dwellings maintains the subregion's performance against the target for the State Plan Priority E5 (jobs closer to home)	State Plan Priority E5 states that: <i>"Increasing densities in centres and concentrating activities near public transport, together with an improved transport system, will strongly contribute to achieving "jobs closer to home".</i> The sites are located between 3.5 – 4km from the Sydney CBD. The sites are in close proximity to public transport, including bus and light rail services. Accordingly the proposal is considered consistent with State Plan Priority E5 (jobs closer to home).
	IW C2.1.2 Councils to provide in their Leichhardt Local Environmental Plans zoned capacity for a significant majority of new dwellings to be located in strategic and local centres.	The sites are proximate to nearby neighbourhood centres and villages. The Planning Proposal is considered to be consistent with the objective to locate new dwellings around existing centres and existing and future public transport routes.
	IW C2.3.2 Inner West Councils to provide for an appropriate range of residential zoning to cater for changing housing needs.	The Planning Proposal is consistent with the <i>draft Local Environmental Plan 2013</i> with the R1 Residential Zone that allows for all forms of residential housing. Adopting the surrounding R1 controls, such as FSR and also DCP controls will ensure any resulting development is consistent with the surrounding residential character. The proposal is considered consistent with the objective.
Key Directions 'E' – Environment, Heritage and Resources	E3.3 Use energy efficiency and reduce greenhouse intensity of energy supply	Future dwellings will need to comply with Ecologically Sustainable Development (ESD) principles, including BASIX requirements.

Strategic Direction	Objectives / Actions	Comment
	<i>E2.5 Minimise household exposure to unacceptable noise levels.</i>	The subject sites are affected by Aircraft Noise Exposure Forecast (ANEF) 20 contour under the ANEF 2033. Land within the ANEF 20 is acceptable for residential purposes subject to construction in accordance with Australian Standard 2021- 2000 Aircraft Noise Intrusion Building Siting Acceptability based on ANEF Zones. In accordance with s.117 Direction 3.5 should the rezoning be supported future development will be governed by suitable controls in this regard.

Draft Metropolitan Strategy

The draft Metropolitan Strategy for Sydney is designed to set out a new plan for the city's future over the next two decades. It is expected that by 2031, 1.3 million more people will be located in the city. The plan aims to provide 545,000 new homes and 625,000 new jobs spread across the metropolitan area. The plan aims to enable greater choice of housing that is more affordable and create jobs closer to homes.

The Draft Metropolitan Strategy for Sydney to 2031 is designed to align with the NSW Long Term Transport Master Plan and the NSW State Infrastructure Strategy.

Consistency of the Planning Proposal with the relevant objectives and actions of the Draft Metropolitan Strategy for Sydney 2031 are considered in Table 7.

Table 7: Consistency with the Draft Metropolitan Strategy for Sydney 2031

Strategic Direction	Objectives / Actions	Comment
<i>Balanced Growth</i>	<i>Objective 2 – Strengthen and grow Sydney's centres</i>	The rezoning for future residential housing will create increased housing that is desirable to the locality.
	<i>Objective No. 3 – Make Sydney Connected</i>	The Planning Proposal is consistent with Objective No. 3 as it will integrate residential growth in close reach of well serviced public transport connections.
<i>A Liveable City</i>	<i>Objective No. 5 – Deliver new housing to meet Sydney's growth</i>	The Planning Proposal is consistent with Objective No. 5 and 6 as it will assist in meeting the housing targets set by the strategy for the 'Central' subregion area. Future houses will be provided in an area close to existing and planned infrastructure such as shops/town centre and transport nodes and corridors.
	<i>Objective No. 6 – Deliver a mix of well-designed housing to meet the needs of Sydney's population.</i>	
<i>Productivity and Prosperity</i>	<i>Objective 10 – Provide capacity for jobs growth and diversity across Sydney</i>	The construction of dwellings will provide short-term employment.
<i>Health and Resilient Environment</i>	<i>Objective No. 18 – Use energy, water and resources efficiently</i>	At this stage, the Planning Proposal has not provided specific detail with regard to the use of energy and water resources. It is envisaged that future housing on the site will be consistent with the Objective No. 18. Future residential proposals at the sites will be required to be consistent with Leichhardt Council's Climate Change Plan (CCP). The CCP encourages adaptation to climate change

Strategic Direction	Objectives / Actions	Comment
		via Water Sensitive Urban Design, energy efficiency, renewable energy, sustainable building materials, connected, walkable neighbourhoods, active and public transport, greening and shading.
<i>Accessibility and Connectivity</i>	<i>Objective No. 24 – Plan and deliver transport and land use that are integrated and promote sustainable transport choices</i>	The Planning Proposal is consistent with Objective No. 24 as it will integrate residential growth that is within walking distance to public transport choices - bus routes and inner west light rail.

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 Leichhardt Community Strategic Plans.

Leichhardt 2025 + Community Strategic Plan

The Leichhardt 2025+ Strategic Plan, July 2013, was developed by Council with the local community to guide and direct Council and the community in achieving their development goal of a “*sustainable, connected and liveable community*”. Leichhardt 2025+ is the strategic plan for the Leichhardt Local Government Area that identifies the community's main priorities and aspirations for the future and guides the delivery of Council services over the next ten years. The directions of the Plan are divided into six Key Service Areas; namely:

- Community Well-being
- Accessibility
- Place Where We Live and Work
- Sustainable Environment
- Business in the Community
- Sustainable Services and Assets.

The Planning Proposal is consistent with the goals of the Strategic Plan 2025+ in respect to the following:

- The rezoning of the land is consistent with the Metropolitan and Subregional Plans in seeking to redevelop surplus public infrastructure land for residential development that will contribute to achieving new dwellings targets for the area.
- Increasing density and providing for in-fill residential development on existing and planned transport links will promote public transport usage and reduce car dependence.
- The proposal will provide the opportunity for future residential accommodation on the land to integrate with the surrounding community on lands previously used for non-residential purposes.
- The proposal will increase public safety by providing residential development on these lands and increase in resident activity of the streets.
- Future residential occupation of the lands will contribute to local businesses.
- The proposal is consistent with regional and subregional planning strategies and provides an integrated response to local land use planning.

- A future use for low density residential is a clear improvement on the current use of the sites and reflects surrounding uses.
- The future development of the sites for residential purposes will be sustainable and meet the requirements for BASIX and other environmental standards as required by Council policy.

Leichhardt Council's Community and Cultural Plan 2011 to 2021

The Leichhardt Community and Cultural plan comprises an integrated 10 year Strategic Service Plan, supported by a 4 year Service Delivery Plan that addresses the social and cultural aspirations and challenges of the Leichhardt Local Government Area.

The Plan outlines the specific role of Leichhardt Council in planning for local communities in a way that builds on community strengths, while responding to the current and future situations predicted by social research. With a ten year outlook, this Plan guides Council's work with the community to achieve five shared strategic objectives:

- Connecting people to each other
- Connecting people to place
- Developing community strengths and capabilities
- Enlivening the arts and cultural life.
- Promoting health and wellbeing

The 4 year Service Delivery Plan outlines the actions, activities and programs that Council will complete over the next four years in partnership with the community to meet the Strategic objectives, outcomes and Strategies outlined in the Community and Cultural Plan, and identifies the responsibilities and resources required to implement the Community and Cultural Plan over the next four years.

The Planning Proposal is consistent with the objectives of the Community and Cultural Plan in respect to connecting people to each other through the use of surplus public infrastructure land for residential development that will be well connected to public transport links to employment, education and services. This public transport accessibility and proximity to bicycle routes, parklands and open space will encourage active and passive recreation, which promotes health and well-being.

(Draft) Public Art Policy and 4 Year Service Delivery Plan 2013 - 2017

Council's draft Public Art Policy and 4 Year Service Delivery Plan 2013 – 2017 includes detailed strategies and actions for Council to implement to achieve the three Objectives of:

- **Enhance:** identity, vitality & wellbeing
- **Engage:** participate, innovate & debate
- **Enable:** manage, develop & promote

The Planning Proposal sites are small and do not present substantial public art potential. The Public Art Policy does however have an Action to encourage developers to commission or integrate artworks that use environmentally sustainable materials and processes, which highlight the environmental sustainability designs aspects of the development. This could be pursued through the development application process.

Employment and Economic Development Plan (EEDP) 2013

The Employment and Economic Development Plan identifies economic development and planning policy initiatives that can make a fundamental improvement to the economy of the Leichhardt LGA through:

- Supporting, attracting and growing local businesses.
- Optimising the economic potential of key sectors and locations.
- Facilitate strategic and integrated decision making.
- Building relationships, linkages, connectivity and partnerships between stakeholders.
- Improving the social and environmental sustainability of the economy.

These sites are not zoned as employment land but as public purpose land used for infrastructure. The Planning Proposal to rezone the Sydney Water sites to *R1 General Residential* has been broadly assessed against the Employment and Economic Development Plan criteria for rezoning land as outlined in Table 8 below.

Table 8: EEDP Criteria

EEDP Criteria	Comment
<i>Would the rezoning result in insufficient land industrial land being available for current and future demand for industrial land in the LGA, at a minimum?</i>	No, the Sydney Water sites are not included as part of the LGA's industrial land supply and as they are surrounded by residential development would be unsuitable for industrial uses.
<i>Would the rezoning of the site result in the fragmentation of a larger industrial precinct or erode the viability of a locally or regionally significant industrial precinct?</i>	The sites are not part of an industrial precinct.
<i>Would the rezoning be consistent with adopted Council and/or State Government Policy regarding the future role and demand for industrial land? What impact would it have to Council's employment targets?</i>	The Sydney Water sites are not included as part of the LGA's industrial land supply, consequently, there is no conflict with adopted Council and/ or State Government Policy regarding employment lands. The sites are considered by Sydney Water as surplus sites and are currently vacant. Rezoning will have no impact on Council's employment targets. Council's 2010 discussion paper on the translation of Local Environmental Plan 2000 Public Purpose land to Special Purpose land in Local Environmental Plan 2013 acknowledged that although the Edna Street site had a Site Compatibility Certificate (for residential use) its contamination issues would mean it should be a Special Purpose zone for the time being. The Annandale site was in a similar position. Both sites now have Remediation Action Plans and subdivision consents. It is therefore appropriate to refer them to the Gateway process and to public scrutiny through exhibition and consultation.

EEDP Criteria	Comment
<i>Does the site(s) have characteristics required by light or high tech industrial uses and other uses permitted in the zone/seeking floorspace in the LGA or subregion (e.g. floorspace, access, proximity to economic infrastructure, parking, infrastructure, storage, building configuration and land value)?</i>	No All the possible employment generating uses permissible with consent in the Local Environmental Plan 2013 Special Purpose zone are also permissible with consent in the Residential zone with the exception of entertainment facility. These include child care centres, community facilities and home businesses. Indeed the residential zone permissible uses allows employment generating uses such as home industries and neighbourhood shops not allowed in the special purpose zone.
<i>Would it be economically viable to improve the site to attract new tenants or to adapt to changing industry requirements and to ensure that the land uses on the site address compatibility with surrounding uses?</i>	With the exception of entertainment facilities a wider range of employment uses are permissible in the Residential zone than the existing Special Purpose zone so this criterion is inapplicable.
<i>Would the retention of industrial uses on the site result in a positive net benefit to the community as a whole?</i>	Not applicable as industrial uses are not currently permissible on these sites.

This assessment of the proposed rezoning using the Employment and Economic Development Plan Criteria as a proxy test demonstrate that there would be no negative economic impact from this rezoning.

Draft Integrated Transport Plan

Leichhardt's draft Integrated Transport Plan has been developed to assist in "Reducing Private Car Dependency for all Travel" while "Improving Safety for all Members of our Community". In order to achieve this, the Plan has established the following 9 Strategic Objectives:

- Improve accessibility within and through the LGA;
- Create a legible, direct and safe pedestrian and cycling environment;
- Provide appropriate levels of parking;
- Encourage public transport use;
- Provide a safe and efficient road network for all road users;
- Facilitate integration of land use, transport and community & cultural activities;
- Provide convenience for users of Leichhardt LGA;
- Promote health and wellbeing; and
- Improve environmental conditions.

This Planning Proposal will embrace the concepts outlined in Leichhardt's draft Integrated Transport Plan by:

- Providing increased residential population within walking distance of buses and light rail.
- Providing improved safety and amenity on a residential street.

Environmental Sustainability Strategy and Climate Change Plan

The Environmental Sustainability Strategy (ESS) includes six (6) themes for action being:

- Land
- Climate change and Air Quality
- Transport
- Water
- Biodiversity
- Waste and Consumption

The Planning Proposal for the rezoning of the Sydney Water sites is consistent with the objectives of the ESS and Climate Change Plan (CCP) where they are relevant.

The Sydney Water sites are well located to public transport including buses and light rail, ensuring access to employment, education, health services and commercial land uses from neighbourhood centres to larger strategic centres. The sites are also proximate to open space areas offering opportunities for passive and active recreation.

The redevelopment of the sites for residential development provides an opportunity for substantial landscaping on the sites, in accordance with Council's controls and policies, increasing the biodiversity of the localities.

The resulting population density at the sites will not be such that existing infrastructure is likely to need augmentation.

The proposed residential zoning is consistent with the objectives of the Climate Change Plan that encourages adaptation to climate change via water sensitive urban design, energy efficiency, renewable energy, sustainable building materials, connected, walkable neighbourhoods, active and public transport, greening and shading.

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 9) and Deemed State Environmental Planning Policies (see Table 10).

Table 9: Consideration of SEPPs

SEPP	Comment
SEPP No. 1 – Development Standards	This SEPP does not apply
SEPP No. 4 – Development without Consent and Miscellaneous Exempt and Complying Development	This SEPP does not apply
SEPP No. 6 – Number of Storeys in a Building	Not inconsistent.
SEPP No. 15 – Rural Landsharing Communities	Not applicable.
SEPP No. 19 – Bushland in Urban Areas	Not applicable.
SEPP No. 21 – Caravan Parks	Not applicable
SEPP No. 22 – Shops and Commercial Premises	Not applicable

SEPP	Comment
SEPP No. 26 – Littoral Rainforests	Not applicable
SEPP No. 29 – Western Sydney Recreational Area	Not applicable
SEPP No. 30 – Intensive Agriculture	Not applicable
SEPP No. 32 – Urban Consolidation (Redevelopment of Urban Land)	Not inconsistent. The proposal is for the creation of residential land for future development
SEPP No. 33 – Hazardous and Offensive Development	Not applicable
SEPP No. 36 – Manufactured Home Estates	Not applicable
SEPP No. 44 – Koala Habitat Protection	Not applicable
SEPP No. 50 – Canal Estate Development	Not applicable
SEPP No. 52 – Farm Dams and Other Works in Land and Water Management Plan areas	Not applicable
SEPP No. 53 – Metropolitan Residential Development	Not applicable.
SEPP No. 55 – Remediation of Land	Applicable. Remediation Action Plans have been provided to Council and it is a condition of gaining a subdivision certificates for DA 217/2010 and 218/2010 that the rezoned land be remediated fit for purpose to Council's satisfaction with Site Audit Statements being in place.
SEPP No. 59 – Central Western Sydney Regional Open Space	Not applicable
SEPP No. 60 – Exempt and Complying Development	This SEPP does not apply.
SEPP No. 62 – Sustainable Aquiculture	Not applicable
SEPP No. 64 – Advertising and Signage	Not applicable.
SEPP No. 65 – Design Quality of Residential Flat Development	The SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP No. 70 – Affordable Housing (revised schemes)	Not applicable
SEPP No. 71 – Coastal Protection	Not applicable
SEPP (Affordable Rental Housing) 2009	The SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP (Building Sustainability Index: BASIX) 2004	Any future redevelopment of the site for residential purposes will need to comply with the provisions of the SEPP.
SEPP (Exempt and Complying Codes) 2008	The SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP (Housing for Seniors or People with a Disability) 2004	The SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.

SEPP	Comment
SEPP (Infrastructure) 2007	The SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable
SEPP (Major Development) 2005	Not applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Port Botany and Port Kembla) 2013	Not applicable
SEPP (Rural Lands) 2008	Not applicable
SEPP (SEPP 53 Transitional Provisions) 2011	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Temporary Structures) 2007	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable

Table 10: Consideration of deemed SEPPs

REP Title	Applicable	Consistent
8. Central Coast Plateau Areas	N/A	
9. Extractive Industry (No 2—1995)	N/A	
16. Walsh Bay	N/A	
18. Public Transport Corridors	N/A	
19. Rouse Hill Development Area	N/A	
20. Hawkesbury-Nepean River (No 2—1997)	N/A	
24. Homebush Bay Area	N/A	
25. Orchard Hills	N/A	
26. City West	Yes	Not inconsistent
28. Parramatta	N/A	
30. St Marys	N/A	
33. Cooks Cove	N/A	
SREP Sydney Harbour Catchment 2005	Yes	Not inconsistent

Q7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 Directions)?

Consideration of Ministerial Directions

The Planning Proposal is consistent with the applicable Ministerial Directions (s.117 Directions) as outlined in Table 11.

Table 11: Consideration of Ministerial (S.117) Directions

s.117 Direction Title	Applicable	Consistent	Comments
1. Employment & Resources			
1.1 Business and Industrial Zones	N/A		Not applicable
1.2 Rural Zones	N/A		N/A
1.3 Mining, Petroleum Production and Extractive Industries	N/A		N/A
1.4 Oyster Aquaculture	N/A		N/A
1.5. Rural lands	N/A		N/A
2. Environment & Heritage			
2.1 Environment Protection Zones	N/A		N/A
2.2 Coastal protection	N/A		N/A
2.3 Heritage Conservation	Y	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. A heritage impact statement has been provided to Leichhardt Council	A Heritage Impact Statement has been provided that states that there will be no impact on the heritage values that are applicable to the lands by a rezoning that will support future low density residential built form. Future development of the site would be guided by the heritage provisions of the Local Environmental Plan 2013 and DCP 2013 controls.
2.4 Recreation Vehicle Areas	N/A		N/A
3. Housing Infrastructure & Urban Development			
3.1 Residential Zones	Y	The objectives of this direction are: § to encourage a variety and choice of housing types to provide for existing and future housing needs, § to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and § to minimise the impact of residential development on the environment and resource lands. 3.1 (5) (b) states a Planning Proposal must not contain provisions which will reduce the permissible residential	Consistent with terms of this Direction.

s.117 Direction Title	Applicable	Consistent	Comments
		density of land.	
3.2 Caravan Parks and Manufactured Home Estates	N/A		
3.3 Home Occupations	Y	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses	Consistent with the terms of this Direction. Home occupations are permitted without consent within the R1 Zone.
3.4 Integrating Land Use & Transport	Y	The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives: § improving access to housing, jobs and services by walking, cycling and public transport, § increasing the choice of available transport and reducing dependence on cars, § reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, § supporting the efficient and viable operation of public transport services, and § providing for the efficient movement of freight.	The Planning Proposal is consistent with this Direction.
3.5 Development near licensed aerodromes	Y		The land subject to the Planning Proposal is located within the ANEF 20 contour. Future development of the site would be required to comply with AS2021 for internal noise level.
3.6 Shooting Ranges	N/A		
4.Hazard & Risk			
4.1 Acid Sulphate Soils	Y		The sites are identified as having class 5 Acid Sulphate Soils (ASS). Both sites are within 500m of land designated as

s.117 Direction Title	Applicable	Consistent	Comments
			class 3 ASS. Further investigation regarding the presence of ASS on the site and the implications of being located within 500m of class 1-4 ASS land will be undertaken in accordance with the Acid Sulphate Soils Planning Guidelines as part of the contamination assessment and reporting.
4.2 Mine Subsidence and Unstable land	N/A		
4.3 Flood Prone Land	N/A		The land is not identified on Council's Flood Control Lot Maps as being Flood Prone.
4.4 Planning for Bush Fire Protection	N/A		
5. Regional Planning			
5.1 Implementation of Regional Strategies	N/A		
5.2 Sydney Drinking Water Catchments	N/A		
5.3 Farmland of State and Regional Significant on the NSW Far North Coast	N/A		
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A		
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	N/A		
5.6 Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	N/A		
5.7 Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	N/A		
5.8 Second Sydney Airport: Badgerys Creek	N/A		
6. Local Plan Making			
6.1 Approval and Referral Requirements	Y	The objective of this direction is to ensure that Local Environmental Plan provisions encourage the efficient and appropriate assessment of development.	Consistent with the terms of this direction.

s.117 Direction Title	Applicable	Consistent	Comments
6.2 Reserving Land for Public Purposes	N	The objective of this direction is to facilitate the provision of public services and facilities by reserving land for public purposes. 6.2 (4) states a Planning Proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without approval of the relevant public authority and the Director General.	Part of the subject lands are surplus to the needs to Sydney Water and the most appropriate zoning of the land is for housing. The surplus lands to be rezoned have been approved by the Director General in 2008 as being suitable for low density residential zoning in keeping with surrounding land use.
6.3 Site Specific Provisions	N/A		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 Draft Local Environmental Plan 2013.
7. Metropolitan Planning			
Implementation of the Metropolitan Strategy	Y	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036. (Please note: The State Government has exhibited a Draft Metropolitan Strategy for Sydney to 2031 for community input).	A low density residential rezoning for lands of less than 1,500 square metres does not impinge on the objectives of this strategy and is considered consistent. Refer to Table 5 above.

3.5 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?*

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. The sites are located within a highly modified, urban environment and have been extensively developed to accommodate Sydney Water buildings and facilities. There is no significant vegetation present on either site.

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 proposal will be modified if necessary. This can also be further addressed by Council when assessing applications for built form development on the land.

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

Site-specific Remediation Action Plans have been prepared for both sites and lodged with Leichhardt Council. (See Appendices 1.A and 1.B) The proponent/ applicant must meet the recommendations of these reports and suitable Site Audit Statements will be assessed by Leichhardt Council at the time that a subdivision certificate is applied for by Sydney Water. Sydney Water cannot make part of the land available for sale for housing until all its obligations are met to the satisfaction of Leichhardt Council to issue subdivision certificates. These obligations are already stipulated in unexpired conditional subdivision approvals 217/2010 and 218/2010 for the land being the subject of the proposal

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

The social and economic effects have been examined as part of the assessment of studies and supporting documentation submitted. The rezoned land, at less than 1,500 square metres, does not create any inference or circumstance that will have a noticeable effect on social or economic issues other than providing accommodation close to available employment, support of local business and additional housing supply in an area of high housing demand.

3.6 Section D – State and Commonwealth Interests

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

The sites are located within an established area that is well serviced by public infrastructure. Public infrastructure may be required to be augmented to support the development of the subject land in the future as communicated in this proposal. It is unlikely that such augmentation cannot readily be achieved as outlined in servicing reports provided to Leichhardt Council with the subdivision applications. However, given the small scale of the proposal, it is considered that any additional demand on infrastructure will be negligible.

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

This section of the Planning Proposal is completed following the Gateway Determination which identifies which State and Commonwealth Public Authorities are to be consulted.

Consultation is required with the following public authorities under section 56(2)(d) of the *EP&A Act 1979*, as amended:

- Federal Department of Sustainability, Environment, Water, Population and Communities;
- Integral Energy;
- NSW Office of Environment and Heritage (Environment Branch);
- Transport for NSW – Roads and Maritime Services;
- Sydney Water; and
- Telstra.

The subdivision applications that remain current for the sites were supported by specialist reports and approval condition requirements are to be met before Leichhardt Council will issue subdivision certificates. The lands cannot be sold for the purpose of this proposal unless subdivision certificates are issued by Leichhardt Council. This proposal is specifically only to rezone land for future low density, residential development. The land has a total area of less than 1,500 square metres and it is submitted that this proposal does not need to be referred to the above authorities.

3.7 Part 5 – Community Consultation

Community consultation remains an important element of the Plan making process. The companion document *“A Guide to Preparing Local Environmental Plans”* outlines community consultation parameters. The subject provisions, in respect of notification and the exhibition materials to support the consultation, will be observed by the proponent/applicant in support of the proposal.

Before proceeding to public exhibition, the Director General of Planning (or delegate) must approve the form of the Planning Proposal as being consistent with the “Gateway” determination (*EP&A Act 57(2)*). This is noted by the proponent.

This further consultation will, at a minimum include, advertising in local papers, exhibition material provided at Leichhardt Council administration buildings and libraries and Leichhardt Council's webpage and the required written notifications that would ordinarily be required.

Once Council is satisfied with the amended Planning Proposal following determination at the Gateway, it is recommended that it will be publicly exhibited for a period of 28 days.

It is envisaged that further community consultation will occur through the public exhibition of detailed documents lodged with the development application for the future development of the rezoned lands. However, this proposal does not seek any approvals for the future built form of the land which will be at the discretion of Leichhardt Council when a future development application is lodged.

3.8 Part 6 – Project Timeline

Table 12 below shows the anticipated timeline for completion of the Planning Proposal if approved for public exhibition in a Gateway determination. It is expected to be approximately 6 months from that point. This can change if either the proponent or Council requests a review of the Gateway determination or of the requirements imposed by the Gateway determination. Six months is the benchmark timeframe in the *“Guide to Preparing Local Environmental Plans”* for minor spot rezonings.

Table 12: Project Timeline

Anticipated Project Timeline	Proposed Number of Days from Gateway determination
Anticipated commencement date (date of Gateway determination)	0
Report to Council	30
Anticipated timeframe for the completion of required technical information	30
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	60
Complete public exhibition Planning Proposal and report to Council	90
Commencement and completion dates for public exhibition	120
Dates for public hearing (if required)	160
Timeframe for consideration of submissions	170
Report draft Final Planning Proposal to Council	180
Date of submission to the department to finalise the Local Environmental Plan	182

4 Conclusion

This Pre-Gateway Planning Proposal has been assessed against Council's planning and strategic policies including the Local Environmental Plan, DCP, Employment and Economic Development Plan, Leichhardt 2025+, Integrated Transport Plan, Community and Cultural Plan and Public Art Policy. It has also been assessed against State strategic planning policies.

Other Council policies and interests including affordable housing, Voluntary Planning Agreements, water sensitive urban design, traffic and active transport have also been considered.

The sites are surplus land for Sydney Water and no longer required for public purpose.

The Planning Proposal identified a range of possible community benefits that could flow from the rezoning including an increased population to support public transport and local centres.

Consequently this Pre-Gateway Planning Proposal has sufficient merit for referral to the Department of Planning and Infrastructure for a Gateway determination.