

DATE OF DECISION	11 June 2020
PANEL MEMBERS	Carl Scully (Chair), Jan Murrell, Roberta Ryan, Deborah Laidlaw, Brian McDonald
APOLOGIES	None
DECLARATIONS OF INTEREST	None

REZONING REVIEW

2020ECI005 - Inner West - RR_2020_IWEST_001_00 at 245 Marion Street Leichhardt (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
- ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site specific merit






The decision was unanimous.

REASONS FOR THE DECISION

- The proposal fails the Strategic merit test, in particular does not comply with Action 51 of the Eastern City District Plan to 'retain and manage' currently zoned industrial land.
- The proponent's reliance on the proximity of the site to the light rail station is insufficient justification for overcoming the lack of strategic and site specific merit.
- Council's LSPS, that has been assured by the GSC, and Council's Housing Strategy, do not identify the need for increased housing in this location and has identified sufficient opportunity to meet applicable housing targets without reliance on this site. The Council's draft Employment and Retail Lands Strategy and Study has identified this as an industrial site to be retained, with no additional permitted residential uses.
- The proposal to reinstate industrial floorspace underground is not convincing as a method of maintaining the industrial and urban services potential of the site and conflicts between industrial and residential land use have not been satisfactorily addressed with the ground level being dominated by roadways.

- The proposed additional use is incompatible with the current zoning to be sustainable into the future having regard to the need for flexibility for accommodating additional floor space for urban services.
- The proposal is inconsistent with the 'retain and manage' policy of the Regional and Eastern District Plan which provides that all existing industrial and urban services land should be safeguarded from competing pressures especially residential and mixed use zones.
- The proposal fails the site specific merit test, noting the proposed building height of 8 storeys is incompatible with the character of the locality.

Given both the local and State Planning Policies and Strategies in place it is clear to the Panel that this site is not suitable for the uses, density and height sought under the Planning Proposal.

PANEL MEMBERS	
 Carl Scully (Chair)	 Jan Murrell
 Roberta Ryan	 Deborah Laidlaw
 Brian McDonald	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2020ECI005 - Inner West - RR_2020_IWEST_001_00 - 245 Marion Street Leichhardt
2	LEP TO BE AMENDED	Leichhardt Local Environmental Plan 2013
3	PROPOSED INSTRUMENT	The rezoning review relates to a planning proposal for 245 Marion Street, Leichhardt to amend Leichhardt Local Environmental Plan (LEP) 2013. It seeks to introduce an 'Additional Local Provision' to Part 6 of the LEP that allows for the incorporation of residential accommodation in the IN2 Light Industrial zone as part of a mixed-use development at the site.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> Rezoning review request documentation Briefing report from Department of Planning, Industry and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> Site inspection: Due to Coronavirus precautions, the Panel visited the site independently, prior to 11 June 2020. Briefing with Department of Planning, Industry and Environment (DPIE): 11 June 2020, 9.30am <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Deborah Laidlaw, Brian McDonald DPIE staff in attendance: Brendan Metcalfe, Kris Walsh, Alex Hill Briefing with Council and Proponent: 11 June 2020, 10.30am <ul style="list-style-type: none"> Panel members in attendance: Carl Scully (Chair), Jan Murrell, Roberta Ryan, Deborah Laidlaw, Brian McDonald DPIE staff in attendance: Brendan Metcalfe, Kris Walsh, Alex Hill Council representatives in attendance: Leah Chiswick, Aleksandar Kresovic, Alan Qi Chen, Roger Rankin Proponent representatives in attendance: Bernard Gallagher, Chris Forrester, Francesco Morsello, Vince Pizzata, Stephen Figgis, Adrian Hack