

Proposed rezoning and amendment of floor space ratio control at 67-73 Lords Road, Leichhardt.

Proposal Title : **Proposed rezoning and amendment of floor space ratio control at 67-73 Lords Road, Leichhardt.**

Proposal Summary : **The planning proposal seeks to amend Leichhardt Local Environmental Plan 2013 (LEP 2013) by rezoning 67-73 Lords Road, Leichhardt from IN2 Light Industrial to R3 Medium Density Residential, and increasing the maximum permissible floor space ratio (FSR) from 1:1 to 2.4:1.**

PP Number : **PP_2016_LEICH_002_00** Dop File No : **16/06383**

Proposal Details

Date Planning Proposal Received : **31-May-2016** LGA covered : **Leichhardt**

Region : **Metro(CBD)** RPA : **Sydney East Joint Regional Plan**

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

LEP Type : **Spot Rezoning**

Location Details

Street : **67-73 Lords Road**

Suburb : **Leichhardt** City : Postcode :

Land Parcel : **Lot 1 DP940543 and Lot 1 DP550608**

DoP Planning Officer Contact Details

Contact Name : **Andrew Watkins**

Contact Number : **0292286558**

Contact Email : **andrew.watkins@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Angela Kenna**

Contact Number : **0292282060**

Contact Email : **angela.kenna@planning.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Martin Cooper**

Contact Number : **0292286582**

Contact Email : **martin.cooper@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : Consistent with Strategy :

Proposed rezoning and amendment of floor space ratio control at 67-73 Lords Road, Leichhardt.

MDP Number :		Date of Release :	
Area of Release (Ha)		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	315
Gross Floor Area :	0	No of Jobs Created :	15

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes :

The planning proposal seeks to rezone the site from IN2 Light Industrial to R3 Medium Density Residential and increase the permissible floor space ratio control from 1:1 to 2.4:1. The main objective of the proposal is to facilitate the redevelopment of this under-utilised site, for the purposes of medium density residential development.

The planning proposal is supported, with conditions, because it demonstrates consistency with the housing-related objectives of A Plan for Growing Sydney, by facilitating additional residential development capacity (approximately 315 dwellings, 16 of which would be affordable) in close proximity to: the Marion Street Light Rail stop; the retail and commercial services at Leichhardt Market Place and Norton Street; Parramatta Road bus services; the Summer Hill railway station; and Lambert Park. The planning proposal states that Lords Road is also part of the Leichhardt cycling network, providing opportunities for greater use of public and active transport.

The proposed rezoning is inconsistent with State and Council strategies on the future role of industrial lands. As discussed later in this report, the inconsistencies are considered justifiable.

Leichhardt Council (now Inner West Council) did not support the proposal for the following reasons:

- loss of employment land and [62] jobs;
- the site is fully occupied and economically viable;
- the site performs an important local economic function;
- the planning proposal is inconsistent with s.117 Direction 1.1 Business and Industrial Zones;
- inappropriate FSR and building heights;
- inadequate communal open space;
- unsuitable reduction in street widths and traffic impacts;
- uncertainty associated with WestConnex and Parramatta Road Urban Renewal; and
- inadequate contamination information.

The planning proposal follows the pre-Gateway Review of the proposal, which was supported by the Joint Regional Planning Panel (the Panel) in its recommendation of 7 December 2015. The Department subsequently determined that the proposal should proceed to Gateway and Council declined the Department's invitation to become the Relevant Planning Authority (RPA) for the planning proposal. On 23 May 2016, the

Proposed rezoning and amendment of floor space ratio control at 67-73 Lords Road, Leichhardt.

External Supporting Notes :

Department appointed the Panel as the alternate RPA.

In response to the Panel's pre-Gateway Review recommendation that the proposal should demonstrate the ability to facilitate development complying with the Apartment Design Guide, the planning proposal has been updated to:

- demonstrate consistency with A Plan for Growing Sydney, the draft Parramatta Road Urban Transformation Strategy and the Apartment Design Guide;
- include the intention to continue liaising with State government agencies and to provide an equitable contribution towards necessary State infrastructure;
- include an updated Concept Design Report to respond to the updated Government strategies and Apartment Design Guide;
- include an updated urban design statement and an Apartment Design Guide compliance table; and
- include a modified draft Development Control Plan (DCP) to address the Apartment Design Guide.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : The objectives and intended outcomes are clearly stated in the proposal, and include facilitating the redevelopment of the site to provide a high quality residential development, incorporating a range of housing types including affordable housing for the Leichhardt area, and to provide improved amenity and a childcare centre.

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

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

Comment : The planning proposal provides an explanation of proposed provisions, including the amendment of the LEP zoning map to show the proposed R3 Medium Density Residential zoning, and amendment of the LEP floor space ratio map to show an increased FSR of 2.4:1 for the site.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 5.1 Implementation of Regional Strategies
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

- SEPP No 1—Development Standards
- SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
- SEPP No 33—Hazardous and Offensive Development
- SEPP No 55—Remediation of Land
- SEPP No 64—Advertising and Signage
- SEPP No 65—Design Quality of Residential Flat Development
- SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007
SEPP (Major Projects) 2005
SEPP (Affordable Rental Housing) 2009

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

An assessment of the applicable directions and SEPPs is discussed later in this report.

In recommending the planning proposal be submitted for a Gateway determination, the Panel required that the proposed FSR and height controls be demonstrated to be consistent with achieving a development that complies with the Apartment Design Guide, before the planning proposal is exhibited. The proponent has updated the planning proposal to provide a Concept Design Report, DCP and an additional report responding to the requirements of the Apartment Design Guide. These documents are considered adequate and will be exhibited with the planning proposal if a positive Gateway determination is issued.

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

If No, explain :

1.1 Business and Industrial Zones:

The proposal is inconsistent with this Direction as it will enable residential land uses on a site zoned for industrial purposes. However, it is considered that, given the site's relatively small area, isolation and limited potential for employment generation, the proposal is justifiably inconsistent.

4.1 Acid Sulfate Soils:

This Direction seeks to avoid significant adverse impacts from the use of land that has acid sulfate soil. The proposal is potentially inconsistent with this Direction as it proposes to intensify use of land with Class 5 acid sulfate soil. While the proposal addresses broader site contamination, acid sulfate soils is not specifically addressed by the proposal.

It is recommended that further information be provided by the proponent prior to public exhibition to demonstrate compliance with this Direction.

4.3 Flood Prone Land

This Direction seeks to ensure that consideration is given to the Department's Flood Prone Land policy and to the potential for flood impacts both on and off the subject land. The LEP has a flood planning clause which seeks to minimise flood risk and impact, and applies to land at or below the projected sea level rise and other land at or below the flood planning level. The proposal is potentially inconsistent with the Direction as the planning proposal does not clarify whether the site is at or below these levels. However, Council's Stormwater and Development Assessment Team has advised that the site is at risk of stormwater flooding, and that to manage such risk, the development would have to include stormwater infrastructure upgrades.

As discussed under 'Environmental Impacts' below, the proposal indicates a risk of stormwater flooding, and there are measures available to deal with such an occurrence through the development application process.

Notwithstanding, it is recommended that further information should be provided by the proponent prior to public exhibition to demonstrate compliance with this Direction.

7.1 Implementation of A Plan for Growing Sydney

This Direction gives legal effect specifically to the planning principles, directions and priorities for subregions, strategic centres and transport gateways contained within A Plan for Growing Sydney (2014). The planning proposal contributes to the overall achievement of the plan, consistent with the intention of this Direction. It seeks to increase residential density in an accessible location (within the indicative urban renewal corridor running along Parramatta Road) and reduce land use conflict between residential and industrial zones. While the proposal is consistent with housing

Proposed rezoning and amendment of floor space ratio control at 67-73 Lords Road, Leichhardt.

objectives, it is inconsistent with the broad objective to protect industrial land.

It is recommended that the Secretary's delegate approve the proposal's inconsistencies with the above Directions.

State Environmental Planning Policy 55 Remediation of Land:

The preliminary site contamination investigation has found that the site is contaminated and there are remediation measures available to render the land suitable for residential development. The investigation concludes that there are no contamination-related impediments to rezoning.

However, Council has contended that further investigation is required. To address Council's concerns, it is recommended that the NSW Environment Protection Agency is consulted at exhibition stage so that contamination issues are fully addressed and planned for.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal includes extracts of the Land Zoning and FSR maps that identify the site and indicate the proposed amendments sufficient for the purposes of this assessment. It is recommended that prior to exhibition, the proposal be updated to include proposed zoning and FSR maps that accord with the Standard Technical Requirements for Spatial Datasets and Maps.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : The planning proposal indicates that community consultation will be undertaken and indicates a four-week timeframe for this consultation period.

A 28 day community consultation period is considered appropriate, particularly given that Council and the community have expressed significant concern in relation to the proposed redevelopment of the site.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Leichhardt LEP 2013 was notified in December 2013 and commenced on 3 February 2014.**

Assessment Criteria

Need for planning proposal : **The proposal seeks to facilitate the redevelopment of the site for residential purposes and a planning proposal is the only mechanism by which to achieve this intention through**

Proposed rezoning and amendment of floor space ratio control at 67-73 Lords Road, Leichhardt.

Consistency with strategic planning framework :

rezoning and the amendment of LEP floor space ratio controls applying to the site.

The proposal is a result of a pre-Gateway review and not a direct result of any particular study, but a number of local strategies are relevant, as discussed below.

A Plan for Growing Sydney:

The planning proposal demonstrates consistency with the housing-related directions and objectives of A Plan for Growing Sydney, by facilitating additional residential development capacity and choice within an existing urban area.

The proposal is inconsistent with employment-related directions and objectives of the Plan in that the proposed rezoning would reduce the site's employment capacity. However, it is considered that:

- the site does not contribute to a significant industry cluster;
- the proposed rezoning would result in a less than 1% loss of industrial land across the local government area;
- not all current uses at the site are 'industrial' uses and could operate within other zones in the LGA; and
- the site is not considered as 'critical' within the context of other NSW Government or endorsed Council policies, and given its location within the Taverner's Hill precinct (as identified in the draft Parramatta Road Strategy) and its proximity to the Inner West Light Rail, the site has the ability to accommodate some of the corridor's future housing growth.

The planning proposal is also generally consistent with the priorities identified for the Central Subregion, particularly the acceleration of housing supply, choice and affordability.

Draft Parramatta Road Urban Transformation Strategy (UGNSW 2015):

The proposal would enable a significant contribution (approximately 315 dwellings) to achieving the potential growth envisaged by the draft Strategy. Being almost solely for residential purposes, the proposal would not facilitate or support the precinct's existing focus on the creative industries, as identified in the Strategy.

The site is identified in the draft Strategy as suitable for future residential development, with a building height of 8-12 storeys.

The planning proposal will facilitate development that would be largely consistent with the Strategy.

Apartment Design Guide (ADG):

In response to the Panel's requirement for the proposal to demonstrate the ability to facilitate development complying with the Apartment Design Guide, the proponent's Concept Design Report and 'SEPP 65 Apartment Design Guide Compliance Analysis' indicates that the proposal can facilitate development that can generally comply with the ADG and SEPP 65 building separation and overshadowing requirements. Where there is potential failure to comply, the context of the site and its surroundings (in particular, its proximity to non-residential land including the Inner West Light Rail and Lambert Park), provides justification for relatively minor non-compliances.

Leichhardt Council's Industrial Lands Study (December 2014):

The study covers land zoned IN2 Light Industrial and seeks to retain the site's IN2 zoning. The proposal is inconsistent with this study and its recommendations. However, the rezoning is justified, given its size, isolated nature and consistency with the draft Parramatta Road Strategy, which demonstrates the Government's long term vision for the corridor and envisages a changing residential and employment character in the precinct.

On the basis of the above, the proposal is considered generally consistent with the strategic planning framework.

Proposed rezoning and amendment of floor space ratio control at 67-73 Lords Road, Leichhardt.

Environmental social economic impacts :

Environmental:

- Given the developed nature of the site and its location within an existing urban area, it is considered unlikely there are any critical habitats, threatened species, populations, or ecological communities or their habitats present on the site.
- The site has been found to be contaminated, but according to the 'Site Contamination Assessment Letter of Advice (SLR Consulting, 19 November 2013) this should not prevent the rezoning of the site. However, given Council's concerns, it is recommended that the NSW Environment Protection Agency is consulted at exhibition stage.
- The site is in proximity to the Hawthorne Canal. The planning proposal includes a letter from NPC (26 July 2013) which advises that a degree of stormwater flooding is possible on part of the site. The advice indicates that such flooding can be dealt with at the detailed design stage, while elsewhere on the site the risk of flooding is low and provides guidance for dealing with stormwater flooding. As discussed above, the planning proposal should be updated to specifically demonstrate consistency with 117 Direction 4.3 Flood Prone Land.
- Traffic related matters have been addressed in a Traffic and Parking Assessment (May 2014) based on the concept plan for the site, which concludes that nearby intersections will be able to operate at current levels of service, with only minor increases in total average vehicle delays under projected additional traffic demands. In terms of road network capacity, the study found that there would be no unacceptable traffic impacts, nor would there be any need for road improvements or upgrades as a result of the site's redevelopment. Despite this, Council has raised issues in relation to detailed traffic and parking matters which will need to be addressed at development application stage. It is recommended that Roads and Maritime Services is consulted at exhibition stage.

Social:

- The planning proposal will enable development of approximately 315 dwellings on the site, and as such, is likely to result in an increased demand for local facilities and services resulting from an increased resident population. The proposal includes a Social Impact Assessment (Cred Community Planning, December 2013) which concludes that the proposed development is considered to have minimal social impacts on local child care and school facilities and services. This is attributed to the inclusion of a 60-place childcare centre on site, and the small forecast number of school-age children who might live within the development.
- The planning proposal includes a 'Net Community Benefit Test' which concludes that potential benefits include an increased housing supply (including 5% affordable housing), improved building sustainability and performance, improved amenity, and the delivery of additional social infrastructure in the form of a daycare centre and a new playground.
- Whilst important, the Social Impact Assessment and the Net Community Benefit Test are narrowly focussed and do not address other social impacts of concern raised by Council, such as upon health and emergency services, and affordable housing provision. It is therefore recommended that consultation with appropriate public agencies to ascertain the capacity of existing (and future need for) education, affordable housing, health and emergency services in Leichhardt and the surrounding areas is required as part of a Gateway determination.

Economic:

- While Council's Industrial Lands Study indicates that the site can accommodate a number of non-residential uses, not necessarily traditional or unneighbourly industrial uses, the proponent contends that the site and its buildings are becoming obsolete with little prospect of future investment in industrial uses.
- The economic arguments provided by Council and the proponent provide justification both for and against the proposal. In addition to the proposal's consistency with the strategic planning framework, the site's location within a predominantly residential area, with good public transport links and proximity to local services and facilities, is well suited to residential development. The site has limited potential to intensify its (current and/or industrial) uses without generating adverse impacts upon traffic and amenity. Furthermore, a number of the current uses could operate in other zones in the LGA and are not reliant on the IN2 zone. While potential exists for the use of the site for other employment uses (such as creative industries) it appears unlikely that sufficient investment

Proposed rezoning and amendment of floor space ratio control at 67-73 Lords Road, Leichhardt.

in the site will be forthcoming.

Assessment Process

Proposal type : **Routine** Community Consultation **28 Days**
Period :

Timeframe to make **12 months** Delegation : **RPA**
LEP :

Public Authority **Ambulance Service of NSW**
Consultation - 56(2)(d) **Department of Family and Community Services**
: **Department of Education and Communities**
Family and Community Services - Housing NSW
Energy Australia
Fire and Rescue NSW
Department of Health
NSW Police Force
Transport for NSW - Roads and Maritime Services
Sydney Water
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **Yes**

If Yes, reasons : **The site's development potential resulting from this proposal is such that there will be a need for additional infrastructure to be provided in order to meet the additional infrastructure demands created. Following discussion with the Department and UrbanGrowth NSW, the proponent has stated an intention to provide a 'satisfactory arrangements' provision for contributions to State public infrastructure designated under the Parramatta Road Urban Transformation Strategy.**

Documents

Document File Name	DocumentType Name	Is Public
Planning Proposal Cover Letter.pdf	Proposal Covering Letter	Yes
Lords Road Planning Proposal_Updated_13 April 2016.pdf	Proposal	Yes
Appendix 1a Zoning Map.pdf	Map	Yes
Appendix 1b FSR Map.pdf	Map	Yes
Appendix 3 Lords Road DCP.pdf	Proposal	Yes
Appendix 4 Lords Road Net Community Benefit Test.pdf	Proposal	Yes
Appendix 5 Lords Road Economic Assessment.pdf	Proposal	Yes

Proposed rezoning and amendment of floor space ratio control at 67-73 Lords Road, Leichhardt.

Appendix 6 Lords Road Affordable Housing Assessment.pdf	Proposal	Yes
Appendix 7 Lords Road Social Impact Assessment.pdf	Proposal	Yes
Appendix 8 Lords Road Traffic and Parking Assessment.pdf	Proposal	Yes
Appendix 9 Lords Road Flooding and Stormwater Management Letter.pdf	Proposal	Yes
Appendix 10 Lords Road Contamination Assessment.pdf	Proposal	Yes
Appendix 11 Lords Road VPA letter of offer.pdf	Proposal	No
Appendix 12 ADG Diagrams.pdf	Proposal	Yes
Appendix 12 Apartment Design Guide - Compliance Table FINAL.pdf	Proposal	Yes
Gateway Determination - Lords Road.pdf	Determination Document	Yes
Letters to Council - JRPP and Proponent.pdf	Determination Document	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
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Additional Information :

It is recommended that the Sydney East Joint Regional Planning Panel, as delegate of the Greater Sydney Commission, determine under section 56(2) of the EP&A Act that an amendment to the Leichhardt Local Environmental Plan 2013 should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal is to be updated to:
 - a) address the social impact of the proposal, including consideration of the capacity of existing, and future need for affordable housing, education, health and emergency services;
 - b) demonstrate consistency with s.117 Direction 4.1 Acid Sulfate Soils;
 - c) demonstrate consistency with s.117 Direction 4.3 Flood Prone Land;
 - d) include current and proposed Land Zoning and Floor Space Ratio maps (in accordance with the Standard Technical Requirements for LEP Mapping).
2. Community consultation is required and the planning proposal must be made publicly available for a minimum of 28 days.
3. Consultation is required with the following agencies, which should be given at least 21 days to comment on the proposal:
 - NSW Roads and Maritime Services (RMS)
 - NSW Department of Education and Communities (DEC)
 - NSW Health
 - NSW Department of Family and Community Services;
 - NSW Housing and Community Services;
 - Ambulance Service of NSW
 - NSW Police Force
 - Fire and Rescue NSW
 - Sydney Water
 - Energy Australia
 - NSW Environment Protection Agency

**Proposed rezoning and amendment of floor space ratio control at 67-73 Lords Road,
Leichhardt.**

- Urban Growth NSW.

4. Should any consultees identified under Condition 3 request any additional information, or specify any additional matters to be addressed, the planning proposal is to be updated to respond to any such submission, a copy of which is to be included with the updated planning proposal.

5. A public hearing is not required to be held into this matter.

6. The time frame for completing this LEP is to be 12 months.

Supporting Reasons :

The reasons for the above recommendations for the Planning Proposal are as follows.

The proposal:

- demonstrates consistency with the objectives and directions of A Plan for Growing Sydney and the draft Parramatta Road Urban Transformation Strategy by facilitating urban renewal and new housing opportunities within reasonable proximity to local services, facilities, Inner West Light Rail and bus routes;
- will facilitate an increase in and improvement to Sydney's housing supply;
- the site is currently not being used for the purposes intended by its IN2 Light Industrial zoning, and current uses could be accommodated in other zones elsewhere in the LGA; and
- the site is not suitable for industrial intensification.

Signature: _____

Printed Name: _____

Date: _____