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5 January 2015

The Secretary
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms McNally

PRE-GATEWAY REVIEW REQUEST - PLANNING PROPOSAL FOR 245 MARION STREET, LEICHHARDT

On 25 November 2014 Leichhardt Council resolved not to support a Planning Proposal request to rezone land at 245 Marion Street, Leichhardt from an historic industrial zoning to permit a modern transit oriented residential or mixed use development under the provisions of the Leichhardt Local Environmental Plan (LEP) 2013. The proponent and landowner P&C Consulting requests a Pre-Gateway Review in accordance with the Department's *'A guide to preparing local environmental plans'* dated April 2013, and for the attached Planning Proposal to proceed through a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* (EP&A Act). The proponent also requests that the Secretary become the relevant planning authority under Section 54(2) of the EP&A Act for this Planning Proposal as it is of regional planning significance adjoining State transport infrastructure.

The following information is provided with this Pre-Gateway Review Request in accordance with Section 5 of the Department's *'A guide to preparing local environmental plans'*:

- a completed application form;
- a copy of the Planning Proposal request and accompanying documents comprising:
 - Covering letter prepared by the proponent and landowner P&C Consulting;
 - Planning Proposal prepared by Andrew Wilson Town Planning Consultancy Service dated August 2014;
 - Urban Design Study prepared by Figgis + Jefferson Tapa Architects;
 - Additional Information prepared by Andrew Wilson Town Planning Consultancy Service dated 31 October 2014;
 - An Initial Assessment of Transport, Traffic and Parking Implications prepared by Transport & Traffic Planning Associates;
 - A Review of Preliminary Contamination Assessment Report prepared by Douglas Partners dated 30 October 2014 and a Preliminary Contamination Assessment prepared by Douglas Partners in 1999;
 - Initial Water Management and Flood Risk Assessment prepared by GEC Consulting Pty Ltd;
- all correspondence from Leichhardt Council including a request for additional information dated 25 September 2014 and advice dated 1 December 2014 detailing the reasons for Council not supporting the Planning Proposal request;
- correspondence from Sydney Water, being the only known correspondence from another Government agency;
- justification for why a review is warranted (see below under Section 2);
- supporting information addressing the assessment criteria (see below under Section 3);
- confirmation that there are no reportable political donations under section 147 of the EP&A Act; and
- \$5000 initial fee.

We would be pleased to discuss the Planning Proposal with the Department of Planning and Environment.

1. SUMMARY OF THE PLANNING PROPOSAL REQUEST

Objectives and Intended Outcomes

The objectives and intended outcomes of this Planning Proposal are:

- to facilitate urban renewal with a new transit oriented development adjacent to light rail infrastructure consistent with government strategic planning objectives and policies;
- to improve the amenity of the subject land and locality by transforming an underutilised industrial zone to a residential zone with new modern building forms and uses;
- to contribute a supply of housing to meet market demand for additional housing choices and more affordable housing;
- to provide the opportunity for new child care centre and community uses, neighbourhood shops and café as needed in the locality;
- to establish a density and scale of development that is appropriate for the urban context, proximity to transport infrastructure and environmental capability of the subject land, and is compatible with surrounding land uses;
- to facilitate design excellence and consistency with the principles of ecologically sustainable development; and
- to amend Leichhardt Local Environmental Plan (LEP) 2013 to facilitate the development of the site in accordance with the objectives and intended outcomes.

Proposed Zoning and Permissible Uses

The proponent is seeking to have the subject land zoned to permit residential or mixed use (mixed residential and commercial) development consistent with Government strategic plans and which is suitable for the site and its context, and viable for redevelopment.

The initial Planning Proposal request lodged with Council in August 2014 is to zone the subject land **R1 General Residential** and also allow food and drink premises as an additional Schedule 1 use under Leichhardt LEP 2013. The R1 Zone was proposed on the basis that it has the objective of providing “for a variety of housing types and densities”, and also permits neighbourhood shops, child care and community facility together with the additional use of food and drink premises which are considered suitable uses on the land adjacent to the light rail stop for the local neighbourhood whilst fitting in with the existing hierarchy of centres in the locality.

In response to concerns raised by Leichhardt Council around employment lands, the proponent would also support a Business Zone or Mixed Use Zone on the subject land which permits a wider range of employment uses if determined as more suitable by planning authorities (on the condition that residential development is also permissible without restriction above ground level up to the maximum height and FSR standard). The proponent would also support an R4 High Density Residential Zone or R3 Medium Density Residential on the subject land if determined by planning authorities as more suitable than the R1 Zone.

Proposed Development Standards for Building Height and FSR

The proponent is seeking to have development standards for building heights and floor space ratio (FSR) apply to the site under the Leichhardt LEP 2013 which provide for a density and scale of development that is consistent with Government strategic plans, suitable for the site and its context, and viable for redevelopment.

The initial Planning Proposal request lodged with Council in August 2014 is for a floor space ratio of 3.3:1 and building height limits ranging from 10m to 50m across the site. The proponent would be willing to work with planning authorities on the urban design aspects of the Planning Proposal including the scale and density if requested.

2. JUSTIFICATION FOR PRE-GATEWAY REVIEW

The request for a Pre-Gateway Review for the Planning Proposal request is justified on the following grounds:

- The Planning Proposal request has definitive strategic merit and site specific merit as demonstrated below in Section 3 of this request.
- The site is located in a strategically significant urban area which is under transition at the confluence of the new Inner West Light Rail Line and Parramatta Road urban renewal corridor, and adjoining the new Marion Street light rail stop and Marion Street bus corridor State infrastructure.
- Leichhardt Council has not given due regard to the strategic context and merits of the Planning Proposal request, or its potential to provide for the integrated and efficient use of land and State infrastructure, and to deliver public benefits. Council does not appear to demonstrate a willingness and ability to comprehensively address the strategic planning of this locality or the subject site in a substantive and progressive way. This is evident in the little progress being made on Council's Strategic Centres and Sites Study for which the subject land is identified for study, and in Council not supporting Planning Proposal requests in the locality. It is also evident in Council's report on the subject Planning Proposal request to its meeting of 25 November 2014 which has a superficial assessment laden with inaccuracies, misconstrued information, and dubious conclusions. A response to Council's report and its reasons for not supporting the Planning Proposal request is provided below in Section 4 of this submission. Council has not demonstrated a willingness to work with the proponent substantively and positively towards an agreeable and feasible position on zoning and development standards for the subject site that reflect its strategic planning context and merits.
- The current industrial zoning of the site with a maximum FSR of 1:1 is from an historic land use pattern and an underutilisation of the site and adjacent State public transport infrastructure within the current urban and strategic planning context. Council's conclusion to retain the historic industrial zone, possibly with a modest increase of FSR, does not respond to the strategic context and drivers of urban change in this locality, and is an underutilisation of the site and adjacent State infrastructure.
- The Department of Planning and Environment is better placed to guide the strategic planning of this locality and perform the role of the relevant planning authority for this Planning Proposal request to provide for the efficient and integrated use of land resources and State infrastructure.

3. ASSESSMENT CRITERIA FOR PRE-GATEWAY REVIEW

The assessment criteria specified in Section 5.1 of 'A guide to preparing local environmental plans' to be used in the assessment of a Pre-Gateway Review Request are addressed below.

CRITERIA A. – STRATEGIC MERIT

The department will undertake an assessment to determine whether the proposal:

a. has strategic merit as it:

- ***is consistent with a relevant local strategy endorsed by the Director- General or***
- ***is consistent with the relevant regional strategy or Metropolitan Plan or***
- ***can otherwise demonstrate strategic merit, giving consideration to the relevant section 117 Directions applying to the site and other strategic considerations (eg proximity to existing urban areas, public transport and infrastructure accessibility, providing jobs closer to home***

The strategic merit of the Planning Proposal and its consistency with relevant metropolitan, subregional and local strategies is addressed in Part 3 Section B of the Planning Proposal request and summarised below. There is definitive strategic merit in rezoning underutilised and constrained industrial land to permit residential and mixed use development at medium to high density adjoining public transport infrastructure and located at the confluence of the new Inner West Light Rail Line and Parramatta Road urban renewal corridor.

Metropolitan and Subregional Strategies – The Planning Proposal request was lodged with and assessed by Leichhardt Council prior to the current metropolitan strategy ‘A Plan for Growing Sydney’ released on 14 December 2014. An assessment of the Planning Proposal Request against the goals and directions in ‘A Plan for Growing Sydney’ is in the Appendix to this Pre-Gateway Review Request. In summary, the Planning Proposal request is consistent with goals and directions of the strategy and for the central subregion in the following respects:

GOAL 1: A competitive economy with world-class services and transport:

The Planning Proposal request would contribute to the economy by better utilising and supporting existing public transport infrastructure adjoining the site and the public investment in it, by providing housing for a labour force in a location with good access to major strategic economic centres in Sydney, and by contributing to productivity in housing development and related industry sectors. The PP would not have any adverse impact on strategic economic centres or competitive international gateways.

GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles:

The Planning Proposal request contributes to achieving the goal with new housing supply and choices to meet demand in an established urban area adjacent to a new transport corridor (Inner West Rail Line) with excellent access to public transport, jobs, community infrastructure, retail and business services, recreation and entertainment, and strategic centres.

GOAL 3: A great place to live with communities that are strong, healthy and well connected

The Planning Proposal request contributes to achieving the goal and is consistent with the directions in providing opportunities for new development on the subject land to deliver the following:

- improved public access and connectivity through the site and to and from the adjacent light rail stop for the community;
- potential for neighbourhood business and retail uses and community uses that complement the light rail stop and benefit the local community;
- potential for additional public parking to be provided on the site to meet needs associated with the adjacent light rail stop and activities associated with Lambert Park;
- increased activity and passive surveillance, and improved security and amenity at the site and adjacent streets and light rail stop;
- improved amenity at the site.

GOAL 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources

The Planning Proposal request is on land that has no significant environmental or natural resource value, and is not exposed to any significant natural hazard other than localised flooding and soil contamination which can be managed with standard practices in future development.

The attached Planning Proposal request lodged with Council in August 2014 demonstrates it is consistent with the strategic directions in the previous Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney to 2031 and Draft Inner West Sub-Regional Strategy. In particular, the proposal meets the criteria for rezoning industrial land in these previous strategies, delivers balanced growth with integrated land use and transport planning, provides housing to meet the demands of a growing population at a density appropriate for its urban context and level of accessibility to infrastructure, fits in with the network of existing centres, and respects the environment.

Leichhardt Council Strategic Plans – The Planning Proposal is consistent with the Leichhardt 2025+ Community Strategic Plan, Community and Cultural Plan, Environmental Sustainability Strategy and Draft Integrated Transport Plan in improving community well-being through urban renewal with a sustainable transit oriented development of integrated land use and transport infrastructure that includes opportunity for neighbourhood shops and community facilities on land with no significant environmental value.

The Planning Proposal is also consistent with the Leichhardt Employment Lands Study and Leichhardt Employment and Economic Development Plan in being identified as fragmented industrial land likely to be suitable for rezoning and meeting the specified criteria for rezoning industrial land. It is also consistent with Leichhardt Council's resolution to include the subject land in a Strategic Centres and Sites Study of rezoning proposals for sites in which the current zoning is in need of review.

State environmental planning policies – The Planning Proposal will meet the provisions of the applicable SEPPs being SEPP No. 55 - Remediation of Land, SEPP No.65 - Design Quality of Residential flat Development, SEPP (Infrastructure) 2007 and SEPP (BASIX) 2004 and is not inconsistent with any other SEPP;

S.117 Ministerial Directions – The Planning Proposal is consistent with the applicable S.117 Directions being 1.1 Business and Industrial Zones, 3.1 Residential Zones, 3.4 Integrating Land Use and Transport, 3.5 Development Near Licensed Aerodromes, 6.3 Site Specific Provisions and 7.1 Metropolitan Plan for Sydney 2036, and is not inconsistent with any other S.117 Direction.

The two key strategic merit issues associated with this Planning Proposal request are:

- strategic merit of rezoning the land to permit residential or mixed use development at medium to high density located immediately adjoining public transport infrastructure and at the confluence of the Parramatta Road Corridor and Inner West Light Rail Line; and
- strategic merit of rezoning underutilised and constrained industrial zone land.

Strategic merit of rezoning the land to permit residential or mixed use development at medium to high density located immediately adjoining public transport infrastructure and at the confluence of the Parramatta Road Corridor and Inner West Light Rail Line

The Planning Proposal request to rezone land for residential or mixed use development at a medium to high density located at the confluence of the Parramatta Road Corridor and Inner West Light Rail Line immediately adjacent to public transport infrastructure in the form of both a light rail line stop and bus corridor has strategic merit in being consistent with all strategic planning goals, principles and directions relating to housing, transport and the economy in all relevant strategic planning documents. This includes strategic goals, directions and principles in the current 'Plan for Growing Sydney', S.117 Directions, and relevant Leichhardt Council strategic plans including Leichhardt 2025+ Community Strategic Plan, Community and Cultural Plan, Environmental Sustainability Strategy and Draft Integrated Transport Plan.

This strategic justification is articulated in Part 3 Section B of the attached Planning Proposal request and the Appendix to this submission, and is acknowledged in the Leichhardt Council report to its meeting of 25 November 2014. The strategic merit of zoning land for residential or mixed use development at a medium to high density immediately adjacent to new public transport infrastructure and in relative close proximity to strategic centres, jobs and existing infrastructure and services is beyond doubt.

Strategic merit of rezoning underutilised and constrained industrial zone land

The strategic merit and justification for rezoning industrial zone land in this case is articulated in Part 3 Section B of the Planning Proposal request with reference to key strategic planning documents. In summary, the key strategic merits of rezoning the industrial zone land are as follows:

- The Planning Proposal addresses the criteria for rezoning industrial land in the Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney to 2031 and Draft Inner West Sub-Regional Strategy Metropolitan Plan for Sydney and Draft Subregional Strategy.
- The Leichhardt Employment Lands Study 2011 identifies the site specifically as one of a number of fragmented industrial sites likely to be suitable for rezoning after the future of the adjoining rail line is confirmed to change from a goods line to the now existing passenger light rail line. The Planning Proposal addresses the criteria for rezoning industrial land in the Leichhardt Council Employment and Economic Development Plan 2013.

- There are at least three precedents with an established strategic justification for a change of use or rezoning of isolated and fragmented industrial sites in the immediate locality of Leichhardt. These precedents include the adjoining seniors housing development at 237 Marion Street, and the rezoning of sites known as 149-151 Allen Street and the former Kolotex / Labelcraft site at George and Flood Streets. The strategic justification for rezoning of the subject site at 245 Marion Street is similar, if not stronger, to these other sites due to similar context, the established precedent set by the other rezonings, and the particularly unprecedented transport infrastructure adjoining the subject site.
- The subject land is not strategically significant or particularly suitable as industrial zone land primarily due to the following:
 - the site is relatively small with an area of 5,210sq.m representing less than 0.5% of the industrial zone land in Leichhardt LGA according to Leichhardt Council;
 - the site is isolated and fragmented from other industrial zoned land and major industrial infrastructure; and
 - there is potential for land use conflict between industry on the site and the surrounding residential area and open space including the adjoining seniors housing development, and Council's report acknowledges the subject land as a 'constrained industrial site'.
- The industrial zoning is from an historical land use pattern which has been superseded by more recent events that are key drivers of change in the urban environment including the Inner West Light Rail Line and Parramatta Road Corridor. The industrial zoning of the site, with its limited potential uses and low density, does not make effective use of the light rail and bus infrastructure immediately adjacent to the site and its potential to support residential uses and other employment uses. The industrial zoning and 1:1 FSR are now an underutilisation of the site and its adjacent passenger transport infrastructure for which there has been substantial public investment by the NSW Government.

In terms of 'employment lands', the site with an industrial zoning is underutilised and has potential to support greater employment opportunities by rezoning to permit a wider range of employment generating uses and a higher density of development. The proponent is willing to support a rezoning of the site to allow a wider range of employment uses such as a business zoning, mixed use zoning or additional Schedule 1 uses that provides for a wide range of employment uses (in addition to permitting residential accommodation without restriction above ground level up to the maximum height and FSR).

Given the above, there is definitive strategic merit and justification to rezone the site from industrial to enable a modern transit oriented residential or mixed use development.

CRITERIA B. – SITE SPECIFIC MERIT

The department will undertake an assessment to determine whether the proposal:

b. has site-specific merit and is compatible with the surrounding land uses, having regard to the following:

- ***the natural environment (including known significant environmental values, resources or hazards)***
- ***the existing uses, approved uses and likely future uses of land in the vicinity of the proposal***
- ***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 site specific merit for rezoning the industrial zone land to permit a modern transit oriented residential or mixed use development in this case is explained in Part 3 Section D of the Planning Proposal request and the additional information dated 31 October requested by and lodged with Leichhardt Council. The site specific merit is outlined below.

Urban Context and Character of the Locality

The urban context of the site which gives merit to the Planning Proposal includes the following:

- The site is located at the confluence of the Parramatta Road urban renewal corridor and Inner West Rail Line which are major infrastructure project drivers of change in the urban environment and provide the supportive context for rezoning and increased density and scale of development.
- The site adjoins public transport infrastructure in the form of the Marion Street light rail stop and Marion Street bus corridor which provide support for rezoning and increased density of development on the site.
- The site is within an established urban area that has infrastructure, facilities and good access to employment, education, retail goods, business services and recreational opportunities. It is within walking distance of Leichhardt Market Place and adjoins public transport infrastructure with direct bus and light rail connections to and from Sydney CBD and other nearby centres.
- The site has utility services available with mains on adjoining street frontages.
- The site is surrounded on two sides by open space / parkland which provides for a high level of amenity and recreational opportunity to support the Planning Proposal, and gives large separation distances to surrounding residential areas in these directions.

The site is not strategically significant or particularly suitable as an industrial zone. It is isolated, constrained and underutilised as an industrial zone. It is small in area, fragmented from other industry and associated industry infrastructure, surrounded by residential and open space zones which have inherent land use conflict with industry, and adjacent to existing and new public transport infrastructure which is underutilised by the current industrial zone being a remnant from an historic land use pattern that is now superseded by contemporary urban renewal and new infrastructure events.

There are already at least three precedents with an established strategic justification for a change of use or rezoning of isolated and fragmented industrial sites in the immediate locality of Leichhardt. These precedents include the adjoining seniors housing development at 237 Marion Street, and the rezoning of sites known as 149-151 Allen Street and the former Kolotex / Labelcraft site at George and Flood Streets.

The subject Planning Proposal, together with the existing precedents, will transform and renew the character of this locality and the subject land to a modern new transit oriented development consistent with contemporary planning principles of urban design quality and ecologically sustainable development. It has potential to improve urban amenity, accessibility and facilities on the land for the adjoining light rail stop and local neighbourhood.

Within this urban context, the site is suitable and the Planning Proposal to permit a residential or mixed use development at a medium to high density has merit.

Compatibility with Surrounding Land Uses

The site is surrounded predominantly by transport infrastructure, open space / parkland and low density residential areas. The Planning Proposal to rezone the site for residential use or mixed residential and neighbourhood commercial use is compatible with these surrounding land uses. The proposed uses are more compatible with the surrounding open space and residential properties than the current industrial zone which permits uses that are inherently or potentially incompatible with these surrounding uses.

The open space / parkland to the south and west gives a high level of amenity to the site and large separation distances of approximately 100m between the site and the nearest residential properties to the south and west. The residential properties to the north and east are in closer proximity to the site, and the site provides sufficient size and depth to provide for a medium to high density of development that transitions and steps down in scale and height towards the adjacent residential areas to the north and east.

To the north

To the north of the subject land on the opposite side of Walter Street and particularly to the northeast is a low density residential neighbourhood comprising predominantly one and two storey detached dwelling houses. The proposed zoning of the site for residential use or mixed residential and neighbourhood commercial use is entirely compatible with the adjacent residential zone and uses to the north and east.

In terms of the proposed density and scale of development, the site is of a sufficient size and depth to be able to provide a medium to high density and scale of development in the central and southern parts of the site and stepping down to a lower building scale at its north side fronting Walter Street. The proposal is for a relatively low building scale of 3 storeys fronting Walter Street which is compatible with the streetscape and residential zone to the north particularly given the location of the site at the end of the street next to the elevated light rail line which sits at 1.5 storeys above street level. There are numerous precedents in Sydney of medium to high density residential buildings with stepped heights providing a compatible lower scale of 3-4 storeys opposite low density detached housing.

The proposal will not have any significant impact on residential properties to the north in terms of solar access or visual privacy due to the separation distance and orientation of the site ensuring any future development would have primary outlooks away to the west and east.

To the 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 understood to have been approved by Leichhardt Council in circa 2003-4. This adjoining site was previously owned by the proponent and sold to the Uniting Church for the development of seniors housing with a caveat on title excluding objections from this neighbouring property on any redevelopment of the subject land.

The Planning Proposal request for residential or mixed use on the subject land at 245 Marion Street is for land uses that are compatible with the adjoining seniors housing at 237 Marion Street. These proposed uses are more compatible than many of the land uses permissible in the existing industrial zone which are inherently or potentially incompatible with seniors housing.

In terms of scale and density of development, the Planning Proposal request is appropriately seeking to step up at the light rail stop and step down to the seniors housing and then down to the low density residential zone further to the east. In effect, the seniors housing provides a transition in scale and density between the low density residential zone further to the east and the medium to high density scale of development proposed for the subject site.

The Urban Design Study prepared by Figgis + Jefferson Tapa Architects accompanying the Planning Proposal request examines the interface issues and potential impacts of the proposal on the adjoining seniors housing, particularly solar access and visual privacy. Section 6.13 of the Urban Design Study includes shadow diagrams showing the adjoining seniors housing will continue to receive direct solar access all morning and into the early afternoon at which time shadows from the proposed building envelope will pass across the site. The adjoining seniors housing will continue to receive more than 3 hours of direct sunlight particularly in the central common open space in accordance with solar access guidelines.

Section 6.14 of the Urban Design Study also includes an analysis of potential visual privacy issues with a description of architectural design and screening measures that can be used in the detailed design of development to address visual privacy which would be assessed as part of a future Development Application.

Further to the east beyond the seniors housing is part of the low density residential neighbourhood comprising a mix of one and two storey detached and attached dwelling houses with the nearest house at a distance of approximately 80m from the site. The proposal to rezone the site for residential or mixed use is compatible with the residential zone further to the east as it will not have any significant impact in terms of views, solar access or visual and acoustic privacy due to the large separation distance of over 80m.

To the south

To the south of the subject land is Lambert Park which currently has a 3-4 metre wall and oval grandstand immediately opposite the subject land and we understand has been subject to plans for a new grandstand. The Planning Proposal request to rezone land for residential or mixed use development at a medium to high density is compatible with Lambert Park as the park provides a good level of residential amenity to the site and would provide for the recreational needs of future occupants on the site. The Planning Proposal does not have any unreasonable negative impact on Lambert Park.

The proponent advises that consideration could be given at a later stage in the planning process to provision of public car parking on the site if viable for activities associated with the public use of Lambert Park. The Planning Proposal has potential to benefit Lambert Park in this regard.

Further to the south beyond Lambert Park is the Lords Road industrial zone which is currently the subject of a Planning Proposal for rezoning for medium to high density residential development, and a low density residential zone with the nearest dwelling approximately 125m from the site. The Planning Proposal to rezone the site for residential use or mixed residential and neighbourhood commercial use will not have any significant impact in terms of views, solar access or visual and acoustic privacy in the residential zone to the south due to the large separation distance of over 125m.

To the west

To the immediate west of the subject land is the Marion Street light rail stop on the new Inner West Light Rail Line which sits at an elevation of approximately 5 metres higher than the ground level of the subject land. The Planning Proposal for residential or mixed use development at a medium to high density is compatible with the adjoining light rail stop and consistent with contemporary strategic planning directions for integrated land use and transport planning and the efficient use of public transport infrastructure and land resources. It provides appropriate density to better utilise the adjoining public transport infrastructure and public investment in it. It provides the opportunity for complimentary retail, business and community uses, and makes a marked improvement on public access through the site to and from the light rail stop. The proponent advises that consideration could also be given at a later stage in the planning process to provision of public car parking on the site and in particular vehicle pick-up and drop-off for the adjoining light rail station.

Further to the west on the opposite side of the light rail stop is Hawthorne Canal Reserve open space corridor. The Planning Proposal request to rezone land for residential or mixed use development at a medium to high density is compatible with the Reserve which provides for a good level of residential amenity to the site and would contribute to meeting the recreational needs of future occupants on the site. The Planning Proposal does not have any unreasonable negative impact on Hawthorne Canal Reserve.

Further to the west beyond Hawthorne Canal Reserve is the residential suburb of Haberfield with the nearest residential property at a distance of approximately 95m. The Planning Proposal to rezone the site for residential use or mixed residential and neighbourhood commercial use is compatible with the residential zone as it will not have any significant impact in terms of views, solar access or visual and acoustic privacy in the residential zone to the west due to the large separation distance of over 95m.

Natural Environment

The site is not identified as environmentally sensitive or significant land. The key environmental issues associated with the site and Planning Proposal are described below.

Topography - The site is located at a low valley point in the urban landscape at around RL 4 which sits well below the surrounding higher level ridges such as along Norton Street at around RL 47 and Haberfield at RL 24. Within this topographical context, any building on the site would sit down into the landscape. The visual impact of building height on the site is reduced by the low valley position in the landscape, and would decrease with increasing distance and ground elevation away from the site.

Vegetation - There is no vegetation on the subject land of significant landscape or ecological value. The existing vegetation on the site comprises a palm tree in poor condition and low level garden bed planting on the Marion Street frontage, and three pine trees in poor condition on the northwest corner of the site near the Walter Street frontage.

Water and flood risk - 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.

Soil Contamination - A Review of Preliminary Contamination Assessment Report prepared by Douglas Partners dated 30 October 2014 is enclosed together with a Preliminary Contamination Assessment prepared by Douglas Partners in 1999. The Review examines the findings of the 1999 contamination assessment against current standards and guidelines for residential and other uses in the Planning Proposal. The Review makes the following finding:

"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 including a childcare centre (and other land uses associated with a mixed use development)."

The Review concludes as follows:

Based on the findings from DP (1999), it is considered that the identified contamination at the site should not prevent the site from being rezoned for residential purposes as standard technologies/practices are available to remediate the identified contamination. In addition, the search of the NSW EPA records did not reveal any known nearby contaminated sites which may impact the suitability of the future land use of the subject site.

In order to determine the extent of remediation required to render the site suitable for the proposed land use, a detailed site investigation (DSI) will need to be conducted to update the contamination status of the site. The DSI would include an update of site history information as well as an intrusive investigation of soil and groundwater with reference to guidelines current at the time of the DSI. Waste classification of soils designated for off-site disposal will need to be in accordance with DECCW (2009). Typically, a DSI is undertaken to support a Development Application submission once the proposed development is reasonably well defined."

Climate and air quality – The Planning Proposal is for a transit oriented development that makes effective use of public transport infrastructure and reduces demand for car use and the associated air pollution. It does not include any significant air polluting activity, and reduces the potential for air quality impacts from industrial use on the site.

Waste – The proposed new land uses on the site will be subject to the same waste management arrangements as the existing suburb of Leichhardt.

Environmental amenity – The site has a relatively high level of amenity from the surrounding open space / parkland and residential streets which is highly suitable for the Planning Proposal for residential or mixed use development with potential to provide good outlook and views, natural ventilation, solar access, open space and large separation distances to neighbours.

Infrastructure

Public transport - The public transport infrastructure immediately adjacent to the site includes the Inner west light rail line with the Marion Street light rail stop adjoining the site, and Sydney bus route corridor along Marion Street. The existing public transport infrastructure establishes a high level of public transport accessibility for the site that supports and is better utilised by the Planning Proposal. The industrial zoning of the site with the relatively low density of workers in industrial and warehouse type buildings would not utilise the public transport infrastructure as efficiently as the Planning Proposal.

Road Access – The site has two road frontages and potential access points. The Initial Assessment of Transport, Traffic and Parking Implications prepared by Transport & Traffic Planning Associates attached to this submission confirms that the road network has capacity to accommodate traffic generated by the Planning Proposal.

Utility services infrastructure – The full range of utility service infrastructure mains – electricity, telecommunications, water, sewer, gas and stormwater drainage – are all available on Marion Street and Walter Street adjacent to the site. The capacity of the existing utility services and any augmentation requirements to support the Planning Proposal can be investigated in detail at a future stage after gateway determination.

Open space / parks – Lambert Park and Hawthorne Canal Reserve are adjacent to the site and would contribute to meeting the recreational needs of future occupants on the site.

Social infrastructure – The subject land has an inner Sydney location within the metropolitan region where future residents on the site would be in relative close proximity to transport, jobs, services and recreation/entertainment 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 Street light Rail stop, and bus routes along Marion Street adjacent to the site. The Planning Proposal creates potential for development of a child care centre and community use on the subject land for the local community as well as residents of the proposed new housing.

A specialist assessment of social infrastructure by a suitably qualified social planner can be provided by the proponent if required by planning authorities at a later stage after a gateway determination and/or as part of a future Development Application for the site.

4. RESPONSE TO LEICHHARDT COUNCIL REASONS AND REPORT

Response to Leichhardt Council Reasons for Not Supporting Planning Proposal Request

The following text provides a response to the reasons (a) to (m) given by Leichhardt Council for resolving not to support the request to prepare a Planning Proposal for land at 245 Marion Street, Leichhardt.

a) 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 demand.

Leichhardt Council's Employment Lands Study 2011 identifies the site specifically as one of a number of fragmented industrial sites likely to be suitable for rezoning, particularly after the future of the adjoining rail line is confirmed to change from a goods line to the now existing passenger light rail line.

Leichhardt Council's report to its meeting of 25 November 2014 notes that the subject land is constrained as an industrial site and covers less than 0.5% of the industrial land supply in Leichhardt LGA. The site is not significant industrial land.

b) the Planning Proposal is inconsistent with s.117 Direction 1.1 Business and Industrial Zones on the following grounds:

i. 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.

ii. the Planning Proposal is not justified by an economic study

iii. loss of this industrial land would be of substantial significance to the local government area's employment land supply.

The strategic merit of the Planning Proposal and its consistency with relevant metropolitan, subregional and local strategies is addressed in Part 3 Section B of the Planning Proposal and summarised definitively above in Section 3 of this submission. In particular, Leichhardt Council's Employment Lands Study 2011 identifies the site specifically as one of a number of fragmented industrial sites likely to be suitable for rezoning, particularly after the future of the adjoining rail line is confirmed to change from a goods line to the now existing passenger light rail line.

Leichhardt Council's report to its meeting of 25 November 2014 notes that the subject land is constrained as an industrial site and covers less than 0.5% of the industrial land supply in Leichhardt LGA. The site is not significant industrial land.

c) the proposal does not have merit when assessed against the criteria established by the Leichhardt Employment and Economic Development Plan 2013-2023

The criteria in Leichhardt Council's Employment and Economic Development Plan 2013 is addressed in Part 3 Section B of the Planning Proposal which describes the strategic merit of the proposal as summarised definitively above in Section 3 of this submission.

d) the Planning Proposal is not supported by an:

- Economic Assessment

- Net Community Benefit Test

- Social Impact Assessment

The Planning Proposal is supported by Leichhardt Council's Employment Lands Study 2011 which identifies the site specifically as one of a number of fragmented industrial sites likely to be suitable for rezoning, particularly after the future of the adjoining rail line is confirmed to change from a goods line to the now existing passenger light rail line.

The requirement for a net community benefit test in Planning Proposals has been deleted from the Department's 'A guide to preparing planning proposals.' Notwithstanding, the community benefits of the Planning Proposal include the following:

- contribution to the supply of new housing in the locality to meet market demands for additional housing choices and more affordable housing;
- improved utilisation and efficiencies in the use of adjacent public transport infrastructure;
- improved public access and connectivity through the site and to and from the adjacent light rail stop for the community;
- potential for neighbourhood business and retail uses and community uses that complement the light rail stop and benefit the local community;
- potential for additional public parking to be provided on the site to meet needs associated with the adjacent light rail stop and activities associated with Lambert Park;
- increased activity and passive surveillance, and improved security and amenity at the site and adjacent streets and light rail stop;
- improved amenity at the site.

The Planning Proposal describes relevant social issues in Part B Sections C and D, and mentions that a social impact assessment (SIA) can be prepared after a gateway determination. It is noted that a SIA was not requested by Council in its request for additional information dated 25 September 2014, and we understand was not provided at pre-gateway stage for other similar proposals for rezoning industrial land in the locality that have proceeded through gateway determination.

e) without the above listed supporting studies, there is not enough 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.

The Planning Proposal documentation has adequate information for the pre-gateway stage of the planning process and is understood to exceed that of other similar proposals for rezoning of industrial land in the locality that have proceeded through gateway determination. Additional information can be provided as may be required by planning authorities after gateway determination.

f) 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 Floor Space Ratio to create additional employment generating floorspace.

The strategic merit of the Planning Proposal and its consistency with relevant metropolitan, subregional and local strategies is addressed in Part 3 Section B of the Planning Proposal and summarised definitively above in Section 3 of this submission. The industrial zoning of the site, even with a modest increase in FSR, is an underutilisation of the site and the adjoining public transport infrastructure.

g) the Planning Proposal includes a residential Floor Space Ratio of 3.3:1 and building heights 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 Local Government Area 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.

The strategic merit of providing medium to high density of development on the subject site located adjacent to public transport infrastructure and at the confluence of the Parramatta Road Corridor and Inner West Light Rail Line is addressed in Part 3 Section B of the Planning Proposal and summarised definitively above in Section 3 of this submission. There is precedence in the Leichhardt LGA for an FSR over 3:1 being on the site known as Balmain Leagues Club which has a comparatively lower level of public transport infrastructure compared to the subject site at 245 Marion Street.

The site specific and urban design merit of the proposed FSR and height is documented in the Urban Design Study prepared by Figgis + Jefferson Tapa Architects accompanying the Planning Proposal. The proponent would be willing to work with planning authorities on developing the urban design aspects of the Planning Proposal including the scale and density if requested.

h) there is no strategic justification for the proposed residential Floor Space Ratio and building height in higher order NSW Government State Planning Policy or guidelines or Council Environmental Planning Instruments, Policies or Guidelines.

The strategic merit of providing medium to high density development on land adjoining public transport infrastructure located at the confluence of the Parramatta Road Corridor and Inner West Light Rail Line is addressed in Part 3 Section B of the Planning Proposal request and summarised definitively above in Section 3 of this submission with reference to relevant planning strategies of the NSW Government and Leichhardt Council.

i) the proposed residential Floor Space Ratio and building heights would result in unacceptable amenity impacts on the local area including:

- overlooking of Walter Street and residents of The Marion, Uniting Church Seniors Housing Development***
- inadequate landscaped area***
- visual impact from the bulk and scale of the building***
- inadequate access to daylight for future residents within the development***

The urban design merits of the Planning Proposal are documented in the Urban Design Study prepared by Figgis + Jefferson Tapa Architects accompanying the Planning Proposal. This includes Visual Privacy in Section 6.14, Landscape and Open Space in Section 6.6, Visual Assessment in Sections 6.11 and 6.12, and Internal Amenity including solar access in Section 6.16. The amenity impacts are considered reasonable and the proponent would be willing to work with planning authorities on urban design matters including the scale and density if requested.

j) 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.

These detailed design aspects of development intended under the Planning Proposal are matters to be addressed at a future Development Application stage. The site is capable of being developed for residential or mixed use development as described in the Planning Proposal and meeting the provisions of SEPP 65 and the Residential Flat Design Code. It is noted that the above information was not requested by Council in its request for additional information dated 25 September 2014.

k) the Planning Proposal does not include any affordable housing and is therefore not consistent with Section 3.3.3 (Clause 3.3.1) of the Leichhardt Affordable Housing Strategy (2011) which seeks a 10% affordable housing contribution.

There is no State environmental planning policy (SEPP) providing the statutory basis needed for Leichhardt Council to require a 10% affordable housing contribution. The Planning Proposal would enable residential development on the subject land to make a significant contribution to the supply of new housing in the locality to meet market demands for additional housing choices and more affordable housing. Any affordable rental housing would be provided in a future DA in accordance with the provisions of the SEPP (Affordable Rental Housing) 2009. It is noted that information on affordable housing was not requested by Council in its request for additional information dated 25 September 2014.

l) the Planning Proposal does not address the strategic context of major NSW State government projects including:

i. Bays Precinct Urban Renewal

ii. Parramatta Road Urban Renewal

which may result in further, significant loss of employment land and an increased demand for non-residential goods and services arising from a growing population in the inner west

The Bays Precinct and Parramatta Road corridor have been on the planning agenda of NSW Government departments for over 10 years. The site is located at the confluence of the Parramatta Road Corridor and Inner West Light Rail Line adjoining the new Marion Street light rail stop which provides the strategic context for urban transition in this locality and a key basis for the strategic merit of the Planning Proposal.

The site is identified in Leichhardt Council's Employment Lands Study 2011 as one of a number of fragmented industrial sites likely to be suitable for rezoning, particularly after the future of the adjoining rail line is confirmed to change from a goods line to the now existing passenger light rail line. Leichhardt Council's report to its meeting of 25 November 2014 notes that the subject land is constrained as an industrial site and covers less than 0.5% of the industrial land supply in Leichhardt LGA. The site is not significant industrial land, and is underutilised as an historic industrial zone in the current urban strategic planning context.

In response to concerns raised by Leichhardt Council over employment lands, the proponent would support any proposal by planning authorities for a Business Zone or Mixed Use Zone on the subject land which permits a wider range and higher density of employment uses (on the condition residential development is also permissible without restriction above ground level up to the maximum height and FSR standard).

m) the Planning Proposal does not address issues associated with the proposed West Connex Motorway including:

i. traffic generation

ii. location of air quality stacks

iii. location of motorway entry and exit portals

These issues relating to West Connex would be raised and addressed in consultation with NSW Roads and Maritime Services after gateway determination in accordance with standard Planning Proposal process.

Response to Leichhardt Council Report

The following provides a response to Leichhardt Council's report to its meeting on 25 November 2014 and in particular to the assessment of strategic merit issues in Section 3 and the merits assessment in Section 4.

The statement in the Council report that the proponent did not contact Council officers prior to lodgement of the Planning Proposal is inaccurate. The proponent consulted with Council planning officers about the proposal in 2012. The proponent's planning consultant also engaged with Council in mid-2014 about information and lodgement requirements which are addressed in the Planning Proposal. After lodgement, the proponent met Council officers on 1 October 2014 regarding Council's request for additional information.

The statement in Council's report that the Planning Proposal is seeking no FSR or height limit for a business zone is misconstrued and inaccurate. In response to Council concerns over employment lands, the proponent has advised Council that he would support any business zone proposed by Council with additional employment uses, subject to residential development also being permissible without limitation above ground level 'up to the maximum FSR and height' for the site.

3. Description and explanation of key issues of the Planning Proposal for 245 Marion Street, Leichhardt

3.1 Strategic Context

The strategic merit of the Planning Proposal and its consistency with metropolitan, subregional and local strategies is addressed in Part 3 Section B of the Planning Proposal request and summarised definitively above in Section 3 of this submission. There is definitive strategic merit in rezoning underutilised and constrained industrial land to permit residential and mixed use development at medium to high density located immediately adjoining public transport infrastructure at the confluence of the Parramatta Road Corridor and Inner West Light Rail Line.

3.2 Leichhardt Council Strategic Centres and Sites Study

Leichhardt Council resolved to prepare a strategic centres and sites study in 2012 and has yet to make any substantial progress on it particularly for the subject site.

3.3 Site specific studies

Section 3.3 of the Council report raises concerns about the uncertainties around planning for the Bays Precinct and Parramatta Road corridor. The Bays Precinct and Parramatta Road corridor have been on the planning agenda of NSW Government departments for over 10 years.

The site is located at the confluence of the Parramatta Road Corridor and Inner West Light Rail Line adjoining the new Marion Street light rail stop which provides the strategic context and driver for urban change in this locality, and is a key basis for the strategic merit of the Planning Proposal.

4 Merits Assessment of Planning Proposal Request

4.1 Land Use Zone

The proponent is seeking to have the subject land zoned to permit residential or mixed use (mixed residential and commercial) development consistent with Government strategic plans and which is suitable for the site and its context, and viable for redevelopment.

The initial Planning Proposal request lodged with Council in August 2014 is to zone the subject land **R1 General Residential** and also allow food and drink premises as an additional Schedule 1 use under Leichhardt LEP 2013. The R1 Zone was proposed on the basis that it has the objective of providing “for a variety of housing types and densities”, and also permits neighbourhood shops, child care and community facility together with the additional use of food and drink premises which are considered suitable uses on the land adjacent to the light rail stop for the local neighbourhood whilst fitting in with the existing hierarchy of centres in the locality.

In response to concerns raised in the Leichhardt Council report around employment lands, the proponent would also support a Business Zone or Mixed Use Zone on the subject land which permits a wider range of employment uses if determined as more suitable by planning authorities (on the condition that residential development is also permissible without restriction above ground level up to the maximum height and FSR standard). The proponent would also support an R4 High Density Residential Zone or R3 Medium Density Residential on the subject land if determined by planning authorities as more suitable than the R1 Zone.

4.2 Urban Design and DCP

The urban design merit of the Planning Proposal is documented in the Urban Design Study prepared by Figgis + Jefferson Tapa Architects accompanying the Planning Proposal request. The intention as stated in the Planning Proposal request and additional information submitted to Council is to prepare site specific DCP provisions in consultation with planning authorities after a gateway determination. This is appropriate for the pre-gateway stage of the process and consistent with other precedent Planning Proposals.

4.3 Building heights

The urban design merits of the Planning Proposal are documented in the Urban Design Study prepared by Figgis + Jefferson Tapa Architects accompanying the Planning Proposal. In brief, the proposed building heights reflect an increased scale and density of development on the site adjoining public transport infrastructure for which there is strategic merit, and steps down to an appropriate 3 storey scale at the street frontage. The proponent would be willing to work with planning authorities on urban design aspects of the Planning Proposal including the building heights if requested.

4.4 Solar access, overshadowing and visual privacy

These matters are addressed in the Urban Design Study prepared by Figgis + Jefferson Tapa Architects and are reasonable in the following respects:

- Visual privacy examined in Section 6.14 of the Urban Design Study is reasonable due to large separation distances to residential properties to the north, south and west, and detailed design measures available to address privacy to the adjoining seniors housing to the east.
- Shadow impact analysis in Section 6.13 of the Urban Design Study shows no significant impact on surrounds with no residential property being adversely affected other than the adjoining seniors housing which retains adequate solar access.

- Internal amenity including solar analysis in Section 6.16 of the Urban Design Study shows internal units would achieve more than 3 hours in all orientations.

4.5 FSR

The FSR in the Planning Proposal request has strategic merit in providing for a medium to high density of development on the subject site located adjacent to public transport infrastructure and at the confluence of the Parramatta Road Corridor and Inner West Light Rail Line. There is precedence in the Leichhardt LGA for an FSR over 3:1 being on the site known as Balmain Leagues Club which has a comparatively lower level of public transport infrastructure compared to the subject site at 245 Marion Street. The current FSR of 1:1 on the subject site is a gross underutilisation of the site and adjoining public transport infrastructure.

4.6 Amenity and open space

The site has a relatively high level of amenity from the surrounding open space / parkland and residential streets which is highly suitable for the Planning Proposal for residential or mixed use development with potential to provide good outlook and views, natural ventilation, solar access, open space and large separation distances to neighbours. Section 6 of the Urban Design Study accompanying the Planning Proposal request demonstrates the potential for the site to be developed with appropriate internal amenity and open space.

The detailed design and internal amenity aspects of development intended under the Planning Proposal are matters to be addressed at a future Development Application stage. The site is capable of being developed for residential or mixed use development as described in the Planning Proposal and meeting the provisions of SEPP 65 and the Residential Flat Design Code.

4.7 Housing types and mix

The Council report is supportive of the envisaged housing mix.

4.8 Affordable Housing

There is no State environmental planning policy providing the statutory basis for Leichhardt Council to require a 10% affordable housing contribution. Any affordable rental housing would be provided in a future DA in accordance with the provisions of the SEPP (Affordable Rental Housing) 2009.

The Planning Proposal would enable residential development on the subject land to make a significant contribution to the supply of new housing in the locality to meet market demand for additional housing choices and more affordable housing.

4.9 Traffic and transport

The Council report acknowledges that the site had adequate access and the road network has capacity to accommodate the Planning Proposal as demonstrated in the attached Initial Assessment of Transport, Traffic and Parking Implications prepared by Transport & Traffic Planning Associates.

4.10 Car parking

The Planning Proposal provides for development that can provide parking to meet the demands of the development in accordance with Council's DCP. The Planning Proposal also provides opportunity for additional public parking on the site for the light rail stop and activities associated with Lambert Park if examined at a later stage to be feasible after gateway determination.

4.11 Contamination

Contamination assessments by Douglas Partners have been submitted to Council and are enclosed. Douglas Partners find that:

"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 including a childcare centre (and other land uses associated with a mixed use development)."

The Review by Douglas Partners concludes as follows:

Based on the findings from DP (1999), it is considered that the identified contamination at the site should not prevent the site from being rezoned for residential purposes as standard technologies/practices are available to remediate the identified contamination. In addition, the search of the NSW EPA records did not reveal any known nearby contaminated sites which may impact the suitability of the future land use of the subject site.

In order to determine the extent of remediation required to render the site suitable for the proposed land use, a detailed site investigation (DSI) will need to be conducted to update the contamination status of the site. The DSI would include an update of site history information as well as an intrusive investigation of soil and groundwater with reference to guidelines current at the time of the DSI. Waste classification of soils designated for off-site disposal will need to be in accordance with DECCW (2009). Typically, a DSI is undertaken to support a Development Application submission once the proposed development is reasonably well defined."

Douglas Partners are pre-eminent specialists in the field of contamination and remediation and conclude that the site can be remediated and made suitable for the uses in the Planning Proposal subject to a detailed site investigation and remediation plan being prepared at DA stage.

4.12 Social infrastructure – schools

4.13 Social Infrastructure - other

This Planning Proposal and others for residential development in the locality are consistent with the projections for population growth in the Leichhardt LGA by the NSW Department of Planning and Environment which are used by the whole of the NSW Government as a basis for planning and provision of infrastructure including schools into the future.

The Planning Proposal describes relevant social issues in Part B Sections C and D, and mentions that a social impact assessment (SIA) can be prepared after a gateway determination.

4.14 Infrastructure – Flood and sustainable water management

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.

4.15 Sustainability

The Council report concludes that the proposal is not adequate in terms of sustainability on the grounds that it does not exceed BASIX targets and there is no voluntary planning agreement to exceed BASIX targets. This assessment of sustainability is superficial and contrary to State policy on BASIX.

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The Planning Proposal is sustainable primarily on the grounds of facilitating a sustainable transit oriented development in an established urban area with infrastructure and services available. It encourages and supports public transport use and walking, and reduces travel and energy demands from car use. This key principal factor relating to sustainability (ie. energy use relating to transport demands) is not even mentioned in section 4.15 of the Council report.

4.16 Voluntary Planning Agreement (VPA)

The Planning Proposal request and additional information submitted to Council raise a number of potential opportunities for material public benefits to be provided as part of a development of the site that could be implemented in a VPA if determined to be desirable and feasible. This includes a community facility, child care centre, public access and parking for the adjoining light rail stop, and public parking for activities associated with Lambert Park. The proponent would also be willing to consider other reasonable and feasible public benefits that may be suggested by planning authorities and could be implemented in a VPA. It is noted that the issue of a VPA was not raised by Council in its request for additional information dated 25 September 2014 or in its meeting with the proponent on 1 October 2014. Notwithstanding, the proponent is willing to work with planning authorities on a VPA for material public benefits as part of the development of the site under the Planning Proposal.

5. CONCLUSION

We trust this request for a Pre-Gateway Review provides adequate justification and demonstrates the definitive strategic and site specific merit of the Planning Proposal request in accordance with the Department's '*A guide to preparing local environmental plans*'. The proponent requests that the attached Planning Proposal request proceed through a gateway determination under Section 56 of the EP&A Act, and that the Secretary become the relevant planning authority for it under Section 54(2) of the EP&A Act.

The proponent would be happy to work further with planning authorities on developing and refining the Planning Proposal if requested. If you have any queries or would like to discuss this further, please feel free to contact me by phone on Ph.0412 575 942 or by e-mail at awplanning@outlook.com.



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APPENDIX – ASSESSMENT OF PLANNING PROPOSAL REQUEST AGAINST THE CURRENT METROPOLITAN STRATEGY ‘A PLAN FOR GROWING SYDNEY’

A Plan for Growing Sydney - Goals and Directions	Planning Proposal Request
GOAL 1: A competitive economy with world-class services and transport	The Planning Proposal (PP) request would contribute to the economy by better utilising and supporting existing public transport infrastructure adjoining the site and the public investment in it, by providing housing for a labour force in a location with good access to major strategic economic centres in Sydney, and by contributing to productivity in housing development and related industry sectors. The PP would not have any adverse impact on strategic economic centres or competitive international gateways.
Direction 1.1: Grow a more internationally competitive Sydney CBD	The PP request is not directly related to the direction to grow Sydney CBD to the south and improve access through it. However, the PP request supports the growth of Sydney CBD by providing housing for a labour force in a location with good access to the Sydney CBD.
Direction 1.2: Grow Greater Parramatta – Sydney’s second CBD	The PP request is not within an area of significant influence on Parramatta and has no significant relationship to this direction.
Direction 1.3: Establish a new Priority Growth Area – Greater Parramatta to the Olympic Peninsula	The PP request is not within an area of significant influence on Parramatta to Olympic Park and has no significant relationship to this direction.
Direction 1.4: Transform the productivity of Western Sydney through growth and investment	The PP request is not within an area of significant influence on Western Sydney productivity and has no significant relationship to this direction.
Direction 1.5: Enhance capacity at Sydney’s gateways and freight networks	The PP request is not within an area of significant influence on Sydney’s gateways and freight networks, and has no significant relationship to this direction.
Direction 1.6: Expand the Global Economic Corridor	The PP request is on the edge of the Global Economic Corridor. It supports the economic corridor by providing housing for a labour force in close proximity to it.
Direction 1.7: Grow strategic centres - providing more jobs closer to home	The PP request is not within a major strategic economic centre. It would support the growth of strategic centres in the subregion by providing housing for a labour force and consumers in a location with good access to the strategic centres,
Direction 1.8: Enhance linkages to regional NSW	The PP request is not within an area of significant influence on Sydney’s linkages to regional NSW, and has no significant relationship to this direction.
Direction 1.9: Support priority economic sectors	The PP request does not have any significant adverse impact on priority economic sectors, and the subject land is not particularly suitable for priority economic sectors. In particular, the subject land is not strategically significant as industrial zone land for the reasons articulated above in Section 3 of this submission.
Direction 1.10: Plan for education and health services to meet Sydney’s growing needs	The PP request is consistent with the DPE’s projections for population growth in Leichhardt LGA which are used by the NSW Government as the basis of planning for infrastructure provision including education and health services.
Direction 1.11: Deliver infrastructure	The PP request better utilises and supports the existing and planned infrastructure in the locality including the adjoining inner west light rail line and bus corridor.

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A Plan for Growing Sydney - Goals and Directions	Planning Proposal Request
GOAL 2: A city of housing choice, with homes that meet our needs and lifestyles	The PP request contributes to achieving the goal with new housing supply and choices to meet demand in an established urban area with excellent access to public transport, jobs, community infrastructure, retail and business services, recreation and entertainment, and strategic centres.
Direction 2.1: Accelerate housing supply across Sydney	The PP request is consistent with the direction in accelerating new housing supply and choices in relative close proximity to jobs, public transport, strategic centres, community infrastructure and utilities existing in the locality and subregion.
Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs	The PP request is consistent with the direction in contributing to the renewal of an area adjacent to a new transport corridor (Inner West Rail Line) at its confluence with the Parramatta Road urban renewal corridor.
Direction 2.3: Improve housing choice to suit different needs and lifestyles	The PP request is consistent with the direction in contributing additional housing choices in the form of medium to high density and more affordable housing.
Direction 2.4: Deliver timely and well planned greenfield precincts and housing	The PP request is not in a greenfield location and not related to this direction.
GOAL 3: A great place to live with communities that are strong, healthy and well connected	The PP request contributes to achieving the goal and is consistent with the directions in providing opportunities for new development on the subject land to deliver the following:
Direction 3.1: Revitalise existing suburbs	- improved public access and connectivity through the site and to and from the adjacent light rail stop for the community; - potential for neighbourhood business and retail uses and community uses that complement the light rail stop and benefit the local community; - potential for additional public parking to be provided on the site to meet needs associated with the adjacent light rail stop and activities associated with Lambert Park; - increased activity and passive surveillance, and improved security and amenity at the site and adjacent streets and light rail stop; - improved amenity at the site.
Direction 3.2: Create a network of interlinked, multipurpose open and green spaces across Sydney	
Direction 3.3: Create healthy built environments	
Direction 3.4: Promote Sydney's heritage, arts and culture	
GOAL 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land and resources	The PP request is on land that has no significant environmental or natural resource value, and is not exposed to any significant natural hazard other than localised flooding and soil contamination which can be managed with standard practices in future development.
Direction 4.1: Protect our natural environment and biodiversity	The subject land has no significant environmental, biodiversity or natural resource value, and the PP request will not have any significant impact on the natural environment or biodiversity. Relevant environmental issues are addressed above in Section 3 of this submission.
Direction 4.2: Build Sydney's resilience to natural hazards	The subject land is not exposed to any significant natural hazard other than localised flooding which can be managed appropriately in accordance with relevant standards with standard flood protection measures in new development as described above in Section 3 of this submission.
Direction 4.3: Manage the impacts of development on the environment	The relevant environmental issues and potential impacts of development related to the PP request can be managed appropriately in accordance with relevant standards as described above in Section 3 of this submission.

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A Plan for Growing Sydney - Goals and Directions	Planning Proposal Request
Central Subregion	
A competitive economy	The Planning Proposal (PP) request would contribute to the economy by better utilising and supporting existing public transport infrastructure adjoining the site and the public investment in it, by providing housing for a labour force in a location with good access to major strategic economic centres in Sydney, and by contributing to productivity in housing development and related industry sectors. The PP request would not have any adverse impact on strategic economic centres, international gateways or freight terminals and corridors. The subject land is not strategically significant or particularly suitable as industrial zone land for the reasons articulated above in Section 3 of this submission.
Accelerate housing supply, choice and affordability and build great places to live	The PP request is consistent with the strategic plan for housing in the subregion in contributing new housing supply and choices adjacent to the new Inner West Rail Line at its confluence with the Parramatta Road urban renewal corridor, and in a location with good access to infrastructure, jobs, retail and business services, recreation and entertainment, and strategic centres. The PP request is to create additional housing choices in a great place to live, and can improve the livability and amenity of the area as outlined above under Goal 3.
Protect the natural environment and promote its sustainability and resilience	The PP request is on land that has no significant environmental or natural resource value, and is not exposed to any significant natural hazard other than localised flooding which can be managed appropriately with standard flood protection measures in future development.