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20/06/2019

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# Contents

Executive Summary	4
1.0 Introduction	6
2.0 Background	6
2.1 Previous Planning Proposal	6
2.2 The Planning Process	8
3.0 The Site	8
3.1 Site Location and Context	8
3.2 Site Description	9
3.3 Existing Development	10
3.4 Topography	10
3.5 Vegetation	10
3.6 Surrounding Development and Land Uses	10
3.7 Site Access and Public Transport	12
3.8 Surrounding Facilities	13
3.9 Regional Context	13
4.0 Current Planning Controls	15
4.1 Leichhardt Local Environmental Plan 2013	15
5.0 Indicative Development Concept	17
5.1 Design Principles	18
5.2 Numeric Summary	18
5.3 Indicative Built Form	19
5.4 Site Access and Through Site Link	19
5.5 Distribution of Uses	20
6.0 Planning Proposal	21
6.1 Objectives of Planning Proposal	21
6.2 Intended Outcomes	23
6.3 Explanation of Provisions	23
6.4 Mapping	24
7.0 Strategic Justification	25
7.1 The Need for a Planning Proposal	25
7.2 Relationship with the Strategic Planning Framework	27
7.3 Environmental, Social and Economic Impacts	37
7.4 State and Commonwealth Interests	38
8.0 Public Benefit	38
9.0 Community Consultation	39
10.0 Planning Assessment	39
10.1 Urban Design, Built Form and Landscaping	39
10.2 Residential Amenity	40
10.3 Overshadowing	40
10.4 Traffic and Parking	41
10.5 Flooding	42
10.6 Contamination	42

# Contents

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11.0	Conclusion	43
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## Figures

Figure 1	Site context	9
Figure 2	Site aerial	9
Figure 3	The site as viewed from Marion Street	10
Figure 4	The site as viewed from Walter Street	10
Figure 5	Development on the opposite side of	11
Figure 6	Development to the north of the site on	11
Figure 7	237 Marion Street Development	11
Figure 8	Marketplace Leichhardt Development	11
Figure 9	Lambert Park Stadium	12
Figure 10	Lambert Park public open space	12
Figure 11	Marion light rail stop showing the site in	12
Figure 12	The site, as viewed from Marion light rail stop	12
Figure 13	Regional Context	14
Figure 14	Land Use Zone	15
Figure 15	Floor Space Ratio	16
Figure 16	Heritage	16
Figure 17	Indicative development concept, as viewed from Marion Street	17
Figure 18	Indicative development concept, as viewed from Walter Street	17
Figure 19	Indicative built form, eastern elevation and section plans	19
Figure 20	Ground floor plan, showing proposed driveway and pedestrian through site link	20
Figure 21	The existing automotive repair use will be retained in two basement levels	20
Figure 22	Proposed Key Sites Map	24
Figure 23	Building Approvals vs Housing Supply Targets	30
Figure 24	Extract of shadow diagrams	41

## Tables

Table 1	Assessment against Council's reasons for refusal	7
Table 2	Development Summary (Indicative)	18
Table 3	Summary of Proposed Amendments to Leichardt LEP	23
Table 4	Summary of Economic Benefits	26
Table 5	Consistency with the Greater Sydney Regional Plan	27
Table 6	Consistency with the Central City District Plan Planning Priorities and Actions	28
Table 7	Consistency with Our Inner West 2036 Strategic Plan	32
Table 8	Extract of Industrial Lands Assessment Checklist from Council's Industrial Lands Study	33

# Contents

Table 9	Consistency with State Environmental Planning Policies	34
Table 10	Consistency with section 9.1 directions	35

## Appendices

<b>A</b>	Concept Design Report <i>Figgis + Jefferson Tapa</i>
<b>B</b>	Site Survey <i>ATS Land &amp; Engineering Surveyors</i>
<b>C</b>	Employment Impact Assessment <i>HillPDA</i>
<b>D</b>	Public Benefit Offer <i>P&amp;C Consulting P/L</i>
<b>E</b>	Preliminary Contamination Assessment <i>Douglas Partners</i>
<b>F</b>	Flooding Report <i>GEC Consulting Pty Ltd</i>
<b>G</b>	Preliminary Acoustic Assessment <i>Wilkinson Murray</i>
<b>H</b>	Traffic and Transport Report <i>TTPP</i>

## Executive Summary

This report has been prepared by Ethos Urban, on behalf of P&C Consulting P/L to seek support for a Planning Proposal to amend the Leichhardt Local Environmental Plan (LLEP) 2013. The Planning Proposal relates to lands at 245 Marion Street, Leichhardt which is located within the Inner West Local Government Area (LGA). Specifically, the Planning Proposal seeks to:

- Introduce an 'Additional Local Provision' to Part 6 of the LLEP 2013 that allows for the incorporation of residential uses as part of a mixed-use development at 245 Marion Street;
- Increase the maximum permissible floor space ratio (FSR) limit from 1:1 to a maximum FSR of 3:1, of which a minimum of 1:1 will be restricted to employment generating floor space; and
- Introduce a maximum height control of 30m for the site.

The proposed controls will facilitate the redevelopment of the site for a mixed-use development that retains the existing urban services use at the site, increases the quantum and diversity of employment generating floor space and provides for new residential dwellings in proximity to the Marion Street light rail station.

This Planning Proposal has been prepared for the purpose of section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the NSW Department of Planning and Environment's "A guide to preparing Planning Proposals". It is important to note that the guide outlines the following (on page 5) with regards to the level of information which support a Planning Proposal:

*A planning proposal must demonstrate the strategic merit of the proposed amendment to the LEP proceeding.*

*A Planning Proposal must provide enough information to determine whether there is merit in the proposed amendment proceeding to the next stage of the plan-making process. The level of detail required in a planning proposal should be proportionate to the complexity of the proposed amendment.*

Therefore, this Planning Proposal has been prepared with a focus primarily on the strategic merit and intent of the proposed concept, and an assessment of the proposed built form and land uses.

It is recommended that Council resolves to support this Planning Proposal to the NSW Department of Planning & Environment's Gateway Review Panel and the issuing of a Gateway Determination that facilitates the proposed amendments to the Leichhardt LEP 2013 for the following reasons:

1. The Planning Proposal has strategic merit, demonstrating consistency with regional, district and local planning policies;
2. The Planning Proposal has site-specific merit due to the following:
  - a) It protects and enhances existing light industrial/urban services employment opportunities at the site;
  - b) It will support the effective utilisation of existing infrastructure by locating commercial and residential development in proximity to an existing light rail station;
  - c) It allows for the renewal of the site in a manner consistent with adjoining residential land whilst protecting the important urban services use currently operating at the site;
  - d) It ensures potential land use conflicts between the existing light industrial and future residential uses are adequately addressed;
  - e) It improves the permeability of the street and improves access to the light rail station for surrounding residents by the creation of a new through-site link; and
  - f) It will facilitate the delivery of new affordable housing for essential workers.
3. The Planning Proposal will allow for the creation of a greater level of employment on the subject site whilst protecting the existing urban services (automotive repair facility);

4. The Planning Proposal will facilitate the delivery of approximately 97 new dwellings that will support housing diversity within the area, whilst facilitating the achievement of the 0-5 year targets set for the Inner West LGA and longer term targets for the Eastern City District; and
5. The Planning Proposal will deliver more housing within 30-minutes from surrounding jobs, services and existing infrastructure. Accordingly, it will provide an outcome that would be consistent with the approach to locate housing in highly accessible locations in existing centres.

### **Need for a Planning Proposal**

The need to renew the planning controls for 245 Marion Street, Leichhardt arises from the constrained nature of the existing industrial land and the opportunity to enhance the employment capacity of the site whilst providing new housing. As such, the site offers the opportunity to increase the employment generation of the site through modern light industrial and commercial development combined with a viable above-ground residential development that is well-located to existing transportation links and nearby services and facilities.

### **Concept Design**

An indicative concept scheme has been prepared by Figgis + Jefferson Tapa (**Appendix** Error! Reference source not found.) to demonstrate how the site could be redeveloped in accordance with the opportunity presented by the Planning Proposal. The concept scheme envisages an 8 storey built form, accommodating 5,200m<sup>2</sup> of employment generating uses (including at least 3,200m<sup>2</sup> of light industrial/urban services) within the basement, ground and podium levels and 97 apartments above.

The concept scheme has been designed in accordance with the principles of SEPP 65 and successfully integrates the proposed range of land uses through vertical separation and design treatments to ensure the amenity of dwellings is maximised and the operational requirements of the light industrial and commercial uses are met.

### **Public Benefits**

The Planning Proposal provides an opportunity to deliver significant additional public benefits to the local area. The redevelopment of the site in accordance with the Concept Design would deliver in excess of \$2.5 million in s7.11 contributions (based on the maximum cap per dwelling of \$25,000 and proposed net increase in employment capacity). In addition, the applicant has prepared a letter of offer to enter into a VPA with Council for the following:

- Dedication of five percent of the gross floor area (GFA) of the residential component of the development to an affordable housing provider for a period of 10 years.
- A monetary contribution of \$250,000 to go towards upgrades and/or general maintenance of Lambert Park football stadium. Fifty percent of the contribution is to be paid upon finalisation of the Planning Proposal and the remaining fifty percent will be paid upon release of a Construction Certificate for a future mixed use development at the site. The contribution value is to be offset against future s7.11 contribution obligations.
- The provision of a north-south through-site pedestrian link between Marion Street and Walter Street to operate during daylight hours. Further details of this pedestrian link will be set out at DA stage.

### **Conclusion**

The site is under single ownership and represents a rare opportunity to deliver a true transit-oriented development which increases the employment and housing capacity of a highly accessible site. Planning and technical investigations support the proposed changes to the existing planning controls and as such it is recommended that a gateway determination be issued to allow the further progression of planning for 245 Marion Street, Leichhardt.

## 1.0 Introduction

This report has been prepared by Ethos Urban in support of a Planning Proposal to amend the Leichhardt Local Environmental Plan (LLEP) 2013. This report has been prepared on behalf of P&C Consulting P/L and relates to the site at 245 Marion Street, Leichhardt.

The objective of this Planning Proposal is to seek an amendment to the LLEP 2013 to facilitate the redevelopment of the site for a mixed use development that retains the existing urban services use at the site (i.e. automotive repair centre), increases the quantum and diversity of employment generating floor space and provides for new residential dwellings in proximity to the Marion Street light rail station. This will be achieved through the inclusion of specific development standards for the site under the LLEP 2013.

The site is highly accessible, being located adjacent the Marion Street light rail station and in proximity to other necessary amenities and services. The indicative scheme provided in support of this Planning Proposal demonstrates that the development of the site for the purposes of a mixed use development is feasible and results in a positive planning outcome given the attributes of the site and its strategic planning context.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* (EP&A Act), and 'A Guide to Preparing Planning Proposals' prepared by the NSW Department of Planning and Environment (the Department). **Section 7.0** of this report sets out the strategic justification for the Planning Proposal and provides an assessment of the relevant strategic plans, state environmental planning policies, ministerial directions and the environmental, social and economic impacts of the proposed amendment.

This Planning Proposal describes the site and the proposed LEP amendments. It is supported by an indicative scheme which demonstrates one way in which the site could be redeveloped in accordance with the proposed changes. This Planning Proposal should be read in conjunction with the indicative scheme prepared by Figgis + Jefferson Tepa (**Appendix A**), a letter of offer from the applicant outlining the public benefits proposed to support the proposal, and other specialist consultant reports appended to this Proposal (refer to Table of Contents).

We request that Council forward the Planning Proposal to the Minister for Planning for a 'Gateway' determination in accordance with section 3.34 of the EP&A Act.

## 2.0 Background

### 2.1 Previous Planning Proposal

A previous Planning Proposal for the site was lodged with the then Leichhardt Council in August 2014. The proposal sought to:

- Rezone the site from IN2 Light Industrial to R1 - General Residential;
- Increase the FSR from 1:1 to 3.3:1;
- Introduce a height control of 50m (15 storeys) with a 10m height control along street frontages; and
- Provide for up to 200 new dwellings.

This Planning Proposal was considered by Council at its meeting on 25 November 2014 where it was not supported. The Planning Proposal was then sent to the Department in December 2014 for a Pre-Gateway Review. The DPE advised that in this instance, the proposal did not demonstrate sufficient merit to proceed to Gateway in its current form, however noted the proposal had merit for urban renewal due to its proximity to the Marion light rail station. Specifically, in their assessment report, the Department concluded that:

*"The Department recognises the site provides an opportunity for urban renewal, being located adjacent to the Marion light rail stop, within a broader industrial area that has already transitioned to residential land use (i.e. seniors housing), has direct access to a high frequency bus corridor along Marion Street and is in close proximity to existing services and facilities."*



*The proposal demonstrates strategic merit through the provision of housing to meet the needs of Sydney's growing population in a highly accessible location, which may, on balance, outweigh the potential loss of an isolated industrial site. It is noted that the potential loss of this industrial site is not supported by an employment assessment or market analysis, which would assist in justifying the departure from Council's recent Industrial Lands Study". It is also noted that the proposal offers a low level of balance in retaining an employment presence on site.*

*Whilst the Department supports renewal on this site, particularly considering its strategic location, the planning proposal would result in development that is out of character with the surrounding neighbourhood. The proposed bulk and scale of development is considered excessive, is beyond the maximum scale planned for the Taverners Road Urban Renewal Precinct and will have an adverse impact on the amenity of adjoining low scale residential uses".*

This revised Planning Proposal has been prepared to address the issues raised by Council and the Department with the previously submitted proposal. The proposal has been amended to; ensure the existing employment opportunities of the site are retained and enhanced, reduce the scale of the proposed built form and provide sufficient information to demonstrate the strategic planning merits of the proposal. **Table 1** provides a summary of how the key issues raised by Council with the previous proposal have been addressed.

**Table 1 Assessment against Council's reasons for refusal**

Reason for refusal	Response
In the context of persistent demand and a low and decreasing supply of industrial land, a rezoning would dilute Council's ability to provide sufficient industrial land to accommodate the demand.	This Planning Proposal seeks to retain the IN2 Light Industrial zone of the site and insert site-specific provisions within the LLEP 2013 to ensure the existing quantum of IN2 uses is retained. Refer to <b>Section 6.3</b> of this report.
The Planning Proposal is inconsistent with s117 Direction 1.1 Business and Industrial Zones on the following grounds: <ul style="list-style-type: none"> <li>The Planning Proposal is not justified by relevant strategies in relation to the retention of industrial lands, including the Draft Metropolitan Strategy for Sydney to 2031 and the Draft Inner West Sub-Regional Strategy</li> <li>The Planning Proposal is not justified by an economic study</li> <li>Loss of this industrial land would be of substantial significance to the local government area's employment land supply.</li> </ul>	This Planning Proposal is consistent with the s117 (s9.1) Direction 1.1 as: <ul style="list-style-type: none"> <li>It is justified by relevant strategies as it is consistent with the Leichhardt Employment Lands Study, the Greater Sydney Region Plan and the Eastern City District Plan (refer to <b>Section 7.2</b>);</li> <li>The Planning Proposal is justified by an economic study (refer to <b>Appendix C</b>); and</li> <li>The Planning Proposal will not result in the loss of employment capacity of the site, rather is will protect and improve the area's employment land supply.</li> </ul>
The Planning Proposal is not supported by an: <ul style="list-style-type: none"> <li>Economic Assessment</li> <li>Net Community Benefit Test</li> <li>Social Impact Assessment</li> </ul> <p>Without the above listed supporting studies, there is not sufficient information to demonstrate that relevant social, economic and other site-specific matters have been identified or adequately addressed and that the site is capable of supporting the proposed zoning.</p>	This Planning Proposal is supported by an Economic Assessment and the proposal will deliver significant community benefits and have a positive social impact (refer to <b>Sections 7.3 and 8.0</b> ). A Social Impact Assessment can be undertaken post lodgement of the Planning Proposal if necessary as it is not a determining issue for the site or the strategic merit test.
Without supporting documents, the Planning Proposal does not demonstrate that the proposal has strategic merit. Council recognises that 245 Marion Street could have potential for a modest increase in FSR to create additional employment generating floorspace.	This Planning Proposal demonstrates the clear strategic merit of the proposal and seeks to increase the FSR to create additional employment generating floor space as well as providing increased housing opportunities in the area.
The Planning Proposal includes a residential FSR of 3.3:1 and building heights of up to 50m for an R1 – General Residential zoning, or no limitations to the maximum height or FSR for a business zone. There is no precedence in Leichhardt LGA for the proposed FSR and maximum building heights for the proposed zoning and an adequate justification for the FSR and building height has not been provided.	A Concept Design Report has been prepared to determine an appropriate FSR and height limit for the site in context of its surroundings and the opportunities presented. This Planning Proposal seeks a maximum FSR of 3:1 and a maximum height limit of 30m which is significantly less than the previous proposal and is consistent with similar transit-orientated developments along the light rail line. Refer to <b>Section 5.0</b> .

Reason for refusal	Response
There is no strategic justification for the proposed FSR and building height in higher order NSW Government State Planning Policy or guidelines or Council Environmental Planning Instruments, Policies or Guidelines	The proposed building height and density is consistent with that of other infill renewal sites along the light rail corridor and is justified by a Concept Design Report ( <b>Appendix Error! Reference source not found.</b> ). It is also noted that the Department recognises the site provides an opportunity for urban renewal as per their assessment of the previous Planning Proposal.
<p>The proposed residential FSR and building heights would result in unacceptable amenity impacts on the local area, including:</p> <ul style="list-style-type: none"> <li>• Overlooking of Water Street and residents of The Marion, Uniting Church Seniors Housing Development</li> <li>• Inadequate landscaped area</li> <li>• Visual impact from the bulk and scale of the building</li> <li>• Inadequate access to daylight for future residents within the development</li> </ul>	<p>An assessment of the amenity impacts the proposed FSR and height will have on the local area is included at <b>Section 10.1</b> which demonstrates:</p> <ul style="list-style-type: none"> <li>• Appropriate building separation and landscaping to minimise overlooking of Walter Street and residents of adjacent development;</li> <li>• High quality landscaping including podium and rooftop open space and a through-site pedestrian/cycle link;</li> <li>• The bulk and scale of the building is appropriate in context of infill renewal sites along the light rail corridor; and</li> <li>• The development is capable of achieving a high level of solar access to future dwellings in accordance with SEPP 65.</li> </ul>
Inadequate supporting information has been provided to ascertain if the quantity and quality of landscaped areas, private open space and communal landscaped area, is acceptable and achieves minimum requirements of SEPP 65	An assessment of the concept scheme against SEPP 65 is included within the Concept Design Report at <b>Appendix Error! Reference source not found.</b>
The Planning Proposal does not include any affordable housing and is therefore not consistent with Section 3.3.3 of the Leichhardt Affordable Housing Strategy (2011) which seeks a 10% affordable housing contribution.	The provision of affordable housing forms part of a public benefit offer to support the Planning Proposal (refer to <b>Section 8.0 and Appendix D</b> ).

## 2.2 The Planning Process

This planning report forms part of a Planning Proposal submitted to Inner West Council. The intent of this submission is to provide Council, as the Relevant Planning Authority (RPA), with sufficient information to form a view regarding the strategic merit of the Planning Proposal and to refer the matter to the Department's LEP Gateway Review Panel.

It is important to note that at this stage, both Council and the LEP Gateway Review Panel are only required to determine whether the Planning Proposal has strategic merit and is worthy of further detailed assessment. An LEP Gateway determination will allow for detailed site investigation, additional technical studies and further concept planning for the site where necessary.

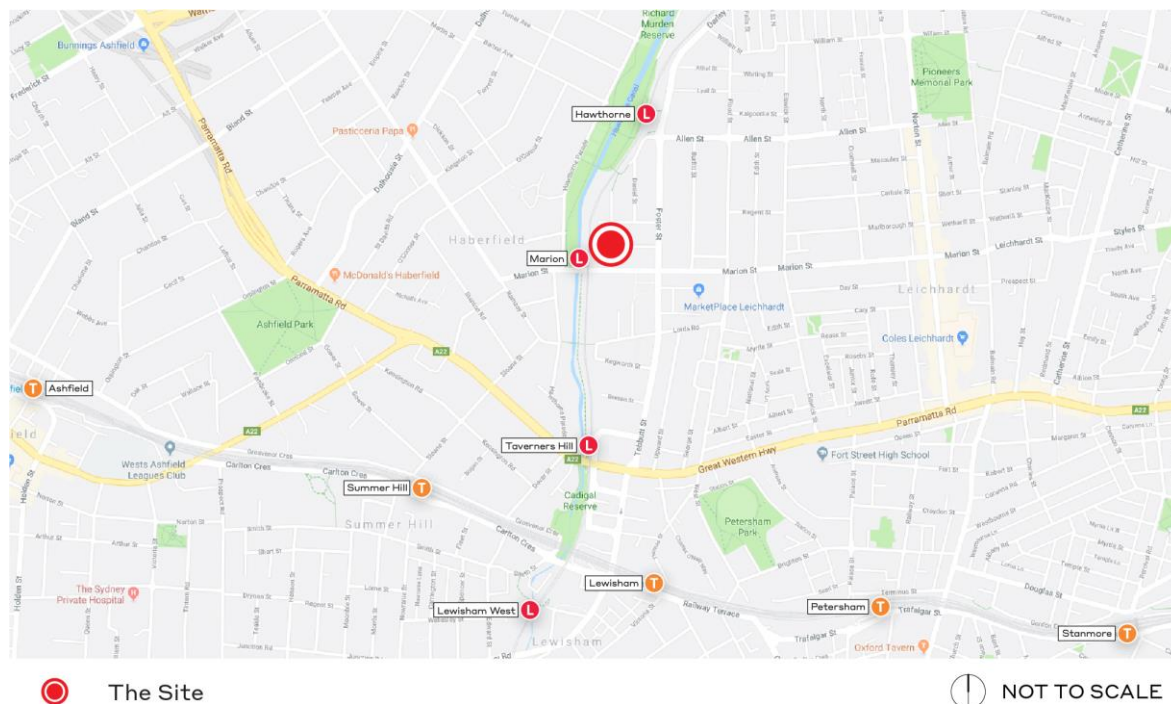
The detailed site investigations will inform the finalisation of the Planning Proposal to allow it to be placed on public exhibition for community consultation, following which it will be fully assessed by Inner West Council with further input from the Department and other government agencies.

## 3.0 The Site

### 3.1 Site Location and Context

The site is located at 245 Marion Street, Leichhardt. It is situated approximately 6km south-west of the Sydney Central Business District (CBD), between the Leichhardt, Haberfield and Summer Hill town centres.

The site is located within an established urban area and is predominantly surrounded by residential development. It is situated directly to the east of the Dulwich Hill Line and adjoins the Marion Light Rail Station (refer to **Figure 1**). The Cooks River to Iron Cove Greenway also runs parallel to the light rail line.



**Figure 1 Site context**

Source: Google Maps/Ethos Urban

### 3.2 Site Description

The site is legally described as Lot 1 DP507525 and has a total area of approximately 5,210m<sup>2</sup>. It is generally rectangular in shape with frontages of approximately 40m along Marion Street and 35m along Walter Street. It has a depth of approximately 137m.

A Site Aerial is shown at **Figure 2** and a Site Survey is included as **Appendix B**. The land is owned by P&C Consulting, the applicant of this Planning Proposal.



**Figure 2 Site aerial**

Source: Nearmap/Ethos Urban



### 3.3 Existing Development

The site is currently occupied by a single storey, light industrial building of brick and metal construction. It is been used for the purpose of a motor vehicle repairs business for the past 32 years and this use continues to operate today. The site is isolated from other industrial land and forms one of a number of fragmented industrial sites within Leichhardt.

Photographs of the existing built form as viewed from Marion Street and Walter Street are shown at **Figures 3 and 4** respectively.



**Figure 3** The site as viewed from Marion Street



**Figure 4** The site as viewed from Walter Street

### 3.4 Topography

The site is located at a low valley point in the urban landscape at around RL 4.0 which sits well below the surrounding higher level ridges, such as along Norton Street at around RL 30 and Haberfield at RL 10. Within this topographical context, the built form of the site sits down into the landscape and below the adjacent light rail line.

### 3.5 Vegetation

There is no significant vegetation on the site, with the existing building and at-grade parking covering most of the site's area. A palm tree is located in the south western corner of the site and planter beds are located along the main street frontage. There are currently a few mature street trees along the northern footpath of Marion Street, with mature trees located along the northern boundary of Lambert Park. A few small trees/ tall shrubs are located along the northern narrow footpath of Walter Street.

### 3.6 Surrounding Development and Land Uses

The development surrounding the site is characterised by typically low density residential and commercial uses, open space and transport infrastructure.

#### North

To the north and north-east of the site is the residential area of Leichhardt. This area predominantly comprises one and two storey detached dwelling houses with the occasional medium density multi-dwelling development (refer to **Figure 5** and **Figure 6**). Further north, across the Inner West Light Rail Line is the Hawthorne Canal and Parramatta River.



**Figure 5** Development on the opposite side of Walter Street



**Figure 6** Development to the north of the site on Daniel Street

### East

To the immediate east of the site is a 2-3 storey seniors housing development on industrial zoned land at 237 Marion Street, Leichhardt (refer to **Figure 7**). This seniors housing development maintains a close frontage along Marion Street and its western boundary which forms the interface of the subject site. This adjoining site was previously owned by the proponent and sold to the Uniting Church for the development of seniors housing.

Further east is the Leichhardt Town Centre which is predominantly based around Norton Street and comprises a range of local shops and services, including MarketPlace Leichhardt (refer to **Figure 8**).



**Figure 7** 237 Marion Street Development



**Figure 8** Marketplace Leichhardt Development

### South

To the south of the site is Lambert Park, which is a purpose-built soccer stadium predominantly used by APIA Leichhardt Tigers (refer to **Figure 9**). Adjoining the stadium is a publicly accessible area of passive open space that is also part of Lambert Park (refer to **Figure 10**).





**Figure 9 Lambert Park Stadium**

*Source: Inner West Council*

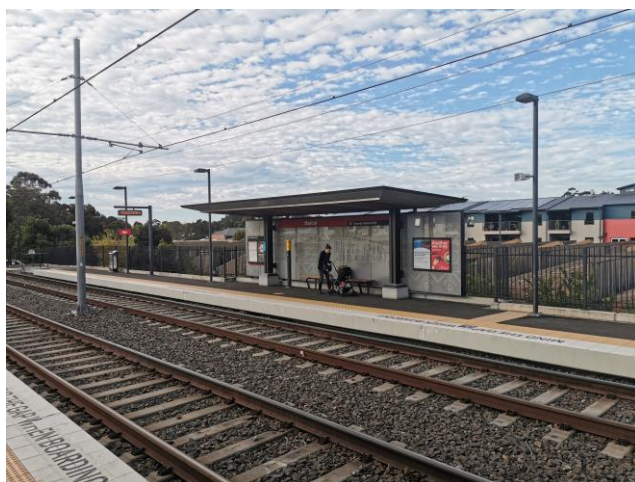


**Figure 10 Lambert Park public open space**

## West

To the immediate west of the subject land is the Marion Street light rail stop on the Dulwich Hill Light Rail Line. The light rail stop sits approximately 5m higher than the ground level of the subject site (refer to **Figure 11** and **Figure 12**).

Further west, on the opposite side of the light rail stop is the Hawthorne Canal Reserve open space corridor. This corridor forms part of the Greenway which is currently being developed as a pedestrian/cycle link between Iron Cove to the Cooks River. Beyond this is the residential suburb of Haberfield.



**Figure 11 Marion light rail stop showing the site in the background**



**Figure 12 The site, as viewed from Marion light rail stop**

## 3.7 Site Access and Public Transport

### Surrounding Road Network

The site has two road frontages and potential points of access, including along Marion Street to the south of the site and Walter Street to the north.

Marion Street is a regional road connecting Ramsay Street in the west to Leichhardt Street in the east. It dissects the north-south arterial road of Norton Street which provides direct access to Parramatta Road in the south and the City-West Link Road to the north.

Walter Street is a local no-through road, connecting the site to Forster Street to the east.

### **Rail**

The site is within 20m of the Marion light rail station along the Inner West Light Rail Line. The light rail provides access to the Sydney CBD, including Central Station. The trip to Central Station takes approximately 25 minutes with services every 6-8 minutes in the peak periods.

The light rail also provides access south to Dulwich Hill Station and the Bankstown Railway Line which is currently being upgraded to a high frequency Metro service.

### **Bus**

The site is located nearby to the following bus stops:

- Marion Street at Hawthorne Parade and Marion Street opposite Hawthorne Parade; and
- Lambert Park, Marion Street and Marion Street opposite Lambert Park.

These stops are located along a high-frequency bus corridor offering services (436, 438, 439, L38 and L39) to the Sydney CBD (Martin Place), Central Station, Leichhardt Town Centre, Haberfield, Abbotsford, Five Dock and Mortlake.

### **Pedestrian/Cycleway**

The site is located adjacent the Cooks River to Iron Cove Greenway which is a planned north-south pedestrian and cycleway linking the two water bodies and beyond. The Greenway connects a series of open spaces and follows the old Rozelle goods rail freight line.

## **3.8 Surrounding Facilities**

The site is located within walking distance of a number of key services and facilities. The site is within approximately 500m of the Leichhardt Market Place Village Centre, 1km of the Norton Street Leichhardt Town Centre, and 5km of Burwood Major Centre and Sydney City Centre. It is situated adjacent to public transport infrastructure in the form of the inner west light rail line and Marion light rail station, and bus routes along Marion Street adjacent to the site.

The subject site is also nearby to the following amenities and services:

- Lambert Park and other local parks and playgrounds;
- The Greenway along the Hawthorne Canal;
- Numerous schools, including Kegworth Public School, Leichhardt Public School, St Flacre's Catholic Primary School, Sydney Secondary College;
- Childcare facilities;
- Leichhardt library; and
- Places of public worship.

## **3.9 Regional Context**

**Figure 13** depicts the site's regional context and the pattern of development which has recently occurred along the light rail corridor. A number of residential and mixed use developments have been approved along the light rail corridor, many of these developments are on former industrial sites. The floor space ratios and heights of these developments range from 1.5:1 up to 3.3:1, with heights of up to 14 storeys.



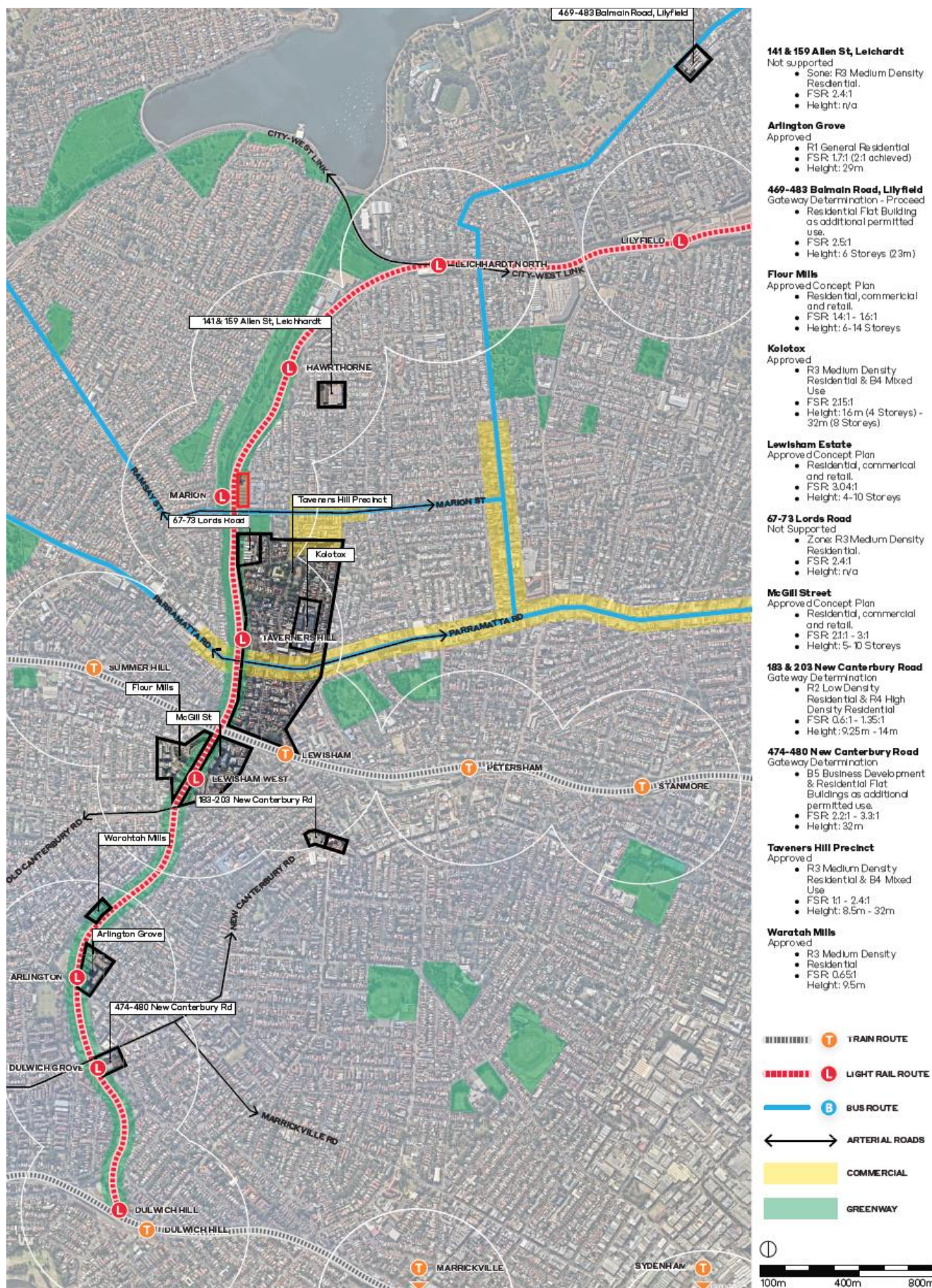


Figure 13 Regional Context



## 4.0 Current Planning Controls

### 4.1 Leichhardt Local Environmental Plan 2013

The LLEP 2013 is the primary environmental planning instrument that applies to the site. The key statutory controls under the LLEP 2013 are described below.

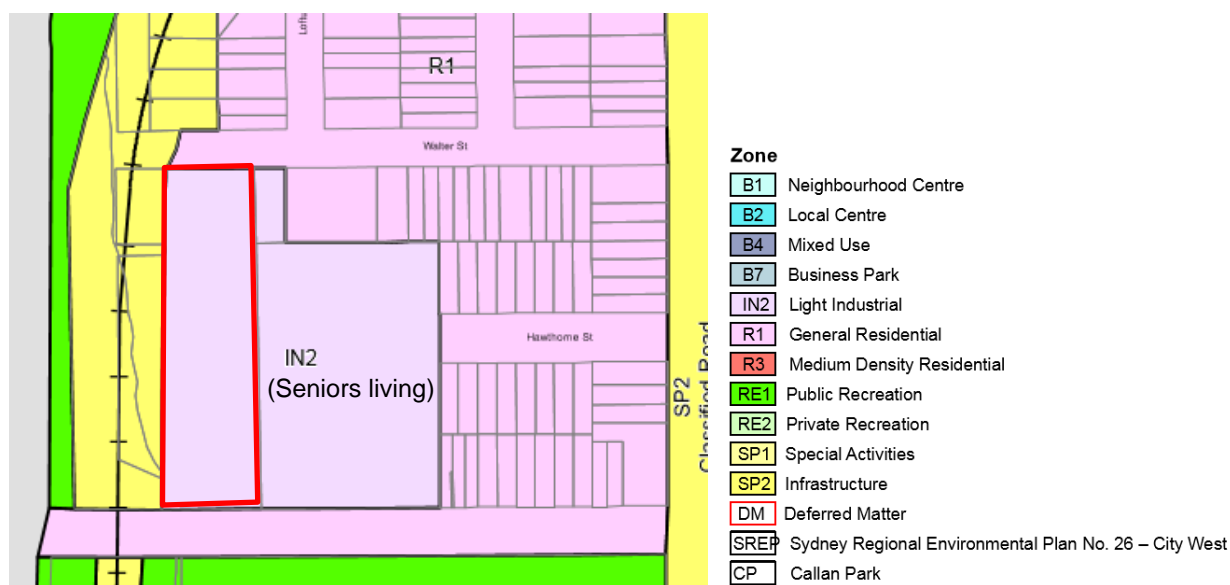
#### 4.1.1 Land Use Zone

Under the LLEP 2013, the site is zoned IN2 Light Industrial as illustrated in **Figure 14**. The IN2 Light Industrial zoning permits a range of uses, including; depots, educational establishments, garden centres, general industries, hardware and building supplies, industrial training facilities, light industries, neighbourhood shops, places of public worship, storage premises and warehouse / distribution centres.

The zoning is inclusionary, permitting any development that is not specifically prohibited. Key uses specifically prohibited in the zone include; centre-based child care facilities, health service facilities, information and educational facilities (except for educational establishments), residential accommodation, restaurants and cafes.

It is noted that commercial premises are permissible at the site, however Clause 6.9 of the LLEP 2013 has the effect of restricting any business or office premises to 'creative purposes' such as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.

The surrounding area is predominantly zoned R1 General Residential which accommodates a range of residential typologies. The adjacent site to the east contains a seniors housing development, however, has retained its IN2 Light Industrial zoning. As such, the site is the only true light industrial site in the block.



**Figure 14 Land Use Zone**

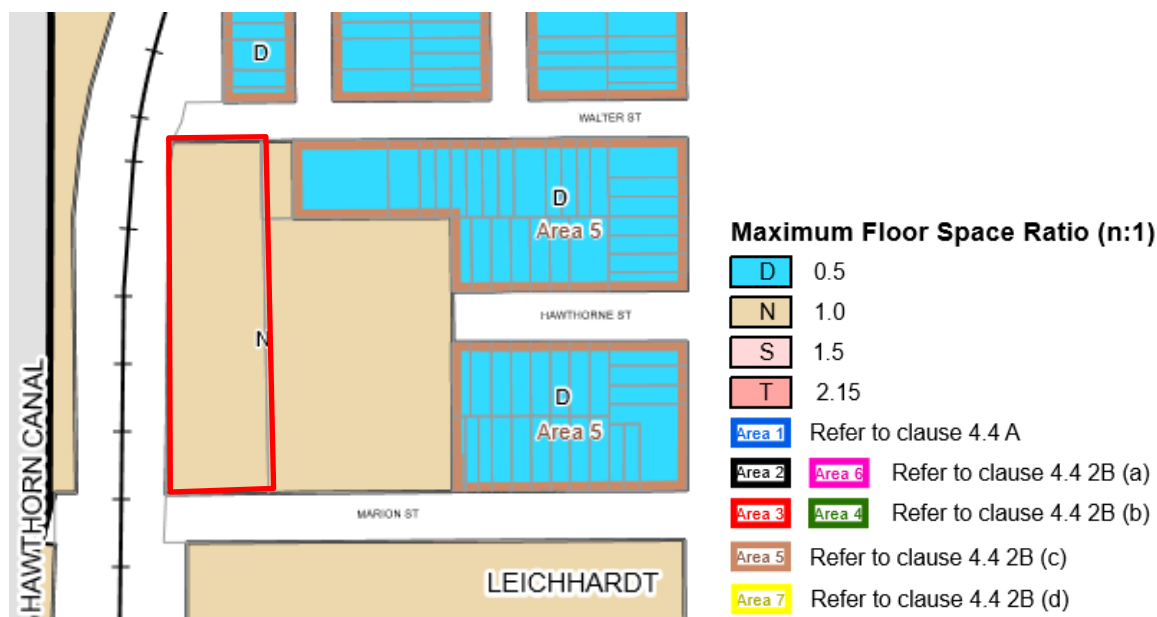
Source: Leichhardt LEP 2013

#### 4.1.2 Height of Buildings

There is no building height currently applicable to the site.

### 4.1.3 Floor Space Ratio

As depicted in **Figure 15**, the LLEP 2013 allows for a maximum FSR of 1:1 on the subject site.

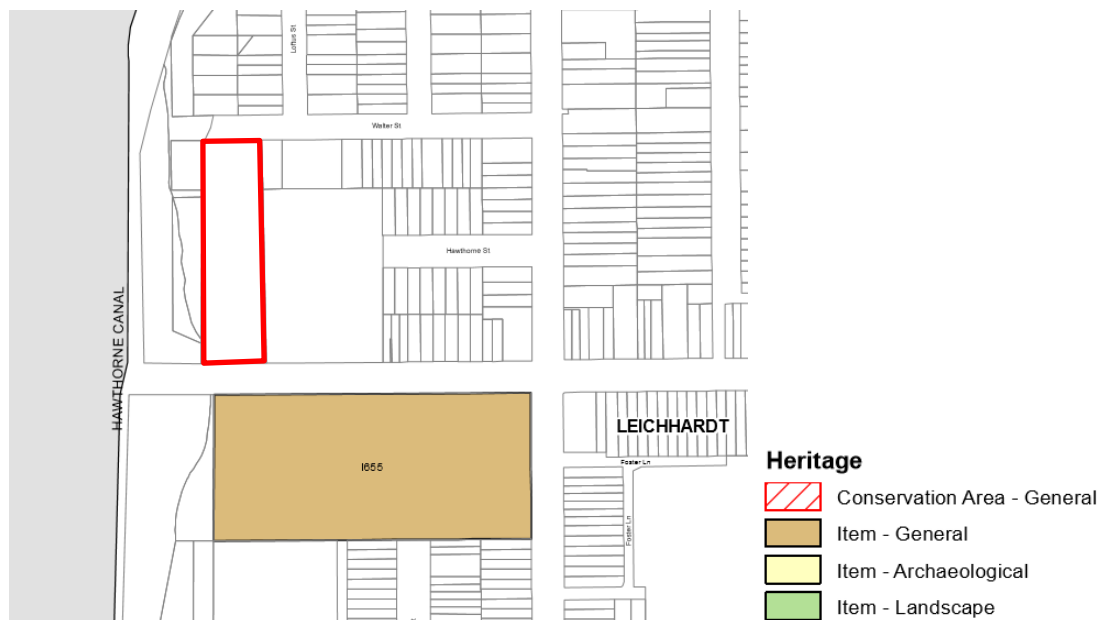


**Figure 15 Floor Space Ratio**

Source: Leichhardt LEP 2013

### 4.1.4 Heritage

The site is not listed as a heritage item and it is not located within a heritage conservation area. The site is, however, located opposite Lambert Park which is a locally listed heritage item as it contains a historic dwelling characteristic of the area at 22 Foster Street. The dwelling is currently used as a Council operated child care centre.



**Figure 16 Heritage**

Source: Leichhardt LEP 2013

## 5.0 Indicative Development Concept

The site is under single ownership and represents a rare opportunity to redevelop the site for a true transit-oriented development due to its location adjacent the Marion light rail station. In this regard, it is considered there is a unique opportunity to increase the employment generation of the site through a modern light industrial and commercial development combined with a viable above-ground residential component.

An indicative development concept scheme has been prepared by Figgis + Jefferson Tapa (**Appendix Error!** Reference source not found.) to demonstrate how the site could be redeveloped in accordance with the opportunity presented by the Planning Proposal. The design of the concept scheme is described below and illustrated within the perspectives at **Figure 17** and **Figure 18**.



**Figure 17** Indicative development concept, as viewed from Marion Street

Source: Figgis + Jefferson Tapa



**Figure 18** Indicative development concept, as viewed from Walter Street

Source: Figgis + Jefferson Tapa

## 5.1 Design Principles

The key principles that have been used to inform the indicative built form are:

- Ensure that existing employment capacity, in the form of the existing automotive servicing and repair facility, is retained;
- Establish a building podium that incorporates light industrial and commercial opportunities topped with communal open space;
- Maintain the amenity and solar access of surrounding sites, including adjacent detached dwellings, aged care service and Lambert Park;
- Facilitate a vertical split of land uses that protects the amenity and operational requirements of each use;
- Encourage a building form that reads 'in the round' due to its prominence in the surrounding urban context;
- Promote the activate of Marion Street through the inclusion of limited retail, food and drink premises or other compatible uses;
- Provide a new north-south through-site link to significantly improve permeability and access to the Marion light rail station for surrounding residents.

The indicative concept scheme is consistent with and helps meet the objectives of the *Eastern City District Plan* which identifies the need for 'more housing in the right locations' located within 'the catchment area that is within walking distance (up to 10 minutes) of centres with rail, light rail or regional bus transport'. Within this context, the existing Floor Space Ratio of 1:1 is insufficient. The existing use of the site as a light industrial automotive servicing and repair facility does not optimise the use of this advantageous spatial location and therefore does not represent the highest and best use of the site. Accordingly, it is proposed to introduce new site-specific controls which will facilitate a true transit-orientated development and optimise the use of the significant site.

## 5.2 Numeric Summary

The key numerical development information of the concept scheme is summarised below, in **Table 2**.

**Table 2 Development Summary (Indicative)**

Aspect	
Site area	5,210m <sup>2</sup>
GFA/FSR	
• Light industrial/urban services	3,200m <sup>2</sup> (0.61:1)
• Commercial/health consulting	1,800m <sup>2</sup> (0.35:1)
• Restaurants/café	250m <sup>2</sup> (0.05:1)
• Residential	10,420m <sup>2</sup> (2:1)
Total	15,630m <sup>2</sup> (3:1) with 12,630m <sup>2</sup> visible above ground (2.43:1)
Dwellings	97
Apartment Mix (indicative)	
• Studio	2 (2%)
• 1 bedroom	22 (23%)
• 2 bedroom	56 (58%)
• 3 bedroom	16 (16%)
• 4 bedroom	1 (1%)
Car spaces	
• Employment	41
• Residential	93
• Visitor	52
Total car spaces	145

### 5.3 Indicative Built Form

The indicative concept scheme comprises an eight storey mixed use building that consists of a three storey podium, containing one commercial and two predominantly residential storeys, below two residential structures that are five storeys high. The building also contains three basement levels split between space for the continuation of the existing automotive servicing and repair facility and car parking for the proposed residential and commercial uses (refer to **Figure 19**).



**Figure 19** Indicative built form, eastern elevation and section plans

Source: Figgis + Jefferson Tapa

The podium levels aim to improve the amenity and vibrancy of the streetscape in the locality, through the provision of commercial retail tenancies on the Ground Floor, in line with the site's location adjacent to the Marion light rail stop and proximity to Leichhardt Town Centre, including MarketPlace Leichhardt. A commercial Ground Floor is considered appropriate in consideration of the surrounding residential built form, including that of detached dwelling houses, in providing limited street activation while not disrupting the surrounding residential amenity. The other two podium levels will be utilised for predominantly residential purposes with space along the Marion Street frontage for commercial offices and/or health related facilities.

Under the indicative development concept, two residential structures of five storeys are situated above the podium, with the provision of communal open space between them. The towers will contain a total of 97 apartments, taking advantage of the site's strategic location adjacent to public transportation infrastructure and the Leichhardt Town Centre, thereby representing an increase of housing supply adjoining the Inner West Light Rail. Although the development has a total FSR of up to 3:1, only 2.43:1 of this is visible as 3,000m<sup>2</sup> of the GFA is underground as part of the automobile service facility (urban services use).

The podium levels of the building include a minor setback to Marion Street to align with the adjacent residential aged care facility and a 5m setback to Walter Street to respond to the residential nature of this frontage. A 10-12.5m setback is provided to the eastern boundary to accommodate a north-south shared vehicular access and pedestrian through-site link.

The residential levels of the building are set back a minimum of 10m from the Marion Street boundary, 10-12.5m from the eastern boundary and at least 5m (with increased setbacks at upper levels) from Walter Street. These setbacks will provide adequate separation and ensure the development is scaled appropriately so as not to result in adverse overshadowing impacts or excessive bulk and scale when viewed from surrounding residential properties and Lambert Park.

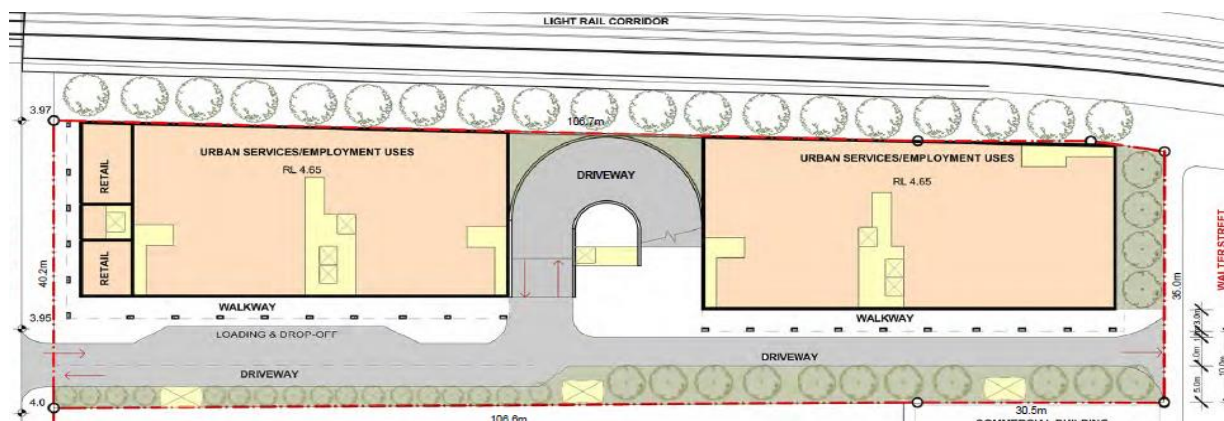
Together, the podium and residential structures have been designed to respond to the site's surrounding context and to be sensitive of the local environment of the area. It is noted that detailed design elements, including façade treatment and materials, would further address the streetscape and surrounding context as appropriate, and such details would be explored further at the detailed DA stage of the development.

### 5.4 Site Access and Through Site Link

Pedestrian access to the building will be via Marion Street and from the colonnade located along the eastern side of the buildings. Primary vehicular access will be located via a new driveway connecting Marion and Walter streets, as shown in **Figure 20**. This descends downward into the basement floors as a shared access ramp. Furthermore, the driveway would also function as a shared through site link that would enable pedestrians to walk from Walter Street to Marion Street and the light rail station directly without having to take a significant detour via Foster Street. The



through-site link will also be of benefit to residents of Loftus Street, Daniel Street and the northern end of Foster Street looking to access the Marion light rail station.



**Figure 20** Ground floor plan, showing proposed driveway and pedestrian through site link

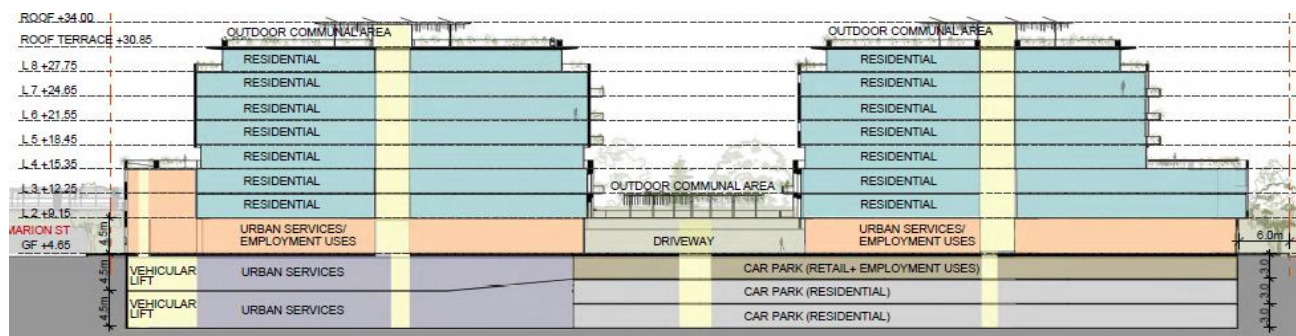
Source: Figgis + Jefferson Tapa

## 5.5 Distribution of Uses

The proposal seeks to facilitate light industrial urban services and compatible commercial uses within a mixed-use podium with residential uses located above ground. Many urban services businesses are 'low impact' and can co-exist with residential uses. In this regard, the uses will be provided with separate entries and access points, with urban services and commercial uses located at Basement and Ground Floor, while residential dwellings will be located above ground. This is important to ensure land use conflicts are adequately managed to ensure the sustainable co-existence of the uses. This will be considered in preparation of a site-specific Development Control Plan that will outline clear objectives and controls to manage the interface and relationship between light industrial/urban services and residential uses.

The existing automotive servicing and repair facility located on the site will be retained under the indicative development concept. The facility is proposed to be moved underground, to be located in two basement storeys with 4.5m floor to floor heights as shown in **Figure 21**. In accordance with the above, this will protect the existing urban services employment use at the site, whilst also enhancing employment opportunities through the provision of new Ground Floor and podium commercial tenancies. Locating the automotive servicing and repair services facility below ground also provides the following benefits:

- Removing a light industrial use from the streetscape improves the amenity of what is predominantly a residential area;
- Removing the light industrial use from the streetscape allows for opportunities for street activation on the Ground Floor of the indicative proposed development; and
- Moving the automotive servicing and repair facility underground does not hinder or otherwise obstruct its everyday function and use whilst creating potential for higher order commercial uses at Ground Floor to increase the employment yield of the site.



**Figure 21** The existing automotive repair use will be retained in two basement levels

Source: Figgis + Jefferson Tapa

## 6.0 Planning Proposal

This Planning Proposal has been prepared in accordance with Section 3.33 of the EP&A Act and 'A Guide to Preparing Planning Proposals', prepared by the Department, which requires the following matters to be addressed:

- Objectives and intended outcomes of the amendment to the LEP;
- Explanation of provisions;
- Justification;
- Relationship to strategic planning frameworks;
- Environmental, social and economic impact;
- State and Commonwealth interests; and
- Community consultation.

The following Section outlines the objectives and intended outcomes and provides an explanation of provisions in order to achieve those outcomes, including relevant mapping. The justification and evaluation of impacts is set out in **Section 7.0** of this report.

### 6.1 Objectives of Planning Proposal

The objective of this Planning Proposal is to facilitate the redevelopment of land at 245 Marion St, Leichhardt in a manner that will increase employment and housing opportunities. Specifically, the primary objective of the proposal is to establish strategic land use controls that will facilitate the future renewal and revitalisation of the site into a vibrant mixed-use development that will deliver housing, jobs, services and amenities to the local area. In doing so, the Planning Proposal seeks to provide an appropriate balance of uses that can support the key directions and actions of the Greater Sydney Region Plan and the Eastern City District Plan.

The key objectives are:

#### Employment and Economy

- Retain and enhance the existing light industrial use of the site to ensure the continuation of important urban services that support the local population;
- Facilitate a wider range of compatible higher order employment uses to increase the employment capacity of the site;
- Provide limited business/retail floorspace to support the local population and to benefit from the development's proximity to the Marion light rail station; and
- Create direct employment through the redevelopment stages as well as indirect employment in local businesses and construction support services.

#### Housing

- Provide for additional housing to meet the needs of Sydney's growing population;
- Encourage transit-orientated development by supporting additional housing adjacent to public transport infrastructure;
- Support housing affordability policies by increasing housing supply and diversity;
- Dedicate a quantum of affordable housing to Council to support key workers;
- Ensure that new housing has a high level of amenity in terms of location, access to services and facilities, solar access and acoustic attenuation;
- Co-locate additional housing within areas of high amenity features within the surrounding area, including open space and the linear corridor of parklands along the Greenway; and
- Ensure that the interface between existing and new housing with employment uses is appropriate.

## **Urban Design**

- Stimulate the urban renewal of an aged light industrial development;
- Provide uplifts in urban density commensurate to the site's proximity to transport, local centres, services and recreational facilities;
- Establish a building height and density that is consistent with other infill renewal sites along the light rail corridor;
- Facilitate a building form that reads 'in the round' due to the development's prominence in the urban environment;
- Create a vibrant mixed-use development that promotes an active street frontage along Marion Street;
- Ensure that future development exhibits design excellence and high quality public domain treatments;
- Improve permeability within the area to encourage walking and cycling by the creation of a new through-site link which will significantly improve access to the Marion light rail station for surrounding residents;
- Provide a public domain that creates a pleasant, attractive and welcoming spaces;
- Minimise shadow and privacy impacts on surrounding neighbours; and
- Deliver a high-quality design outcome that appropriately responds to its surrounding context and interfaces.

## **Transport and Traffic**

- Create a transit-oriented development that is appropriate for its location, given its direct access to Marion light rail station and high frequency bus routes, linking key destinations such as the Sydney CBD;
- Increase permeability and accessibility, both pedestrian and bicycle, to the light rail station and wider open space network;
- Create opportunities for jobs and housing to be located in close proximity to transport in order to reduce car dependency and congestion;
- Promote non-car methods of travel by facilitating the renewal and redevelopment of the site; and
- Contribute to the completion of Council's Greenway project.

## **Ecological Sustainable Development**

- Accommodate growth by increasing urban densities in existing, under-utilised urban areas, with good access to retail, community services, public transport and recreational facilities.;
- Create an efficient and resilient built environment through the application of ecologically sustainable design principles and initiatives; and
- Promote non-car travel in favour of more sustainable transit modes.



## 6.2 Intended Outcomes

The intended outcome of the Planning Proposal is to amend the provisions of Part 6 of the LEP to introduce local provisions for the site to support a mixed use development as detailed at **Section 5.0**.

## 6.3 Explanation of Provisions

The Planning Proposal incorporates the following amendments to the LEP as it relates to the site. No changes are proposed to the LEP Maps (see **Table 3**) and the development is proposed to be facilitated through the inclusion of a site specific provision (as outlined at **Section 6.3.1**).

**Table 3 Summary of Proposed Amendments to Leichardt LEP Maps**

Control	Existing	Proposed
Land Use Zone	IN2 Light Industrial	No change
Building Height	No control	No change
Floor Space Ratio	1:1	No change
Part 6 – Additional Local Provision	Nil	Provide a site-specific provision as outlined below.

### 6.3.1 Site Specific Local Provision

It is proposed to include site specific clauses under Part 6 Additional Local Provisions of the LLEP 2013 to facilitate the site's redevelopment. The proposed additional local provisions would include site-specific requirements that would have the effect of requiring any development seeking to incorporate residential accommodation to provide a minimum 5,200m<sup>2</sup> (equal to a FSR of approximately 1:1) of other compatible non-residential uses.

Of the 5,200m<sup>2</sup> of non-residential uses, a minimum of 3,200m<sup>2</sup> must comprise uses that are currently permissible in the IN2 zone which will ensure that, at a minimum, the current quantum of light industrial uses is maintained at the site. This takes into consideration the fact that its not possible to achieve 100% site coverage for traditional light industrial uses which typically include at-grade parking (refer to **Section 7.0**). The remaining 2,000m<sup>2</sup> of non-residential uses may comprise additional light industrial uses, a childcare centre, health service facilities and/or a small restaurant, café or shop. It is proposed to cap the childcare centre and health service facilities to a maximum GFA of 2,000m<sup>2</sup> and the restaurant, café or shop to 250m<sup>2</sup> to ensure the majority of employment generating uses are made up of light industrial urban services (such as the existing automotive service centre). A small amount of restaurant/café or retail floor space will help activate the Marion Street frontage and serve the local population, particularly those using the light rail.

It is proposed to switch off Clause 6.9 of the LLEP 2013 for the site to diversify the range of employment generating uses permissible. As noted above, the proposed caps on certain types of non-residential uses will ensure that the existing light industrial floor space will be maintained and/or enhanced.

To accommodate the above ground residential dwellings, a total FSR of 3:1 is proposed (equating to a maximum residential FSR of approximately 2:1) and a maximum height limit of 30m. The proposed height limit will accommodate a maximum 8 storey building form, including structures for a rooftop terrace and sufficient floor to ceiling heights at Basement and Ground Floor to accommodate the light industrial/commercial uses.

### 6.3.2 Draft Site-Specific Clause

#### Part 6 Additional Local Provision

##### Clause 6.XX Development of land at 245 Marion Street, Leichhardt

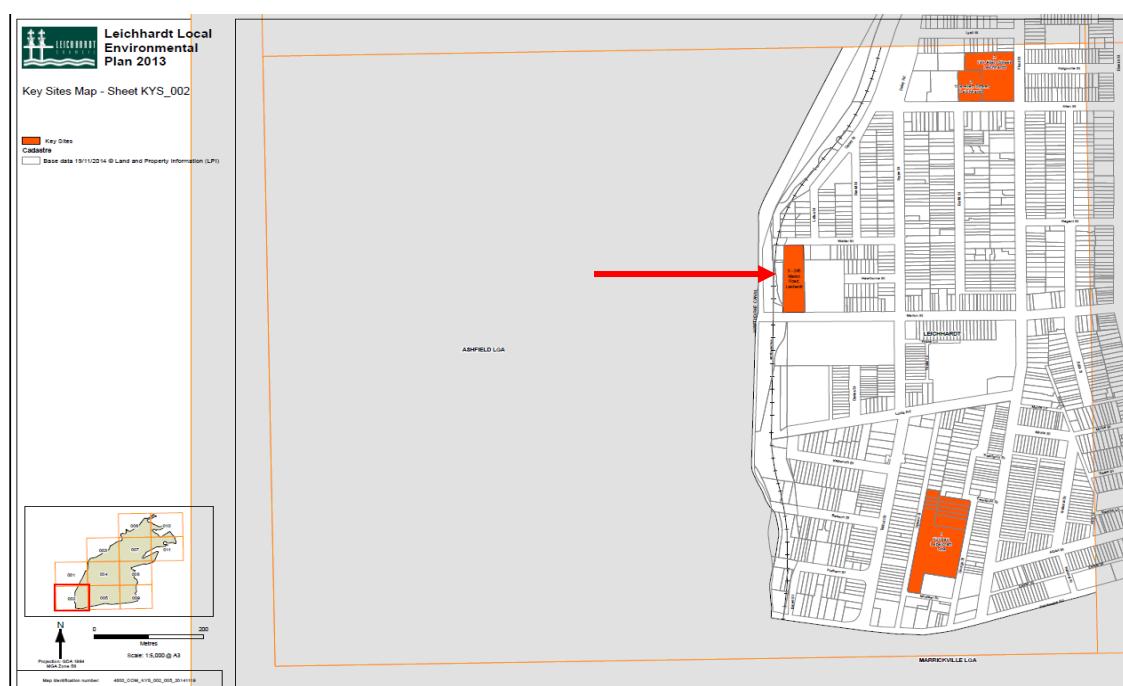
1. The objective of this clause is to promote the development of land at 245 Marion Street, Leichhardt for light industrial and other population-serving employment uses whilst enabling the incorporation of residential uses as part of a mixed-use development.
2. This clause applies to 245 Marion Street, Leichhardt, being Lot 1, DP 507525, identified as 245 Marion Street Leichhardt on the Key Sites Map.
3. Development consent may be granted for residential accommodation on land to which this clause applies but only as part of a mixed-use development that includes a minimum GFA of 5,200m<sup>2</sup> of non-residential uses, comprising:

Min.	Max.	Use
3,200m <sup>2</sup>	-	Uses permissible in IN2 zone
-	2,000m <sup>2</sup>	Centre-based childcare centre, health service facility
-	250m <sup>2</sup>	Restaurant or cafés, shops

4. Despite clauses 4.4 (2), the maximum floor space ratio for development for the purposes of a mixed-use development on land to which this clause applies is 3:1.
5. Despite clause 4.3 (2), the maximum building height for development for the purposes of a mixed-use development on land to which this clause applies is 30m.
6. Clause 6.9 does not apply to land to which this clause applies.

### 6.4 Mapping

This Planning Proposal will amend the Key Sites Map (Sheet 2) of the LEP as shown at **Figure 22**.



**Figure 22 Proposed Key Sites Map**

Source: Ethos Urban

## 7.0 Strategic Justification

### 7.1 The Need for a Planning Proposal

#### Q1 – Is the Planning Proposal a result of any strategic study or report?

No. However, the proposal is consistent with the recent rezoning of 469-483 Balmain Road, Lilyfield and achieves the intent of Council's local planning strategies, including the Industrial Lands Study (2014) and Leichhardt Industrial Precinct Planning Interim Report (2016)

The site is currently occupied by an automobile service centre, employing 13 workers. The current built form achieves a FSR of approximately 0.68:1 with the site currently providing 3,545m<sup>2</sup> of floorspace (comprising 2,855m<sup>2</sup> of automobile service centre and 690m<sup>2</sup> of professional offices). While the lot has a maximum permissible FSR of 1:1 it is not possible to fully develop the site to achieve the maximum possible floorspace due to the nature of light industrial uses which are typically single storey buildings requiring relatively large areas of non-built upon land for accessibility, parking and loading.

An Economic Impact Assessment has been undertaken by Hill PDA (**Appendix C**) that confirms the current auto service centre use is the highest and best use available to the site under the current zoning. The report found it is unlikely that there would be a commercially viable option to redevelop the site for employment uses under the current controls given its constraints around accessibility, parking and the need to appropriately buffer it from surrounding residential uses.

The site is also in a strategically important location, immediately adjacent to the Marion light rail station which justifies the inclusion of an increased range and density of employment generating uses and residential dwellings.

In order to respond to the recommendations for the Industrial Lands Study (2014) and Leichhardt Industrial Precinct Planning Interim Report (2016), the Planning Proposal proposes to:

- Retain the IN2 zone;
- Increase the employment floorspace achievable within the IN2 zoned land by facilitating a multi-storey commercial development which utilises basement area for traditional light industrial uses and complements this with other compatible employment uses within the podium; and
- Protect and enhance existing urban services (i.e. auto repair services) by imposing minimum light industrial floor space requirements on any mixed-use redevelopment of the site.

To deliver the strategic outcome of the Planning Proposal any future mixed-use development would be required to provide a minimum GFA of 5,200m<sup>2</sup> of non-residential uses, comprising:

- 3,200m<sup>2</sup> (or greater) uses permissible in the IN2 Light Industrial zone;
- A maximum 2,000m<sup>2</sup> of uses including centre-based childcare centre or health service facilities; and
- A maximum 250m<sup>2</sup> of restaurants, cafés or shops.

According to Hill PDA, the Planning Proposal would lead to a net increase in jobs of 119, workers remuneration of \$8.6m and gross value added (contribution to the local economy) of \$11.5m every year. In addition, construction of the development would directly generate 144 job years and a further 570 job years through production and consumption induced multiplier impacts. A summary of the economic benefits of the Planning Proposal compared to the base scenario is provided at **Table 4**.

**Table 4 Summary of Economic Benefits**

Economic Performance Indicator	Current Uses	Planning Proposal
Total Jobs on site	45	152
Total Workers Remuneration (\$/ann)	\$1.8	\$9.9
Gross Value Added (\$m/ann)	\$2.9	\$13.6
Construction Costs (4m)	-	\$67
Value of total Economic Activity from construction (\$m)	-	\$216
Jobs Years directly in construction	-	144
Total direct and indirect Job Years in construction	-	570

Source: HillPDA Economic Impact Assessment

Overall, the Planning Proposal would result in a more intensive use of space and an increase in employment uses as well as housing immediately adjacent to the Marion light rail station. It would retain the existing light industrial floor space to protect the urban services currently available to the community and offer flexible employment generating floorspace and residential apartments that will better reflect the requirements of the new live/work economy.

## **Q2 – Is the Planning Proposal the best means of achieving the intended outcome?**

Yes. A Planning Proposal seeking to amend the LEP is the most effective way of providing certainty for Council, the local community and the landowner. In preparing this Planning Proposal, four options were considered to facilitate the intended outcomes as set out in **Section 6.1**. These are listed and discussed below:

- Option 1: Do nothing;
- Option 2: Re-develop the site with an industrial development; or
- Option 3: Seek to amend Part 6 – Additional Local Provisions of the LEP to facilitate the development of a mixed-use development.

### **Option 1 - Do nothing**

As outlined at **Section 7.1** the 'do nothing' scenario would not facilitate a development commensurate with the strategic nature of the site. This would result in the underutilisation of the site for both employment and residential uses and would represent a failure to optimise the benefits provided by its location adjacent the Marion light rail station. In this regard, the 'do nothing' scenario would be inconsistent with the relevant local and regional planning strategies.

### **Option 2 - Re-develop the site with an industrial development**

An economic study undertaken by Hill PDA (**Appendix C**) found it is highly unlikely that there would be a commercially viable option to redevelop the site for employment uses as it is simply not financially viable to demolish the existing building and redevelop the site for a similar or other complying use to a FSR of only 1:1. Therefore, to enhance the employment opportunities of the site it is necessary to facilitate a mixed use development which provides a wider range of employment uses and residential accommodation to support the economic case for redevelopment.

### **Option 3 – Amendment to Part 6 of the LEP**

The site has been recognised previously as being capable of renewal from its existing industrial land use (see **Section 2.1**). The Planning Proposal is the best and most appropriate means of achieving the desired future redevelopment as it will maintain the existing IN2 Light Industrial land use zoning, facilitate the redevelopment of the site with greater employment capacity and facilitate the renewal of the site with high density housing in a location adjacent to public transport infrastructure. The inclusion of an additional local provision will facilitate the renewal of the subject site without undermining the strategic need to protect employment lands across other parts of the LGA.

## 7.2 Relationship with the Strategic Planning Framework

### Q3 – Is the Planning Proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

#### Strategic Merit Test

*A Guide to Preparing Planning Proposals* sets out that in order to answer this question, a planning proposal needs to justify that it meets the Strategic Merit Test. The consistency of this Planning Proposal with the mandated assessment criteria is set out below.

#### a) Does the proposal have strategic merit?

Yes. The consistency of the Planning Proposal with State and Regional strategic frameworks is set out below.

#### A Metropolis of Three Cities – Greater Sydney Regional Plan

The NSW Government released ‘*A Metropolis of Three Cities – The Greater Sydney Regional Plan*’ in March 2018. It outlines actions to achieve the Government’s vision for Sydney to ‘enhance its status as one of the most liveable global cities’. Leichhardt is within the Eastern Harbour City (a review of the Eastern Harbour City District Plan is provided further below).

**Table 5 Consistency with the Greater Sydney Regional Plan**

Objective	Planning Proposal Comment
<b>Objective 4: Infrastructure use is optimised</b>	The Planning Proposal will optimise the use of the existing light rail infrastructure by facilitating transit-orientated development which increases the employment and housing capacity of a highly accessible site.
<b>Objective 10. Greater housing supply</b>	The Planning Proposal will contribute to delivering housing targets in the Eastern City District. Consistent with the objective it will link the delivery of new homes in the right locations with local infrastructure evidenced by the proximity of the Inner West Light Rail.
<b>Objective 11. Housing is more diverse and affordable</b>	The Planning Proposal will facilitate a diversity of housing types, sizes and price points that can help improve affordability. It will increase the supply of housing that is of universal design and adaptable to people’s changing needs as they age which is increasingly important across Greater Sydney.
<b>Objective 12. Great places that bring people together</b>	The indicative development concept shows how the site can be redeveloped in a manner that will enable the creation of a new through site link that will make the locality more permeable, allowing greater access for local residents to the Marion light rail station.
<b>Objective 14: A metropolis of three cities – integrated land use and transport creates walkable and 30-minute cities</b>	The existing light rail and bus network locates the site within a 30-minute travel time from a number of strategic and metropolitan centres in the Eastern City. This makes the site highly accessible for existing and future residents. By transitioning the site to allow for residential as part of a mixed-use development, it will unlock the ability for workers and residents to access many of Sydney’s key employment areas and recreation destinations within 30 minutes (the 30-minute city).
<b>Objective 23. Industrial and urban services land is planned, retained and managed</b>	The Planning Proposal will retain the IN2 Light Industrial land use, including urban services to support the local community, and will increase provision of employment floorspace while diversifying employment uses. The Planning Proposal will accordingly also create additional local employment opportunities.
<b>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</b>	The renewal of the site for a transit-orientated mixed use development will contribute to a low-carbon city by reducing the reliance on private motor vehicles. In addition, sustainability framework that addresses the management of water, energy, resources and waste of any future development at the site will be incorporated into a section of a future site-specific DCP that will ensure the holistic and comprehensive application of ecologically sustainable design principles
<b>Objective 34: Energy and water flows are captured, used and re-used</b>	

#### The Eastern Harbour City District Plan

The following Planning Priorities that are relevant to the Planning Proposal and the actions that the Planning Proposal is consistent with are summarised at **Table 6**.

**Table 6 Consistency with the Central City District Plan Planning Priorities and Actions**

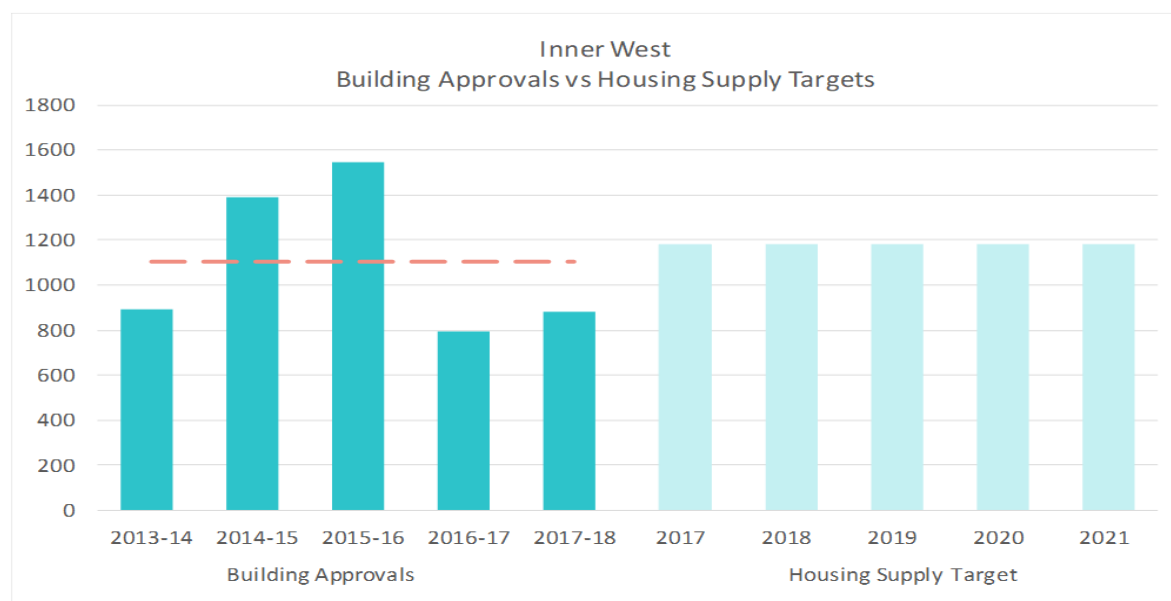
Planning Priority	Relevant Actions	Planning Proposal Comment
<b>Planning Priority E3 Providing services and social infrastructure to meet people's changing needs</b>	<ul style="list-style-type: none"> <li>• Deliver social infrastructure that reflects the needs of the community now and in the future.</li> </ul>	<p>The Planning Proposal will facilitate the creation of a diverse and resilient community through high quality public domain improvements and community infrastructure that will support the social needs of the current and future population. The public benefits of the Planning Proposal are outlined at <b>Section 8.0</b> and include:</p> <ul style="list-style-type: none"> <li>• Affordable housing;</li> <li>• A monetary contribution towards upgrades and/or general maintenance of Lambert Park football stadium; and</li> <li>• A new pedestrian through-site link to improve access to Marion light rail station for surrounding residents.</li> </ul>
<b>Planning Priority E5. Providing housing supply, choice and affordability with access to jobs, services and public transport</b>	<ul style="list-style-type: none"> <li>• New housing must be in the right places to meet demand for different housing types, tenure, price points, preferred locations.</li> <li>• Supply must be coordinated with local infrastructure to create liveable, walkable and cycle-friendly neighbourhoods with direct, safe and universally designed pedestrian and cycling connections to shops, services and public transport.</li> <li>• Opportunities for urban renewal need to be considered by location and by capacity of existing and proposed infrastructure.</li> <li>• Urban renewal should be encouraged in catchment areas within walking distance (10 minutes) of centres with rail, light rail or regional bus transport.</li> <li>• Action 16. Prepare local or district housing strategies that address the following: <ul style="list-style-type: none"> <li>– a. the delivery of five-year housing supply targets for each local government area.</li> <li>– b. the delivery of 6–10 year (when agreed) housing supply targets for each local government area.</li> <li>– c. capacity to contribute to the longer term 20-year strategic housing target for the District.</li> <li>– d. the housing strategy requirements outlined in Objective 10 of A Metropolis of Three Cities that include: <ol style="list-style-type: none"> <li>1. creating capacity for more housing in the right locations.</li> <li>2. supporting planning and delivery of growth areas and planned precincts as relevant to each local government area.</li> <li>3. supporting investigation of opportunities for alignment with investment.</li> <li>4. regional and district infrastructure.</li> <li>5. supporting the role of centres.</li> </ol> </li> </ul> </li> </ul>	<p>The Planning Proposal is consistent with the Planning Priority and actions by facilitating new housing supply and choice which will put downward pressure on affordability. The site is in a key location that will be close to jobs, service and public transport.</p> <p>Importantly, the Planning Proposal supports the appropriate land use planning of sites proximate to public infrastructure, ensuring good utilisation of land.</p> <p>Refer to below for analysis on housing targets.</p>
<b>Planning Priority E6. Creating and renewing great places and local centres, and respecting the District's heritage</b>	<ul style="list-style-type: none"> <li>• Improving liveability in urban environments necessitates planning for a mix of high quality places that engage and connect people and communities.</li> <li>• Use flexible and innovative approaches to revitalise high streets in decline.</li> </ul>	<p>The Planning Proposal will renew a highly accessible site that is capable of supporting additional density. It will enable revitalisation of the locality that will be activated by high quality spaces that will engage with the community.</p>



Planning Priority	Relevant Actions	Planning Proposal Comment
	<ul style="list-style-type: none"> <li>• Action 18. Using a place-based and collaborative approach throughout planning, design, development and management deliver great places by:               <ul style="list-style-type: none"> <li>– prioritising a people-friendly public realm and open spaces as a central organising design principle.</li> <li>– recognising and balancing the dual function of streets as places for people and movement.</li> <li>– providing fine grain urban form, diverse land use mix, high amenity and walkability, in and within a 10-minute walk of centres.</li> <li>– integrating social infrastructure to support social connections and provide a community hub.</li> <li>– recognising and celebrating the character of the place and its people.</li> </ul> </li> </ul>	<p>The indicative concept design shows a future built form has been designed and planned to respond to the local context, in particular providing a suitable and well-scaled built form relative to the locality.</p> <p>The proposal applies an innovative approach to the revitalisation of Marion Street by undergrounding the existing auto repair service use and providing active commercial uses at Ground Level. The addition of residential uses above will also provide a population base to help activate the nearby high streets.</p>
<b>Planning Priority E10. Delivering integrated land use and transport planning and a 30-minute city</b>	<ul style="list-style-type: none"> <li>• This strategy will acknowledge the unique character of station precincts and plan for an appropriate mix of housing and jobs.</li> <li>• Action 33. Integrate land use and transport plans to deliver the 30-minute city.</li> </ul>	<p>The Planning Proposal will facilitate housing and jobs in a location close to public transport, consistent with the principles of the 30-minute city.</p>
<b>Planning Priority E12. Retaining and managing industrial and urban services land</b>	<ul style="list-style-type: none"> <li>• Industrial and urban services land is planned, retained and managed.</li> <li>• This priority is reinforced by Action 50 – Manage industrial land in the Eastern City District by protecting all industrial zoned land from conversion to residential development, including conversion to mixed use zones.</li> </ul>	<p>The Planning Proposal will retain the IN2 Light Industrial land use and will increase provision of employment floor space while diversifying employment uses. The Planning Proposal will also create additional local employment opportunities.</p> <p>The Planning Proposal does not seek to convert the existing IN2 zone to a residential or mixed use zone. Rather, it seeks to insert site-specific provisions which ensure the protection of the existing light industrial use of the site as part of any future redevelopment.</p> <p>Refer below for further analysis of how the proposal will retain industrial zoned land.</p>

### Eastern City District Housing Targets

The District Plan requires Council's to prepare housing strategies to make provision for the anticipated growth associated with the District housing targets of the Region Plan. The District Plan breaks these targets down by LGA and nominates a 0-5 year target for Inner West Council of 5,900 new dwellings (by 2021). Analysis of recent building approvals in the Inner West, suggests Council is just falling short of their current five year target (refer to **Figure 23**), with a large portion of the dwellings approved between 2014-2016. The Planning Proposal will help achieve current and future dwelling targets on a site that is well positioned to accommodate growth.



**Figure 23 Building Approvals vs Housing Supply Targets**

### Greater Sydney Commission - Industrial and urban services land (Retain and manage) – transitional arrangements

On 5 October 2018, the Greater Sydney Commission released an Information Note (SP2018-1) relating to transitional arrangements for the management of industrial and urban services land. The note does not form part of the Region or District Plans and does not have any statutory weight under the EP&A Act 1979, however, provides guidance on how the retain and manage approach to industrial lands should be applied to Planning Proposals. Specifically, the Information Note states that:

*'If a planning proposal involving change of use of industrial or urban services land to residential, retail or mixed uses in the areas covered by the Retain and manage approach is lodged after the adoption of the District Plans being March 2018 then it is to be considered on its strategic and site merits and the policy to Retain and manage industrial and urban services land set out in the relevant District Plan is to be applied. The Retain and Manage approach prevails over other District Plan objectives relating to delivery of housing or retail floor area.'*

The approach taken for this Planning Proposal is consistent with the Information Note, by retaining the IN2 zoning of the land, while increasing the provision of employment floorspace overall. As described at Section 6.3 above, the proposed site-specific provisions have been carefully drafted to ensure the existing quantum of urban services land is retained at the site. Importantly, the Planning Proposal does not seek to change the zoning of the land to a pure residential or mixed use zone and the introduction of residential accommodation will only be permitted as part of a development which retains and improves the employment capacity of the site.

### Future Transport Strategy 2056

The Future Transport Strategy is a 40-year strategy to achieve the Government's vision for the city's transport system. The Planning Proposal is consistent with the Strategy by:

- Integrating land use and transport by increasing density directly adjacent to the Marion light rail station;
- Improving liveability by providing housing and jobs close to high quality, reliable public transport; and
- Improving sustainability by locating jobs and homes close to public transport which will reduce reliance on private motor vehicles and encourages active transport.



## **NSW Making It Happen – Premier’s Priorities**

The NSW Premier’s Priorities outline the NSW State Government’s vision and objectives for the state’s near-term future and are intended to guide all government action. The Planning Proposal is consistent with the Premier’s Priorities in that it will:

- Support employment;
- Create construction jobs;
- Contribute to housing supply and improve affordability;
- Encourage business investment in Leichhardt; and
- Develop a high-quality development in proximity to transport infrastructure delivered by the NSW Government (Inner West Light Rail).

### **b) Does the proposal have site-specific merit?**

Having regard to the following:

- the natural environment (including known significant environmental values, resources or hazards); and
- the existing uses, approved uses, and likely future uses of land in the vicinity of the proposal; and
- the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.

The proposal is considered to have site-specific merit for the following reasons:

- It is a large urban development site that is relatively unencumbered with no significant natural environmental values;
- It protects and enhances existing uses and employment opportunities at the site;
- It ensures potential land use conflicts between the existing light industrial and future residential uses are adequately addressed;
- It can be readily serviced by utilities and infrastructure to support the proposed use and density;
- It is in direct proximity to the Inner West Light Rail network;
- Development of the site will not have any unacceptable environmental impact on key public spaces or surrounding development;
- The indicative development concept confirms that a design solution can be achieved for the residential component that is consistent with the objectives and guidelines of SEPP 65 and the Apartment Design Guide (ADG);
- Vehicular access and servicing can be achieved in an acceptable manner; and
- It improves the permeability of the street and improves access to the light rail station for surrounding residents.

## **Summary**

This Planning Proposal achieves the assessment criteria as it demonstrates both strategic merit and site-specific merit. Therefore, this Planning Proposal meets the Strategic Merit Test.

#### Q4 – Is the Planning Proposal consistent with a Council’s local strategy or other local strategic plan?

The following strategic planning documents are relevant to the Planning Proposal.

#### Our Inner West 2036

The Planning Proposal is consistent with the Community Strategic Plan as outlined at **Table 7**.

**Table 7 Consistency with Our Inner West 2036 Strategic Plan**

Outcome	Relevant Strategy	Planning Proposal Comment
<b>Strategic direction 2: Unique, liveable, networked neighbourhoods</b>		
<b>2.1 Development is designed for sustainability and makes life better</b>	<ol style="list-style-type: none"> <li>1. Pursue integrated planning and urban design across public and private spaces to suit community and local environment needs</li> <li>2. Identify and pursue innovative and creative solutions to complex urban planning and transport issues</li> <li>3. Improve the quality, and investigate better access and use of existing community assets</li> <li>4. Develop planning controls that protect and support a sustainable environment and contribute to a zero emissions and zero waste community</li> </ol>	The Planning Proposal provides an innovative response that will meet the strategic need to retain important IN2 zoned land while facilitating redevelopment of a strategically important site for mixed uses, adjacent to the Marion light rail station. The proposed urban design response will locate appropriate density while facilitating improved access to employment and facilitating better access to Marion station for residents to the north of the site.
<b>2.3 Public spaces are high-quality, welcoming and enjoyable places, seamlessly connected with their surroundings</b>	<ol style="list-style-type: none"> <li>1. Plan and deliver public spaces that fulfil and support diverse community needs and life</li> <li>2. Ensure private spaces and developments contribute positively to their surrounding public spaces</li> <li>3. Advocate for and develop planning controls that retain and protect existing public and open spaces</li> </ol>	The indicative development concept has been designed to ensure high amenity for local and surrounding residents is maintained, while facilitating a built form that is appropriate adjacent to a rail corridor.
<b>2.4 Everyone has a roof over their head and a suitable place to call home</b>	<ol style="list-style-type: none"> <li>1. Ensure the expansion of social, community and affordable housing, distributed across Inner West, facilitated through proactive policies</li> <li>2. Encourage diversity of housing type, tenure and price in new developments</li> <li>3. Assist people who are homeless or sleeping rough</li> </ol>	A quantum of affordable housing will be included as part of the public benefit offer to Council. Refer to <b>Section 8.0</b> below.
<b>2.6 People are walking, cycling and moving around Inner West with ease</b>	<ol style="list-style-type: none"> <li>1. Deliver integrated networks and infrastructure for transport and active travel</li> <li>2. Pursue innovation in planning and providing new transport options</li> <li>3. Ensure transport infrastructure is safe, connected and well maintained</li> </ol>	The proposal will integrate with the surrounding locality by providing new through site connections that will connect Marion Road and Walter Street, providing improved access to and from Marion street station. It will significantly improve access to the station for surrounding residents to the north and north east.
<b>Strategic direction 3: Creative communities and a strong economy</b>		
<b>3.3 The local economy is thriving</b>	<ol style="list-style-type: none"> <li>1. Support business and industry to be socially and environmentally responsible</li> <li>2. Strengthen economic viability and connections beyond Inner West</li> <li>3. Promote Inner West as a great place to live, work, visit and invest in</li> </ol>	The proposal will increase employment floor space across the site which will provide support for the local economy. Locating employment adjacent to the Marion light rail station supports efficient and sustainable transport.
<b>3.4 Employment is diverse and accessible</b>	<ol style="list-style-type: none"> <li>1. Support local job creation by protecting industrial and employment lands</li> </ol>	The proposal protects the IN2 Light Industrial zoned land while delivering increased employment

Outcome	Relevant Strategy	Planning Proposal Comment
	2. Encourage social enterprises and businesses to grow local employment	floorspace. This will provide opportunities for the existing auto service business to stay, while provide new opportunities for enterprise and business to locate in the Inner West.

### Leichhardt Industrial Lands Study

The Industrial Lands Study contains an analysis of the site against the Industrial Lands Assessment Checklist (see extract of the assessment at **Table 8**). Whilst the findings indicate the site itself is not contributing to a significant industrial cluster, the limited industrial land in the LGA means retention of the land use is recommended by the study.

**Table 8 Extract of Industrial Lands Assessment Checklist from Council's Industrial Lands Study**

Assessment Criteria	Met?
<i>Is the proposed rezoning consistent with state and/or council strategies on the future role of industrial lands?</i>	No
<i>Is the site near or within direct access to key economic infrastructure?</i>	Close proximity to Inner West Light Rail
<i>Is the site contributing to a significant industry cluster?</i>	No (significant proportion not industrial use)
<i>How would the proposed rezoning impact the industrial land stocks in the subregion or region and the ability to meet future demand for industrial land activity?</i>	Some impact on light industrial provision in LGA and pressure on remaining precincts to accommodate its loss
<i>How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objectives?</i>	Loss of floor space would impact on LGA capacity and place pressure on other limited industrial and business zones to deliver employment increases
<i>Is there a compelling argument that the industrial land cannot be used for an industrial purpose now or in the foreseeable future and what opportunities may exist to redevelop the land to support new forms of industrial land uses such as high-tech or creative industries?</i>	Current residential care home suggests land not highly valued for industrial use
<i>Is the site critical to meeting the need for land for an alternative purpose identified in other NSW Government or endorsed council planning strategies?</i>	No

Source: Leichhardt industrial lands study

The Planning Proposal is consistent with the recommendations of the Industrial Lands Study by:

- Retaining the IN2 zone;
- Increasing the employment floor space achievable within the IN2 zoned land by facilitating a multi-storey commercial development which utilises basement area for traditional light industrial uses and complements this with other compatible employment uses within the podium; and
- Protect and enhance existing urban services (i.e. auto repair services) by imposing minimum light industrial floor space requirements on any mixed-use redevelopment of the site.

### Leichhardt Affordable Housing Strategy

The Planning Proposal is consistent with the Affordable Housing Strategy as residential GFA will be provided to an affordable housing provider as part of the public benefit offer to Council. Refer to **Section 8.0** below.

### Leichhardt Employment Lands Study

The Employment Lands Study notes that there is an opportunity for increased residential densities in the land surrounding the Leichhardt centre as there is a lack of heritage items and high level of public transport services to this location. The Planning Proposal is consistent with this finding by accommodating residential dwellings in a

location close to public transport but only as part of a mixed use development which retains the current light industrial uses of the site.

#### Q5 – Is the Planning Proposal consistent with applicable State Environmental Planning Policies?

An assessment of the Planning Proposal against relevant State Environmental Planning Policies (SEPPs) is set out in **Table 9** below.

**Table 9 Consistency with State Environmental Planning Policies**

SEPP	Consistency			Comment
	Yes	No	N/A	
SEPP (State and Regional Development) 2011	✓			The future development of the site is likely to be deemed as 'regional development' (meeting the relevant thresholds under Schedule 4A of the EP&A Act), with the Sydney Eastern City Planning Panel acting as the determining authority.
SEPP (Affordable Rental Housing)			✓	Not relevant to proposed LEP amendment
SEPP (Exempt and Complying Development Codes)			✓	Not relevant to proposed LEP amendment. May apply to future development on the sites.
SEPP No. 55 Remediation of Land	✓			SEPP 55 provides that a consent authority must not consent to the carrying out of development unless any contamination considered is remediated and the site is made suitable for the purpose which the development is proposed to be carried out.  The Phase 1 Preliminary Site Investigation prepared by Douglas Partners is included at <b>Appendix E</b> and concludes that the site can be appropriately remediated for residential purposes in accordance with standard technologies (refer to <b>Section 10.6</b> ).  It is proposed that a detailed Phase 2 Detailed Contamination Assessment will be undertaken during the Development Application stage.
SEPP No. 64 Advertising and Signage			✓	Not relevant to the proposed LEP amendment
SEPP No. 65 Design Quality of Residential Apartment Development	✓			Detailed compliance with SEPP 65 will be demonstrated at the time of making a development application. Nonetheless, the Planning Proposal seeks to facilitate and achieve best practice compliance with SEPP 65. An assessment of how the concept scheme meets the principles of SEPP 65 is included within the Design Report at <b>Appendix Error!</b> Reference source not found..
SEPP (Infrastructure) 2007	✓			The future development is likely to be considered traffic generating development under the relevant thresholds of Schedule 3 and referral to RMS would be required.  Due to the site's proximity to a rail corridor, a future development would also require referral to Sydney Trains,
SEPP (BASIX) 2004			✓	Not relevant to proposed LEP amendment. However it is noted that it will apply to future development on the site.
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005			✓	The site is not located directly in the Sydney Harbour Catchment foreshore. Any potential impacts as a result of development on the site, such as stormwater runoff, will be considered and addressed appropriately at DA stage.

**Q6 – Is the Planning Proposal consistent with applicable Ministerial Directions (s.9.1 directions)?**

An assessment of the Planning Proposal against applicable section 9.1 Directions is set out in **Table 10** below.

**Table 10 Consistency with section 9.1 directions**

Direction	Consistency			Comment
	Yes	No	N/A	
1. Employment and Resources				
1.1 Business and Industrial Zones	✓			See further below.
1.2 Rural Zones			✓	Not applicable.
1.3 Mining, Petroleum Production and Extractive Industries			✓	Not applicable.
1.4 Oyster Aquaculture			✓	Not applicable.
1.5 Rural Lands			✓	Not applicable.
2 Environment and Heritage				
2.1 Environmental Protection Zones			✓	Not applicable.
2.2 Coastal Protection			✓	The site is not within coastal zone.
2.3 Heritage Conservation			✓	Not applicable.
2.4 Recreational Vehicle Area			✓	Not applicable.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs			✓	Not applicable.
3. Housing, Infrastructure and Urban Development				
3.1 Residential Zones	✓			The Planning Proposal is consistent with the objectives of this direction as it will increase residential densities and housing choice in a location that is close to public transport, shops, employment and recreational opportunities.
3.2 Caravan Parks and Manufactured Home Estates			✓	Not applicable.
3.3 Home Occupations	✓			No change is proposed to the current permissibility of home occupations.
3.4 Integrating Land Use and Transport	✓			<p>This Direction applies due to this Planning Proposal relating to provision of urban land. The Direction states that a Planning Proposal must be consistent with the aims, objectives and principles of:</p> <ul style="list-style-type: none"><li>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</li><li>The Right Place for Business and Services – Planning Policy (DUAP 2001).</li></ul> <p>The Planning Proposal is broadly consistent with the aims, objectives and principles of the above documents in that it will provide residential accommodation and employment generating uses in an area well serviced by public transport.</p>
3.5 Development Near Licensed Aerodromes			✓	Not applicable.
3.6 Shooting Ranges			✓	Not applicable.
3.7 Reduction in non-hosted short-term rental accommodation period			✓	Not applicable.
4. Hazard and Risk				
4.1 Acid Sulfate Soil	✓			The LLEP 2013 contains acid sulphate soils provisions and this proposal does not seek to amend them. Acid sulphate

Direction	Consistency			Comment
				soils investigations and analysis will accordingly be undertaken as part of any future development of the land in accordance with the requirements of the LEP.
4.2 Mine Subsidence and Unstable Land			✓	The site is not identified as mine subsidence or unstable land.
4.3 Flood Prone Land	✓			Refer to below.
4.4 Planning for Bushfire Protection	✓			Not applicable.
<b>5. Regional Planning</b>				
5.10 Implementation of Regional Plans	✓			As outlined at <b>Section 7.2</b> the Planning Proposal is consistent with the current Metropolitan Plan.
<b>6. Local Plan Making</b>				
6.1 Approval and Referral Requirements	✓			This Planning Proposal is consistent with this Direction in that it does not introduce any provisions that require any additional concurrence, consultation or referral.
6.2 Reserving Land for Public Purposes	✓			This Planning Proposal is consistent with this Direction in that it does not create, alter or reduce existing zonings or reservations of land for public purposes.
6.3 Site Specific Provision	✓			See further below.
<b>7. Metropolitan Planning</b>				
7.1 Implementation of A Plan for Growing Sydney	✓			The Planning Proposal is consistent with the Metropolitan Plan, as discussed in <b>Section 7.2</b> .

### Ministerial Direction - 1.1 Business and Industrial Zones

A Planning Proposal may be inconsistent with the s9.1 Directions if the relevant planning authority can satisfy the Director General of the NSW Department of Planning and Environment that the inconsistent provisions are justified by a study which gives consideration to the objective of this direction. The objectives of the Business and Industrial Zones S9.1 Direction are:

- a) encourage employment growth in suitable locations,*
- b) protect employment land in business and industrial zones, and*
- c) support the viability of identified strategic centres.*

The Planning Proposal is accompanied by a detailed Economic Impact Assessment by HILL PDA (**Appendix C**), which provides the basis for providing the justification in accordance with the objectives of the Business and Industrial Zones S9.1 Direction as the Planning Proposal will:

- Retain the area and location of the IN2 zoned employment land;
- Increases the total potential floorspace for employment uses;
- Encourage employment growth through increased employment floorspace, in a suitable location; and
- Provide ongoing support for the Leichardt Marketplace local centre.

The subject site is currently occupied by a Mazda service centre, employing 13 workers. The current FSR is approximately 0.68:1 with the site currently providing 3,545m<sup>2</sup> floorspace. The Planning Proposal will require a minimum GFA of 5,200m<sup>2</sup> of non-residential uses, comprising:

- A minimum 3,200m<sup>2</sup> uses permissible in IN2 zone; and
- A maximum 2,000m<sup>2</sup> of uses including centre-based childcare centre, health service facility or office premises; and
- A maximum 250m<sup>2</sup> restaurant or cafés or shops.

The Planning Proposal would lead to a net increase in jobs of 119, workers remuneration of \$8.6m and gross value added (contribution to the local economy) of \$11.5m every year.

The Planning Proposal would result in a more intensive use of space and an increase in employment uses as well as housing immediately adjacent to the Inner West Light Rail station. It would provide flexible light industrial and office floorspace as well as residential apartments that will better reflect the requirements of the new live/work economy.

The site is located in the Leichhardt local centre within the Eastern City District. The site is strategically located to continue to support the viability for the local centre and as it is adjacent Marion light rail station, achieves a high level of access to surrounding strategic centres, including the Sydney CBD.

The delivery of new housing within proximity to existing transport infrastructure is an opportunity to support the delivery of homes near key employment locations. This will enable workers to easily access their employment destinations and support the economic viability of these Strategic Centres.

### **Ministerial Direction 4.3 Flood Prone Land**

A Planning Proposal may be inconsistent with the S9.1 Directions if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:

- a) *the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*
- b) *the provisions of the planning proposal that are inconsistent are of minor significance.*

**Appendix F** confirms the indicative development concept is in accordance with the requirements of The Floodplain Risk Management Plan for the Upper Hawthorne Canal Catchment and therefore the Planning Proposal is consistent with the requirements of Ministerial Direction 4.3.

### **Ministerial Direction 6.3 Site Specific Provision**

A Planning Proposal may be inconsistent with the S9.1 Directions if the relevant planning authority can satisfy the Director General of the NSW Department of Planning and Environment that the provisions of the planning proposal that are inconsistent are of minor significance.

The Planning Proposal seeks to introduce an Additional Local Provision to Part 6 of the LEP that preserve the IN2 Light Industrial zoned land, allows for the incorporation of residential and other compatible uses as part of a mixed-use development and realise an increase of employment floorspace than can currently be delivered.

The need to include a local provision is seen to be necessary, in particular in response to the need to retain industrial zoned land across the LGA. This will allow the LEP to respond to a site specific need to recognise the importance of industrial land and meet housing demands close to transport. Therefore, the proposed inclusion of a site-specific provision is seen to be justified and of minor significance.

## **7.3 Environmental, Social and Economic Impacts**

### **Q7 – 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 site is located within a highly modified urban environment and does not contain critical habitat or threatened species, populations or ecological communities, or their habitats.

### **Q8 – Are there any other likely environmental effects as a result of the Planning Proposal and how are they proposed to be managed?**

The site is an existing urban area devoid of significant vegetation with no ecological value. There are no likely ecological impacts as a result of this Planning Proposal. The environmental effects of the Planning Proposal are addressed in detail in **Section 11**.

Any future development of the site will be assessed against the environmental provisions of the applicable planning



instruments.

#### **Q9 – Has the Planning Proposal adequately addressed any social and economic impacts?**

The Planning Proposal will result in positive social and economic effects for the local area through the generation of local employment opportunities during construction and operation. It will improve local facilities, employment opportunities, increase housing stock close to public transport and amenities, provide greater housing choice as well as improve public domain facilities and the pedestrian interface with surrounding streets.

### **7.4 State and Commonwealth Interests**

#### **Q10 – Is there adequate public infrastructure for the Planning Proposal?**

The site is located in an established urban area and has access to a range of existing services. Further investigations will be undertaken as part of the preparation of the DA to determine whether any upgrade of existing facilities is required as a result of the proposed development. These items would be appropriately addressed at DA stage.

#### **Q11 – What are the views of State or Commonwealth public authorities consulted in accordance with the Gateway determination?**

The views of State and Commonwealth public authorities will be known once consultation has occurred in accordance with the Gateway determination of the Planning Proposal.

## **8.0 Public Benefit**

The Planning Proposal provides an opportunity to deliver significant additional public benefits to the local area. The redevelopment of the site in accordance with the Concept Design would deliver in excess of \$2.5 million in s7.11 contributions.

In addition, and in recognition of the changes sought to the LEP by the Planning Proposal, in accordance with Section 7.4 of the *Environmental Planning and Assessment Act 1979*, P & C Consulting P/L intends to offer into a VPA with Council to provide the following public benefits:

- Dedication of five percent of the gross floor area (GFA) of the residential component of the development to an affordable housing provider for a period of 10 years.
- A monetary contribution of \$250,000 to go towards upgrades and/or general maintenance of Lambert Park football stadium. Fifty percent of the contribution is to be paid upon finalisation of the Planning Proposal and the remaining fifty percent will be paid upon release of a Construction Certificate for a future mixed use development at the site. The contribution value is to be offset against future s7.11 contribution obligations.
- The provision of a north-south through-site pedestrian link between Marion Street and Walter Street to operate during daylight hours. Further details of this pedestrian link will be set out at DA stage.

On this basis, the applicant has prepared a letter of offer to enter into a VPA with Council (**Appendix D**). It is intended that should amendments to the LEP be made in accordance with this Planning Proposal that the offer will be formalised into a VPA with Council.

In addition, the urban renewal of the site will generate demand for community services and infrastructure within the local area. New development would therefore be required to contribute to local infrastructure in the form of Section 7.11 Development Contributions for recreational facilities, community facilities and traffic infrastructure.



## 9.0 Community Consultation

Community consultation will be conducted in accordance with Section 3.34 and Schedule 1 of EP&A Act and *A Guide to Preparing Planning Proposals*. Generally speaking, the Gateway determination will require consultation to occur with the community. Feedback collected during that consultation period will be addressed at the appropriate time.

## 10.0 Planning Assessment

This section considers the key planning issues associated with the Planning Proposal as well as those associated with a future development of the site.

In establishing the Planning Proposal, an indicative development concept was prepared by Figgis + Jefferson Tapa, as outlined in **Section 5.0** and at **Appendix** Error! Reference source not found., to ensure all relevant built form, separation, amenity, and design parameters have been considered, and to establish a reasonable scale and density for the future building on this particular site. Accordingly, the outcomes of these investigations and analysis have largely guided the content of this Planning Proposal. By adopting this approach, the built outcomes and associated impacts of the Planning Proposal (and subsequent DA) can be tested, understood and clearly presented.

### 10.1 Urban Design, Built Form and Landscaping

As discussed in **Section 2.0** of this report, this proposal follows a previous proposal lodged in August 2014. Having considered the feedback from Council and the Department on the previous proposal, the proponent engaged Figgis + Jefferson Tapa to prepare an updated concept scheme which, as described in **Section 5.0**, reconsiders the scale of the development proposed. This revised concept scheme reduces the height of the building from 50m to 30m and the FSR from 3.3:1 to 3:1. Notwithstanding, it is noted that the undergrounding of the urban services use will result in approximately 3,200m<sup>2</sup> of the available GFA not being visible, thereby further reducing the bulk and scale to a maximum equivalent FSR of approximately 2.43:1.

The architectural plans at **Appendix A** show the additional 2:1 density proposed by the reference scheme is capable of compliance with the requirements of SEPP 65 and the ADG. The development concept accordingly incorporates:

- An 8 storey building form with low building heights in the form of a 3 storey podium fronting Marion and Walter Streets that integrates with the surrounding streetscapes of single and 2 storey built forms;
- The activation of Marion Street through the provision of Ground Floor active uses;
- A building form that reads 'in the round' due to its prominence in the surrounding urban context;
- Separation of 25m between the two residential components and generous setbacks to ensure compliance with SEPP 65 separation distances;
- Orientation and massing which promotes the delivery of a high level of solar access and amenity for future dwellings;
- Podium and roof top areas of communal open space to offer additional amenity to residents and free up the ground floor plane for a new through-site pedestrian link; and
- The provision of deep soil planting along the northern and eastern boundaries of the site.

The detailed design of the built form, including further design development, will form part of a future development application. However, it is noted that Council will require the preparation of a Development Control Plan (DCP) after the Planning Proposal has been considered by Council. This DCP will ensure the built form and urban design outcomes illustrated within the scheme are achieved by any future development application.

## 10.2 Residential Amenity

### 10.2.1 Privacy

The proposed built form massing and layout has been designed to avoid any adverse privacy impacts on existing uses surrounding the site. The site is located adjacent the light corridor to the west and has street frontages to the north and south. The site adjoins a seniors housing development to the west and a minimum 10m setback at podium levels with greater setbacks at upper levels is proposed to ensure appropriate separation between the uses. The setback will contain a landscaped through-site link with significant vegetation along the boundary to further improve privacy.

### 10.2.2 Acoustic

An Acoustic Statement has been prepared by Wilkinson Murray (**Appendix G**) to assess the potential acoustic impacts of co-locating light industrial, commercial and residential uses within a single development.

Wilkinson Murray has reviewed the concept scheme and conclude that given there will be a minimum of two concrete floor slabs between the car service workshop and the nearest residents, transmission loss will substantially reduce operational noise levels reaching residents. Activities producing noise impacts from the workshop will translate to below 30dBA in the most affected apartments, making workshop operations inaudible. Therefore, the proposed vertical split of uses is considered appropriate providing:

- All external air conditioning plant is located on the roof;
- All ventilation fans and intakes and exhausts are located on the roof; and
- Sufficient space is available to acoustically treat these with noise walls and attenuators, if required.

A full noise assessment will be required at DA stage and will include noise mitigation measures to ensure appropriate acoustic amenity is achieved for any future residential development. It is also noted that the undergrounding of the existing auto service repair use is likely to increase the acoustic amenity for the adjacent seniors housing development.

### 10.2.3 Solar Access and Cross Ventilation

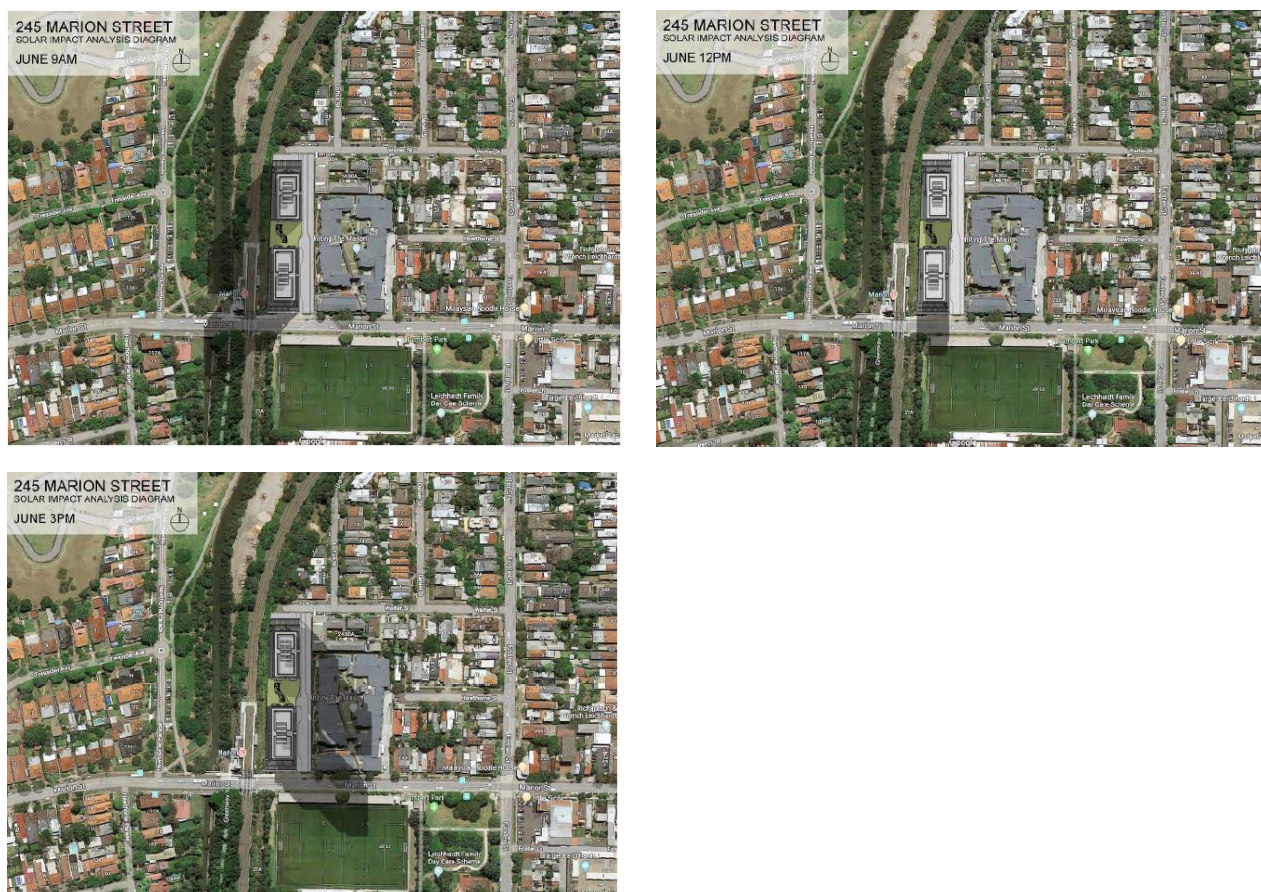
The concept scheme provides a high level of solar access with a minimum of 2 hours solar access to all apartments in mid winter. This is significantly more than the ADG which recommends 70% of dwellings receive at least 2 hours of solar access. Similarly, the concept scheme ensures that all habitable rooms can be naturally ventilated, with the design providing cross ventilation to over 70% of apartments. This is in excess of the 60% of apartments required to be naturally ventilated in accordance with the ADG.

## 10.3 Overshadowing

Figgis + Jefferson Tapa has prepared shadow studies analysing the indicative concept scheme and to determine the shadowing impact the additional density may have on surrounding properties (refer to **Appendix A**).

An extract of the key diagrams is included at **Figure 24**. As illustrated, the overshadowing resulting from the indicative concept predominantly falls on the Greenway and public road to the west and south of the site. No adjoining residences will be overshadowed between 9am and 12 noon on 21 June. An insignificant proportion of Lambert Park will be overshadowed from midday and the western aspect of the adjacent seniors housing development will be shadowed from 1.30pm onwards on June 21. Notwithstanding, the eastern facades of this development will receive good sunlight in the morning period when it is most desirable and solar access is maintained to the central courtyard until 2.30pm on June 21.

The indicative development concept is considered suitable from an overshadowing perspective given the limited potential for overshadowing of adjoining residences which is in part due to the orientation of the land.



**Figure 24** Extract of shadow diagrams

## 10.4 Traffic and Parking

A Traffic and Parking Assessment has been prepared by The Transport Planning Partnership to assess the potential impacts of the Planning Proposal on the surrounding road network (**Appendix H**). The key findings of the assessment are summarised below.

### Vehicular Access and Parking

Vehicular access to the site as part of the indicative concept proposal will occur from Marion Street and Walter Street. The driveways, as proposed in the concept scheme, would provide access to the on-site parking area for use by residents, visitors, staff and service vehicles.

With regards to the Leichhardt DCP, the indicative concept would need to provide between 97 and 149 parking spaces, comprising:

- 61-100 residential spaces;
- 13-21 light industrial spaces;
- 18-23 commercial office spaces; and
- 5 retail spaces.

The indicative concept plan provides parking in accordance with the above requirement with a total of 146 car spaces able to be accommodated within the basement levels (plus loading). The final details of site access and parking provision will be determined in association with any future development application.

## Traffic Impacts

SIDRA modelling has been used to determine the potential impact of the proposal on the key intersections surrounding the site, including the Marion/Foster Street and Foster/Walter Street intersections. The analysis demonstrates that the proposal would result in only a slight increase in the delays currently experienced at the Marion/Foster Street intersection during both the AM and PM peak periods. The Marion/Foster Street intersection would maintain its E LoS rating with an average 3 second delay in the AM peak and 3 second improvement during the PM peak. The Foster/Walter Street intersection would maintain its A LoS am rating and B LoS PM rating with no additional delays caused by the proposal.

Notwithstanding, the site's proximity to high quality public transport infrastructure and the Greenway provides an excellent opportunity to encourage alternative modes of transport to private vehicle usage. A concept Green Travel Plan has been prepared and appended to the Traffic and Parking Assessment which outlines potential initiatives which could be adopted at DA stage to further reduce traffic impacts.

## 10.5 Flooding

The site is covered in part by the probable maximum flood (PMF) level and is also touched on its northern and southern street boundaries by the 1 in 100 year flood level. The attached Initial Water Management and Flood Risk Assessment prepared by GEC Consulting Pty Ltd confirms the site is capable of being developed for the proposed residential or mixed use development with appropriate flood protection measures and no adverse flooding effects in downstream or upstream catchments.

The Planning Proposal provides the opportunity to have an overall positive effect on the management and conservation of water resources with the retention, reuse and treatment of stormwater in new development on the land to improve the quantity and quality of discharge, and improve water conservation performance on the subject land. Future residential development described in this Planning Proposal will need to comply with the statutory BASIX target for water conservation.

## 10.6 Contamination

The site has been used for light industrial purposes and is therefore potentially the subject of some form of localised contamination. A Preliminary Phase 1 Environmental Site Investigation has been prepared for the site by Douglas Partners Australia and is located at **Appendix E**. The results of the Phase 1 Contamination Assessment identified heavy metal, PAH and TRH soil contamination is likely to be present as a result of impacts from the introduction of filling containing slag and ash to the site. Douglas Partners conclude that this form of contamination is not uncommon in the Leichhardt area and typical remediation methods include the excavation and offsite disposal of contaminated soil to landfill followed by the validation of soils that are to remain at the site. It is therefore considered that the known soil contamination at the site can be remediated using standard technologies/practices to a standard suitable for a residential land use with garden/accessible soil.

## 11.0 Conclusion

This Planning Proposal seeks an amendment to Leichhardt LEP 2013 through the inclusion of Additional Local Provision relating to land at 245 Marion Street, Leichhardt. Specifically, this Planning Proposal seeks to:

- Introduce an 'Additional Local Provision' to Part 6 of the LLEP 2013 that allows for the incorporation of residential uses as part of a mixed-use development at 245 Marion Street;
- Increase the maximum permissible floor space ratio (FSR) limit from 1:1 to a maximum FSR of 3:1, of which a minimum of 1:1 will be restricted to employment generating floor space; and
- Introduce a maximum height control of 30m for the site.

This Planning Proposal is justified for the following reasons:

- The proposal is consistent with the objects of the EP&A Act, in that it promotes the orderly and economic use and development of land;
- The proposal is consistent with the strategic planning framework for the site;
- The proposal has site-specific merit due to the following:
  - It protects and enhances existing light industrial/urban services employment opportunities at the site;
  - It will support the effective utilisation of existing infrastructure by locating commercial and residential development in proximity to an existing light rail station;
  - It allows for the renewal of the site in a manner consistent with adjoining residential land whilst protecting the important urban services use currently operating at the site;
  - It ensures potential land use conflicts between the existing light industrial and future residential uses are adequately addressed;
  - It improves the permeability of the street and improves access to the light rail station for surrounding residents by the creation of a new through-site link;
  - It will facilitate the delivery of new affordable housing for essential workers and facilitate the delivery of approximately 97 new dwellings that will support housing diversity within the area; and
  - It will deliver more housing and jobs within 30-minutes from surrounding services and existing infrastructure.
- The proposal is consistent with the applicable SEPPs and Ministerial Directions.

The site is under single ownership and represents a rare opportunity to deliver a true transit-oriented development which increases the employment and housing capacity of a highly accessible site. Planning and technical investigations support the proposed changes to the existing planning controls and a concept scheme has been prepared to demonstrate how the proposal will facilitate the public benefits afforded by the Planning Proposal.

In light of the above, we would have no hesitation in recommending that the Planning Proposal proceed through the Gateway to public exhibition.