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PLANNING PROPOSAL

**Amendment to Leichhardt Local Environmental Plan -
R1 General Residential Zone**

For 245 Marion Street, Leichhardt

**Submitted to Leichhardt Council
on behalf of P&C Consulting Pty Ltd**

August 2014

Project No.13006

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EXECUTIVE SUMMARY

P&C Consulting Pty Ltd is submitting this Planning Proposal to Leichhardt Council to rezone 5,210sq.m of underutilised industrial zone land at 245 Marion Street, Leichhardt and permit a modern transit oriented residential development adjoining the light rail stop under the provisions of the Leichhardt Local Environmental Plan (LEP) 2013. The Planning Proposal has been prepared in accordance with the requirements of section 55 of the *Environmental Planning and Assessment Act 1979* and associated guideline 'A guide to preparing planning proposals' published in October 2012 by the Department of Planning and Infrastructure.

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.

An Urban Design Study prepared by Figgis + Jefferson Architect illustrates the objectives and intended outcomes with preliminary design concepts for urban renewal and transit oriented development. The proposal would facilitate the development of up to 200 new residential apartments with potential for 2,000sqm of neighbourhood shops, cafe, child care and community uses at ground level serving the local community.

Explanation of Provisions for Leichhardt LEP Amendment

The Proposal is for the following provisions to apply to the land under Leichhardt LEP 2013:

- R1 General Residential Zone;
- Maximum Floor Space Ratio of 3.3:1;
- Building height limits from 10m (3 storeys) on street frontages stepping up to 50m (15 storeys) in the centre of the site;
- Schedule 1 – Additional Permitted Uses clause to allow food and drink premises (café or restaurant) on the subject land as a permissible use.

The Planning Proposal is also to include guidelines for new development on the subject land in the Leichhardt Development Control Plan (DCP) 2013 Part G Site Specific Controls. This includes DCP provisions for Land use, Built Height and Form, Pedestrian and Vehicle access, Landscaping and Open Space, Social Sustainability and Environmental Sustainability.

Indicative architectural montage of Planning Proposal viewed from Marion Street



Indicative architectural montage of Planning Proposal viewed from Walter Street



Justification

Need for the planning proposal

The need for the Planning Proposal can be summarised as follows:

- the subject land is in a strategic location adjoining the new Marion Street light rail stop and has significance for the efficient and effective utilisation of the public transport infrastructure;
- the subject land is currently underutilised as an isolated industrial zoned site particularly in terms of its potential to contribute to the effective use of transport infrastructure and improve amenity, accessibility and facilities for the benefit of the local community;
- there is a social and economic need for additional housing in Sydney to meet demand, provide housing choices and reduce pressure on house prices and affordability;
- there is a social need for additional child care and community uses in the locality;
- the subject land is in a suitable location with existing infrastructure and an appropriate level of accessibility to services and facilities, and is capable of supporting the Planning Proposal without unreasonable environmental impacts or risks; and
- there are no environmental attributes or values on the subject land of such significance as to preclude the Planning Proposal.

Consistency with strategic planning framework

The Planning Proposal is consistent with the relevant strategic plans in the following respects:

- **Metropolitan and Subregional Strategies** – The Planning Proposal is consistent with the strategic directions in the Metropolitan Plan for Sydney 2036, Draft Metropolitan Strategy for Sydney to 2031 and Draft Inner West Sub-Regional Strategy particularly in meeting the criteria for rezoning industrial land, delivering balanced growth with integrated land use and transport planning, providing housing to meet the demands of a growing population at a density appropriate for its urban context and level of accessibility to infrastructure, fitting in with the network of existing centres, and respecting the environment.
- **Leichhardt Council Strategic Plans** – The Planning Proposal is consistent with Leichhardt Council's resolution to include the subject land in a Strategic Centres and Sites Study of rezoning proposals. It 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 meeting the relevant criteria for rezoning industrial land.

The Planning Proposal is not reliant on a Strategic Centres and Sites Study being completed by Council for other centres and sites as the subject land and its future development has no dependence or significant relationship with other strategic sites.

- **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.

Environmental effects

The key environmental issues associated with the Planning Proposal are as follows:

- **Character of the locality** – The Planning Proposal will transform and renew the character of the subject land to a modern new transit oriented development consistent with contemporary planning principles of urban design quality and ecologically sustainable development. It will improve the urban amenity, accessibility and facilities on the subject land for the adjoining light rail stop and local neighbourhood.
- **Scale, bulk and height of buildings** – The proposed scale and height of development up to 15 storeys in the Planning Proposal is appropriate for the urban location and context of the subject land adjoining a new light rail node, whilst providing an appropriate 3 storey interface with the residential zone to the north around Walter Street, and an appropriate 3 storey stepping building height on the Marion Street collector road adjacent to the light rail bridge.
- **Streetscapes** – The Planning Proposal is for a building scale and height on its street frontages that are appropriate and compatible with the streetscapes. At ground level, the Planning Proposal is to enable landscaped building setbacks, public pedestrian access linkage with the Marion Street light rail stop, and potential neighbourhood shop, cafe, community use and child care. Above ground level, the Planning Proposal is to enable appropriate building facade designs that reflect the residential use of the building and provide additional amenity, surveillance and security on surrounding streets.
- **Interface with surrounding properties** – The Planning Proposal will not have any unreasonable impacts on surrounding properties in terms of building scale, views, solar access, visual or acoustic privacy. The proposal will result in some overshadowing of the adjoining property at 237 Marion Street and Lambert Park in afternoons, however it meets solar access standards.

The Planning Proposal is to integrate new development on the subject land with the adjacent light rail stop at ground level by providing potential for complimentary uses including neighbourhood shops, cafe and child care, and by improving access, security and amenity.

- **Heritage** – There are no known heritage items on or immediately adjoining the site, and the Planning Proposal is not expected to have any significant impact on any heritage item in the locality.
- **Traffic** – The proposed residential use would generate approximately 38 car trips in the morning peak hour and 30 car trips in the afternoon peak hour. Given this traffic generation and that the subject land has two street frontages, suitable vehicle access and parking can be provided for new development on the subject land, and the local road network is anticipated to have capacity to accommodate the Planning Proposal.
- **Water** – 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.
- **Energy efficiency** – Future residential development described in this Planning Proposal will need to comply with the statutory BASIX target for water conservation in a future Development Application.
- **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 management** – The proposed new land uses on the site will be subject to the same waste management arrangements as the existing suburb of Leichhardt.
- **Biodiversity** – There is no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the subject land or that will be significantly affected by the Planning Proposal.
- **Construction Impacts** – The potential impacts of construction activities associated with development described in this Planning Proposal would be managed through a construction management plan prepared prior to commencement of works in accordance with standard practice for land development. It would address the management of construction traffic, waste, soil and water, noise and vibration, dust, geotechnical issues and site safety and security.

Social effects

The main social issues associated with the Planning Proposal are:

- **Integration into the community** – The Planning Proposal is for new development that can be designed to integrate well into the community with compatible land uses, building frontages respecting existing streetscapes, improved public pedestrian access with better connections between the adjoining light rail stop and surrounding neighbourhood, new vehicular traffic directed away from the existing residential neighbourhood, and opportunity for new neighbourhood shops and cafe, community facility and child care centre.

- **Access to employment, services and facilities for new residents** – Future residents would be in relative close proximity to existing transport, jobs, services and recreation/entertainment facilities, and would support local businesses and community activities.
- **Safety and security** – New housing will promote additional passive surveillance and improve safety and security in the neighbourhood and around the new light rail stop.

Economic effects

The key economic issues relating to the Planning Proposal are as follows:

- **Industrial employment land supply** – The subject land is not strategically significant industrial zone land primarily due to its relatively small size, isolation from other industrial zoned land and major industrial infrastructure, and the potential for land use conflict with surrounding residential and open space zones including the adjoining seniors housing development. The adjoining industrial zone land at 237 Marion Street is now developed as seniors housing and has further eroded the strategic significance of the subject land at 245 Marion Street as industrial zone land.
- **Housing supply and affordability** – The Planning Proposal would 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.
- **Existing business centres** – The Planning Proposal is to allow neighbourhood shops, community facility, child care centre, and cafe/restaurant as permissible commercial land uses on the subject land in an R1 General Residential Zone. The type and scale of these proposed commercial uses are considered appropriate to compliment the adjoining light rail stop and serve the local neighbourhood without significantly competing with or threatening the viability of existing business zones in Leichhardt.

State and Commonwealth interests - public infrastructure

- **Transport infrastructure** – The public transport infrastructure immediately adjacent to the site includes the Sydney Light Rail Inner West Extension – Marion Street light rail stop adjoining the site, and Sydney Bus Routes along Marion Street. This public transport infrastructure supports and is better utilised by the proposed R1 General Residential Zone compared to an industrial zone on the subject land.
- **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 proposed R1 Zone can be investigated in detail at a future stage.
- **Social infrastructure** – The subject land has an inner location within the Sydney metropolitan urban region and future residents in a housing development on the site would be in relative close proximity to existing transport, jobs, services and recreation/entertainment facilities. The Planning Proposal creates potential for development of a child care centre and community use on the subject land for the existing local community and future residents of the proposed new housing.

Community consultation

It is anticipated that planning authorities responsible for the assessment and processing of the Planning Proposal will carry out community consultation in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 and Regulation 2000*.

Conclusion

Given the circumstances above, the Planning Proposal has strategic planning merit and Council is requested to forward the Proposal to the Minister for Planning for a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* to enable it to proceed to public exhibition, finalisation and gazettal of an LEP amendment.

The level of documentation in this Planning Proposal meets or exceeds the requirements of planning legislation and associated guidelines for this stage of the Planning Proposal and LEP amendment process. Any additional or updated planning studies required by planning authorities can be prepared by P&C Consulting Pty Ltd and its consultants after an initial assessment and/or gateway determination in accordance with the legislation and guidelines for Planning Proposals.

INTRODUCTION

This Planning Proposal is submitted to Leichhardt Council to rezone land at 245 Marion Street, Leichhardt from IN2 Light Industrial to R1 General Residential under the Leichhardt Local Environmental Plan (LEP) 2013. It has been prepared by Andrew Wilson (PIA Certified Practising Planner) on behalf of the proponent and landowner, P&C Consulting Pty Ltd, in accordance with the provisions of the *Environmental Planning and Assessment Act 1979* and associated guideline '*A guide to preparing planning proposals*' published in October 2012 by the Department of Planning and Infrastructure which specify the following contents:

- Objectives and intended outcomes;
- Explanation of provisions;
- Justification in terms of consistency with State and local planning strategies, and consideration of relevant environmental, social and economic issues;
- Mapping;
- Community consultation; and
- Project timeline.

This report should be read in conjunction with the appended Urban Design Study prepared by Figgis + Jefferson Architects submitted under separate cover.

SUBJECT LAND

Location and Context

The subject land is located at 245 Marion Street, Leichhardt in an area characterised by its inner Sydney urban location with original detached and semi-detached urban housing forms, small industrial zones, traditional main street and neighbourhood business centres, parks for passive and active recreation integrated with drainage channels, modern low to medium to high density housing forms, and light rail corridor.

The locality is subject to urban renewal with the redevelopment of the former freight rail corridor for light rail passenger services, planning proposals to rezone small isolated industrial sites for new residential flat buildings and mixed use development, and urban renewal plans for the nearby Parramatta Road corridor.

The subject land is located within approximately 500m of the Leichhardt Market Place Village Centre and 1km of the Norton Street Leichhardt Town Centre. It is adjacent to the Marion Street Light Rail stop and Sydney Bus routes along Marion Street. It is also adjacent to an open space / parkland network. The surrounding land uses include a low density residential neighbourhood to the immediate north, seniors housing development adjoining to the east, and open space / parkland to the immediate south and west. The location of the subject land is at **Figure 1**.

Land Description

The legal description of the subject land is Lot 1 DP 507525. It has an area of approximately 5,210 sq.m. The subject land is rectangular in shape with frontages of approximately 40m along Marion Street, 35m along Walter Street, and a depth of 137m. A site analysis is included in the appended Urban Design Study and aerial photos of the site are in **Figures 2 and 3** below.

Existing Development

The subject land currently contains single storey industrial buildings of metal and brick construction which are currently used for the purpose of motor vehicle repairs. Vehicle access to the subject land is available off both the Marion Street and Walter Street frontages.

Topography and Vegetation

The subject land is relatively flat with a very gentle slope from the high point on the southern boundary on Marion Street at around RL 4.0 to the low point on the northern boundary on Walter Street at around RL 3.85.

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.

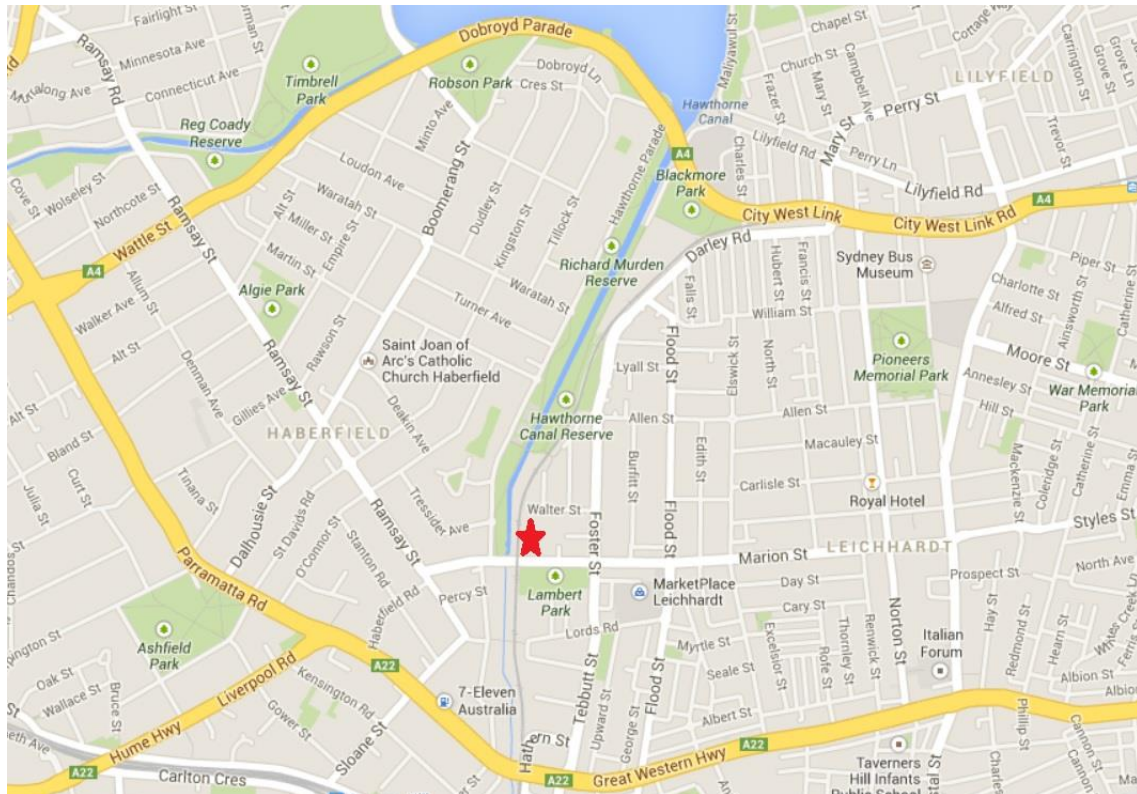


Figure 1 – Location Plan (with subject land shown as red star)



Figure 2 – Aerial photo of the locality (shown in red outline)



Figure 3 – Aerial photo of the subject land (shown in red outline)



Figure 4 – Photo of the subject land on Marion Street (looking west)



Figure 5 – Photo of the subject land from Marion Street (looking east with subject land behind light rail infrastructure)



Figure 6 – Photo of the subject land on Walter Street (looking east)



Figure 7 – Photo of the subject land from Walter Street (looking west)

Current Zoning

The subject land is currently zoned IN2 Light Industrial under the Leichhardt LEP 2013 as shown below in **Figure 8**.

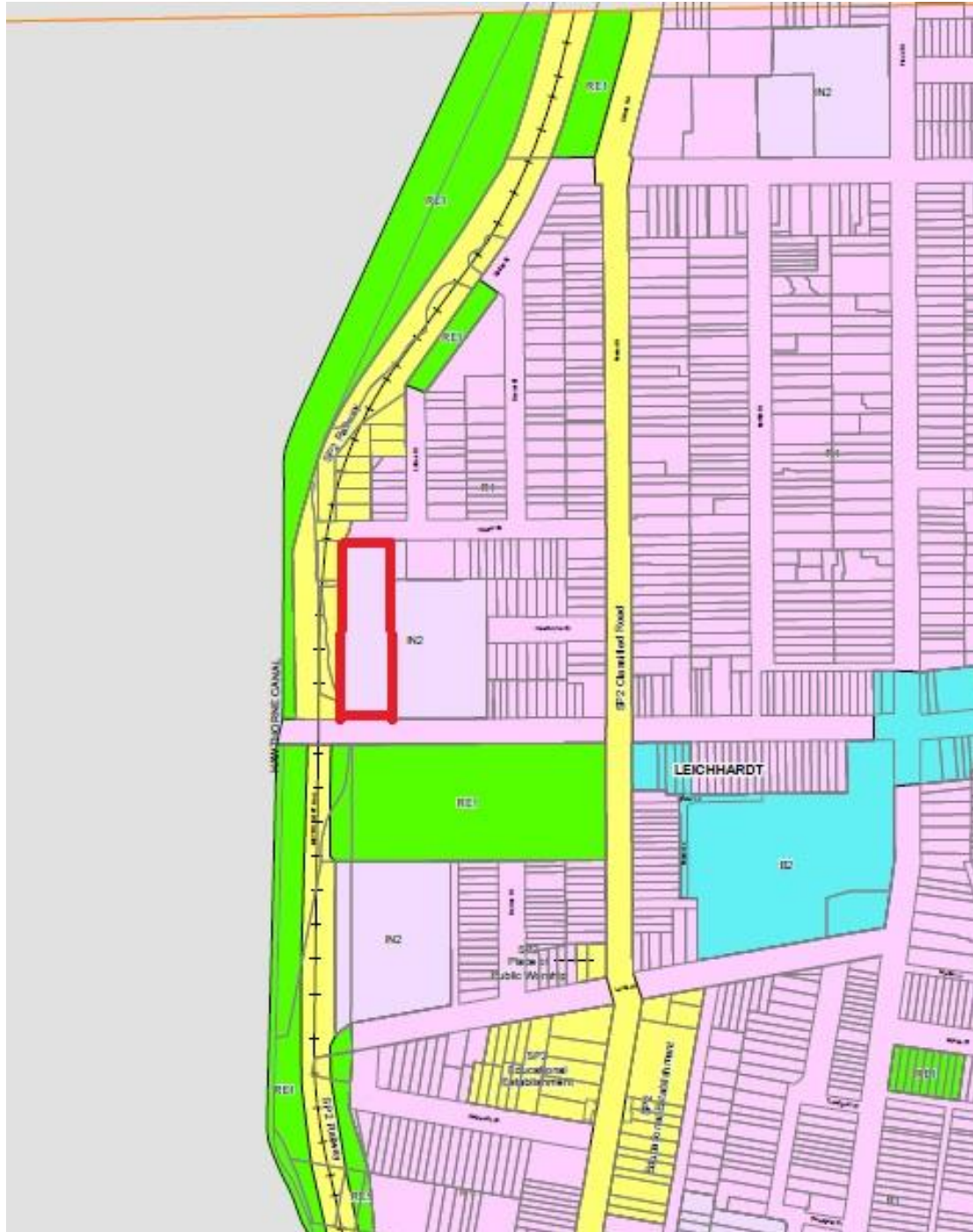


Figure 8 – Current zoning of the subject land (shown in red outline) under Leichhardt LEP 2013

Surrounding Land Use and Development

To the north of the subject land on the opposite side of Walter Street is a low density residential neighbourhood comprising a mix of one and two storey detached dwelling houses. Facing the subject land on the immediate opposite side of Walter Street are the side boundaries of rear yards of dwelling houses. There is no dwelling house oriented with its front or rear facing the subject land on the immediate opposite side of Walter Street.

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.

To the immediate east of the subject land is the 3 storey Uniting Church seniors housing development known as The Marion, and detached dwelling houses further to the east.

To the immediate west of the subject land is the Marion Street light rail stop on the new Sydney light rail corridor. This adjoining rail corridor sits at an elevation of approximately 5 metres or 1.6 storeys higher than the ground level of the subject land. Further to the west on the opposite side of the light rail is Hawthorne Canal Reserve and the suburb of Haberfield.



Figure 9 – Photo of Lambart Park street wall land opposite the subject land on Marion Street



Figure 10 – Photo of land opposite the subject land on Walter Street

PART 1 - 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 achieve a more environmentally sustainable, efficient and effective use of land and infrastructure;
- to improve the amenity of the site and locality by transforming underutilised industrial zone land to a residential zone with modern new building forms and uses;
- to contribute a supply of housing to meet market demand for additional housing choices and more affordable housing;
- to provide for a community facility, child care centre and neighbourhood shops and cafe 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 zone the subject land R1 General Residential with a maximum floor space ratio of 3.3:1 and maximum building heights ranging from 10m to 50m under Leichhardt LEP.

An Urban Design Study prepared by Figgis + Jefferson Architects is appended to this Planning Proposal under separate cover. It illustrates the objectives and intended outcomes of the proposal with preliminary design concepts for urban renewal and transit oriented development including land use, built form, access, landscaped open space .

The Planning Proposal would facilitate development of up to 200 new residential units with potential for 2,000sq.m of floor space for neighbourhood shops and café, community uses and child care at ground level.

An extract of the Urban Design Study showing an indicative architectural design concept as an outcome of the Planning Proposal is in **Figures 11 and 12** below.

The subject land presents a key opportunity site for urban renewal and transit oriented development consistent with strategic planning directions for integrated land use and transport planning in the region. The vision and urban design principles for the redevelopment of the subject land under this Planning Proposal are based on principles of design excellence and sustainability described below.

Vision

- A modern and sustainable transit oriented development of urban renewal adjacent to the Sydney Light Rail Extension rail stop and Sydney bus routes at Marion Street, Leichhardt which is suitable for its urban context and exhibits design excellence.

Land use

- Neighbourhood shop and cafe, community facility and child care centre opportunities are at ground level providing services to the local community and having synergies with the adjacent Marion Street light rail stop.
- Residential apartments are above ground level.

Built form and streetscape

- A landmark building form punctuates the location of Marion Street light rail stop.
- Height and scale of building steps up from 3 storeys (10m) on the Marion Street and Walter Street frontages to a maximum of 15 storeys (50m) in the central part of the land adjoining the light rail stop.
- Building envelopes are modulated in height and setbacks, and have highly articulated facade designs.
- Walter Street frontage has maximum 3 storey frontage with landscaped building setbacks consistent with the building line of existing residential frontages in the streetscape.
- Marion Street elevation has a varying setback from the street boundary with elements built to or near the street boundary at ground level in a commercial podium and above ground levels setback from the street.
- Buildings are setback from the eastern boundary adjacent to the seniors housing at 237 Marion Street to provide building separation, landscaped open space, sunlight and daylight access, and acoustic and visual privacy.

Access

- Vehicle access is provided primarily off Marion Street. Vehicle access off Walter Street is limited to community facility and child care uses and any dwellings fronting that street.
- A vehicle 'kiss and ride' or 'pick-up/ drop-off' facility is provided on the subject land for the public to use to access the adjacent light rail stop.
- Pedestrian and disabled access paths are provided for the public through the subject land from surrounding areas linking Walter Street, Marion Street and the adjacent light rail stop.

Landscaping and open space

- Landscaped private or public open space is provided in building setbacks and along access paths at ground level, and on podium level terraces.

Social sustainability

- Opportunities for community facility and child care in new development on the subject land provide for use by the local community and future residents on the site.
- Neighbourhood shops and cafe opportunities are provided for the local community, light rail users and future residents on the site.
- Crime prevention through environmental design measures are provided for safety and security in new development and the adjacent light rail stop.

Environmental sustainability

- A transit oriented development promotes public transport use, walking and cycling, and minimises car use and transport energy use.
- Energy efficiency and water conservation measures are provided in new residential buildings to meet BASIX targets.
- Sustainability measures in commercial buildings meet NABERS ratings.
- Water management includes measures for managing water discharge volumes and rates and water quality in accordance with standards for the catchment.
- Waste management in construction and operation of new development is consistent with hierarchy of waste minimisation, reuse and recycling and Council standards.

The Planning Proposal is for the above design principles to be included In the Leichhardt Development Control Plan (DCP) 2013 Part G Site Specific Controls.



Figure 11 – Indicative architectural model of Planning Proposal



Figure 12 – Indicative architectural model of Planning Proposal

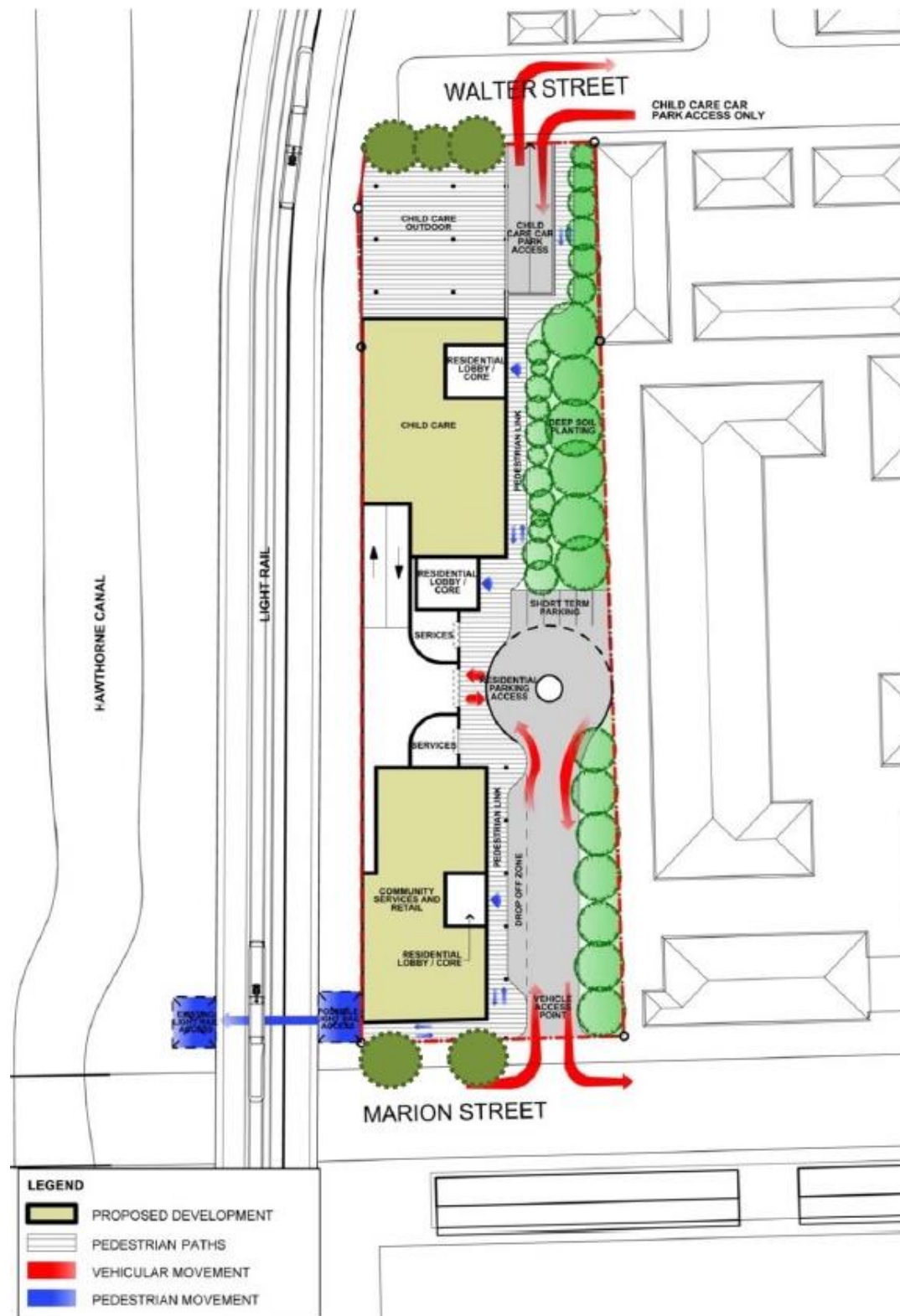


Figure 13 – Indicative architectural drawing of intended concept from Planning Proposal

PART 2 - EXPLANATION OF PROVISIONS

The Planning Proposal is for the following provisions to apply to the subject land under Leichhardt LEP:

- R1 General Residential Zone;
- Maximum Floor Space Ratio of 3.3:1;
- Schedule 1 – Additional Permitted Uses clause to allow food and drink premises on the subject land as a permissible use.

The proposed amendments to the Leichhardt LEP are described below. The proposed LEP map amendments are included in Part 4 of this Planning Proposal.

Land to which the Leichhardt LEP Amendment Applies

The proposed Leichhardt LEP Amendment applies to the land shown in the maps in Part 4 of this report.

Zoning

This Planning Proposal is for an amendment to the Land Zoning Map in Leichhardt LEP to zone the subject land R1 General Residential as shown in the proposed zoning amendment map in Part 4 of this report.

Floor Space Ratio

This Planning Proposal is for an amendment to the Floor Space Ratio Map in Leichhardt LEP to apply a maximum floor space ratio of 3.3:1 to the subject land as shown in the proposed floor space ratio amendment map in Part 4 of this report.

Height of Buildings

This Planning Proposal is for an amendment to the Height of Buildings Map in Leichhardt LEP to apply a maximum height of 10m on street frontages stepping up to 50m across the subject land as shown in the proposed height of buildings amendment map in Part 4 of this report.

Schedule 1 – Additional Permitted Uses

This Planning Proposal is for an addition of the following to Schedule 1 of the Leichhardt LEP:

9. Use of certain land at 245 Marion Street, Leichhardt

(1) This clause applies to land being Lot 1 DP 507525 at 245 Marion Street, Leichhardt.

(2) Development for the purpose of food and drink premises is permissible with consent on the land to which this clause applies.

PART 3 - JUSTIFICATION

This section of the Planning Proposal provides a justification in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the specific headings and questions in the associated guideline '*A guide to preparing planning proposals*' published by the Department of Planning and Infrastructure in October 2012.

Section A - Need for the planning proposal

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

The Planning Proposal is a result of the following:

- the Leichhardt Council Report adopted at its meeting of 13 May 2013 on the Draft Leichhardt LEP2013 states that the subject land at 245 Marion Street, Leichhardt is to be included in a strategic centres and sites study, and effectively recognises the strategic significance of the subject land and the need to review its industrial zoning; and
- the strategic planning study carried out in the preparation of this Planning Proposal and the accompanying Urban Design Study prepared by Figgis + Jefferson Architects.

The need demonstrated in this Planning Proposal is as follows:

- the subject land is in a strategic location adjoining the new Marion Street light rail stop and has significance for the efficient and effective utilisation of the public transport infrastructure;
- the subject land is currently underutilised as an isolated industrial zoned site particularly in terms of its potential to contribute to the effective use of transport infrastructure and improve amenity, accessibility and facilities for the benefit of the local community;
- there is a social and economic need for additional housing in Sydney to meet demand, provide housing choices and reduce pressure on house prices and affordability;
- there is a social need for additional community uses and child care in the locality;
- the subject land is in a suitable location with existing infrastructure and an appropriate level of accessibility to services and facilities, and is capable of supporting the Planning Proposal without unreasonable environmental impacts or risks; and
- there are no environmental attributes or values on the subject land of such significance as to preclude the Planning Proposal.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The Planning Proposal to zone the subject land R1 General Residential with associated development standards for maximum building height and floor space ratio, and an additional use clause to allow food and drink premises as a permissible use is the best means of achieving the objectives and intended outcomes for the following reasons:

- The proposed R1 zoning and FSR standard are standard measures utilising the existing residential zoning and development standard in the Leichhardt LEP 2013.
- The proposed use of Schedule 1 - Additional Permitted Uses to allow food and drink premises on the subject land in addition to the neighbourhood shops and community facilities permitted in the proposed R1 Zone provides for ground level neighbourhood commercial and community uses integrated with the light rail station that are appropriate to serve the local community without competing with existing business zones.

In May 2013, Leichhardt Council considered submissions on the Draft Leichhardt LEP 2012 and a number of submissions to rezone areas and sites in the Leichhardt LGA including the subject land at 245 Marion Street, Leichhardt. Council resolved to prepare a Strategic Centres and Sites Study for a number of the areas and sites raised in submissions including the subject land at 245 Marion Street, Leichhardt. It is understood that the Strategic Centres and Sites Study is yet to commence or in the early stages, and it is anticipated the Study will take 2 to 5 years to complete and implement in an LEP Amendment.

In contrast to the approach resolved by Council to prepare a Strategic Centres and Sites Study, this Planning Proposal for the land at 245 Marion Street, Leichhardt is considered a better means of achieving the intended objectives and outcomes for the following reasons:

- it will provide for a more efficient and effective use of transport infrastructure and investment in the adjacent light rail stop together with improved access, amenity and facilities for the neighbourhood in a more timely manner;
- it will deliver economic benefits and in particular a contribution to the supply of housing much sooner which is by all accounts needed now to meet growing demands for a greater supply of housing choices and employment opportunities; and
- the subject land bears no significant binding relationship with any other strategic centre or site nominated by Council for further study, and relevant planning studies can be prepared for the subject land without being reliant on any planning study for other strategic centres or sites.

Section B - Relationship to strategic planning framework

Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Metropolitan Plan for Sydney 2036

The Metropolitan Plan for Sydney 2036 contains nine key strategic directions (A to I). This Planning Proposal for an R1 General Residential Zone on the subject land is consistent with the strategic directions in the Metropolitan Plan as described below.

A. Strengthening a City of Cities – This Planning Proposal to permit new medium to high density housing with ground level neighbourhood shops and community facilities on land adjoining a new light rail is consistent with the objective of a compact, connected and increasingly networked city structure.

B. Growing and Renewing Centres – This proposal for additional new housing on the subject land is consistent with the objective of strengthening centres and in particular in strengthening the nearby Leichhardt Market Place village centre and Norton Street town centre. It proposes to allow neighbourhood shops and cafe appropriate for the subject land that fit into the network of existing centres.

C. Transport for a Connected City – This submission is consistent with the objectives of integrating land use and transport planning to support increasing public transport use and improving the passenger experience by providing for urban renewal with increased passenger numbers and improved facilities, amenity and access adjoining a light rail stop.

D. Housing Sydney's Population – The proposal to zone the subject land to allow residential development is consistent with the objectives of ensuring an adequate supply of new housing in existing urban areas that suits expected future needs, and providing a key opportunity site for quality new housing.

E. Growing Sydney's Economy – This Planning Proposal provides for community uses and neighbourhood shops and cafe considered appropriate for the site adjacent to the light rail stop to serve the local community without significantly competing with existing centres.

The Metropolitan Plan includes criteria for assessing the strategic importance of industrial zone employment land in considering their rezoning. The criteria are shown in italics and addressed accordingly below. A specialist economic assessment could be provided after a gateway determination if required by planning authorities to confirm these findings.

Consistency with Subregional Strategies - This Planning Proposal for an R1 Zone over the subject land with a maximum FSR of 3.3:1 on the site is consistent with the Draft Inner West Subregional Strategy as demonstrated further below in this section of the report.

Current use of the area, and existing transport and infrastructure - The urban context of the site and surrounding landuses are described in this report under the heading 'Subject Land', and existing transport and infrastructure is described below in Part 3 Section D of this report. In summary, the subject land has an inner Sydney location within approximately 500m of the Leichhardt Market Place Village Centre and 1km of the Norton Street Leichhardt Town Centre, and adjacent to the Marion Street Light Rail stop and Sydney Bus routes along Marion Street. It is also adjacent to an open space / parkland network.

The surrounding land uses include a low density residential neighbourhood to the immediate north, seniors housing development adjoining to the east, and open space / parkland to the immediate south and west.

There is no other industrial land adjacent to the site. The site at 245 Marion Street is effectively an isolated industrial zone covering an area of 5,210sqm. The adjoining land at 237 Marion Street is currently zoned industrial but was redeveloped for seniors housing leaving the subject site as an isolated industrial zone site.

The area is not the most suitable for an industrial zoning primarily due its isolation from other industrial zoned land and major industrial transport corridors and infrastructure, potential for land use conflict with adjacent residential properties and open space zones, and the relatively low employment density of industrial and warehouse uses which does not make the best or most efficient use of the adjacent public transport infrastructure and open space network.

In this context, an R1 Zone for medium to high density residential development and neighbourhood shops and community facility is more suited to the site compared to an industrial zone as it would make better use of adjacent public transport infrastructure and open space, and be more compatible with surrounding residential areas and recreational uses.

Impacts on the long-term viability of the employment land precinct and any industry clusters in the precinct or surrounding area - The subject land is an isolated industrial zone and is not part of any industrial zone employment precinct or cluster. The rezoning of this isolated site of 5,210sq.m to an R1 Zone will not have any significant impact on any employment land precinct or cluster in the area.

Whether the employment lands support national or state significant infrastructure - The major State infrastructure in the area includes the adjacent Sydney Light Rail Extension and light rail stop, Marion Street being a classified secondary road, and Hawthorne Canal Reserve regional open space. There is no State infrastructure designed as major industrial infrastructure.

The relatively low employment density of industrial and warehouse uses in an industrial zone do not make the best or most efficient use of the adjacent public transport infrastructure, road infrastructure or regional open space. The proposed R1 Zone for a medium to high density residential development would make better and more efficient use of adjacent State transport infrastructure and open space.

Trends in local land use activity - The trends in local land use activity include the redevelopment of isolated industrial sites to medium to high density residential use and mixed use development adjacent to public transport infrastructure throughout the inner west subregion as is described in the Draft Inner West Subregional Strategy. This includes the adjoining land at 237 Marion Street recently redeveloped for seniors housing. This trend, if continued on this site with an R1 Zoning, is consistent with strategic directions for integrated land use and transport planning and transit oriented development.

Suitability and extent of measures implemented to improve an area's employment lands viability - There are no known measures that have been implemented for the specific purpose of improving employment land viability in the area.

The light rail extension adjacent to the site improves the viability of the industrial zone on the site slightly by providing for public transport access for workers on the site which is a factor in industrial location decisions. However, this does not make up for the limited suitability of the site for industrial use due to its isolation from other industrial zoned land and major industrial transport corridors and infrastructure, and potential for land use conflict with adjacent residential properties and open space zones. Further, the relatively low employment density of industrial and warehouse uses in an industrial zone does not make the best or most efficient use of the light rail network. The R1 Zone proposed in this submission for medium to high density residential or mixed use development would make better and more efficient use of the adjacent light rail.

Potential to redevelop for industrial uses and/or new industrial uses (e.g., creative industries) - The site has a limited suitability for industrial use due its isolation from other industrial zoned land and major industrial transport corridors and infrastructure, and potential for land use conflict with adjacent residential properties and recreational zones.

Impacts on stocks of local employment lands and the ability of remaining stocks to meet future local industrial needs - The site is fragmented from other industrial land and has a relatively small area of 5,210sq.m. The rezoning of the land to an R1 Zone will not have a significant impact on the supply of suitable employment land in the area.

Conclusion - The subject land is not strategically significant industrial zone land according to the criteria in metropolitan planning strategies primarily due to its small size, fragmentation from other industrial zoned land and major industrial infrastructure, and the potential for land use conflict with surrounding residential and open space zones including the adjoining seniors housing development.

It is also important to note that the adjoining land at 237 Marion Street, which is now developed as seniors housing, is also identified as part of the Category 2 employment land in the Draft Subregional Strategy, and its redevelopment for seniors housing has further eroded the strategic significance of the subject land at 245 Marion Street as industrial zone land.

F. Balancing Land Uses on the City Fringe – This submission for an R1 Zone on the subject land is consistent with the objective of containing Sydney’s urban footprint and protecting resource lands on the city fringe by providing opportunity for new development and increased urban density at an appropriate location within the existing urban area with infrastructure available.

G. Tackling Climate Change and Protecting Sydney’s Natural Environment – This proposal for an R1 Zone on the subject land is consistent with the objective of reducing greenhouse gas emissions and improving air quality by providing for public transit oriented development with reduced demand for car use. It is also consistent with the objective of improving the environmental health of waterways and coasts and sustainable water use by proposing the replacement of a relatively old industrial site with a new modern residential or mixed use development. The Proposal is also consistent with the objective of minimising exposure of surrounding households to noise from industrial use on the subject land.

H. Achieving Equity, Liveability and Social Inclusion – The proposed R1 Zone on the subject land is consistent with the objectives of this strategic direction in proposing housing on land with excellent access to public transport and services and facilities in nearby centres, and providing potential for services directly on the subject land in the proposed neighbourhood business and commercial uses.

I. Delivering the Plan – This submission is consistent with the objectives for integrated land use and transport infrastructure planning, and for LEPs to deliver the intent of the Metropolitan Plan.

Draft Metropolitan Strategy for Sydney to 2031

The Draft Metropolitan Strategy for Sydney to 2031 includes five key outcomes and strategic directions for the subregion which are addressed below.

Balanced growth – The Planning Proposal for new housing and neighbourhood business and community uses on the subject land is consistent with the key objectives and policies of balanced growth in the following respects:

- It contributes to more urban renewal area being available for balanced growth;
- It contributes to growth within the existing metropolitan area;
- It increases housing in a transport accessible location adjacent to light rail and bus corridors where infrastructure is available;
- it will contribute to the strengthening of nearby centres;
- it will contribute to making Sydney connected with additional new housing adjacent to a light rail line; and
- the land is not of high environmental or natural resource value.

A liveable city – The Planning Proposal is consistent with the objectives and policies of a liveable city as follows:

- it will deliver new housing to contribute to meeting demand and projected growth in Sydney;

- it is for new housing in an established urban area with existing infrastructure in place including adjacent parks and recreation areas;
- it will facilitate well designed housing that contributes to the mix of housing types;
- it will create a socially inclusive place with opportunity for community facility, child care and neighbourhood shops and café adjacent to a new light rail stop;
- it will contribute investment into nearby centres by future occupants of the proposed housing.

Productivity and prosperity – The Draft Metropolitan Strategy includes an Industrial Lands Strategic Assessment Checklist for rezoning of existing industrial land to other uses which is addressed in the table below. The table below demonstrates that the subject land is not strategically significant as an industrial zone under the criteria in the Draft Strategy.

Industrial Lands Strategic Assessment Checklist	Comment
Is the proposed rezoning consistent with State and/or council strategies on the future role of industrial lands?	The proposed rezoning is consistent with State and local planning strategies as explained in Part 3 Section B Q3 and Q4 in this report.
Is the site: - near or within direct access to key economic infrastructure? - contributing to a significant industry cluster?	The subject land is an isolated parcel of industrial zoning that is not part of any industrial cluster and is not supported by key industrial infrastructure.
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?	The rezoning will reduce the area of industrial zone land by a relatively small area of 5,210sq.m, which has limited suitability for industrial use due to its small size, isolation from other industry, and location adjacent to incompatible residential and recreation zones. The Planning Proposal includes potential for neighbourhood shop and café uses.
How would the proposed rezoning impact on the achievement of the subregion/region and LGA employment capacity targets and employment objectives?	
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?	The subject land is not strategically significant or suitable as industrial land primarily due to its isolation from other industrial zoned land and major industrial transport corridors and infrastructure, and the potential for land use conflict with surrounding residential and open space/recreation zones.
Is the site critical to meeting the need for land for an alternative purpose identified in other NSW Government or endorsed council planning strategies?	The subject land is in a strategic location adjoining a new light rail stop. It is underutilised as an isolated industrial zoned site and there is a need for more efficient and effective use of adjacent transport infrastructure, more housing choice in transit oriented development, and for additional community facilities and child care in the locality.

The Planning Proposal is consistent with the objectives and policies for productivity and prosperity in the Draft Metropolitan Strategy insofar as it proposes to allow neighbourhood shops and cafe on the subject land that are appropriate to fit into the network of existing centres in the locality. The proposed housing will strengthen nearby centres and employment lands, and conversely, the centres and employment lands nearby will provide employment opportunities and services for future occupants of the proposed housing.

Healthy and resilient environment – The Planning Proposal is consistent with the objectives and policies for a healthy and resilient environment in the following respects (see also Part 3 – Section C further below for more detailed explanation of environmental issues):

- the land is not affected significantly by natural hazards such as flooding or potential impacts of climate change, and the proposal will not have any significant effect on the exposure or resilience of other land to natural hazards;
- the land has no environmental attributes or values of such significance as to preclude the proposal;
- the proposal is to provide housing immediately adjacent to public transport that limits the need for car use and associated air pollution;
- the proposed housing will be required to meet relevant water conservation and energy efficiency targets in accordance with statutory requirements in BASIX.

Accessibility and connectivity – The Planning Proposal is consistent with the objectives and policies for accessibility and connectivity as it integrates land use and public transport in a way that manages demand for car travel, improves accessibility and connectivity, and facilitates residential development to make effective use of the adjacent light rail corridor.

Subregions – The Planning Proposal is consistent with the priorities for the Central Subregion in planning for housing intensification around key transport corridors and contributing to achieving the subregional housing target of an additional 82,000 dwellings by 2021 and 138,000 dwellings by 2031.

Draft Inner West Sub-Regional Strategy

The Draft Inner West Sub-Regional Strategy includes seven strategic directions (A to G) and associated actions. This Planning Proposal for an R1 General Residential Zone on the subject land is consistent with the strategic directions in the Subregional Strategy as described below:

A. Economy and Employment – The Planning Proposal is for an R1 Zone on the subject land which would permit neighbourhood shops and community facilities, and is also for a Schedule 1 additional permitted use to allow food and drink premises in a redevelopment.

Key Direction 2: ‘Protect employment lands and the working harbour’ notes that there has been significant rezoning of industrial land within the Inner West over the last 19 years (approx. 250ha) including the AGL site at Breakfast Point and along Rhodes Peninsula.

Key Direction 2 does not make reference to any specific land in Leichhardt to be preserved as industrial. However the direction states as follows:

Across the subregion, small scale industrial plots which support a range of local urban services, such as auto repair services, are coming under increasing pressure for conversion to other uses. A subregional understanding of existing supply and future demand for industrial land should be completed before significant rezoning of industrial land, to ensure the subregion can support both its metropolitan (working harbour, freight and logistics) and local (urban services) economic roles.

In terms of Employment lands, the Draft Strategy mentions the criteria for considering the strategic importance of employment lands with the fragmented nature of any given site a consideration:

Criteria have been developed to consider the strategic importance of different types of Employment Lands. These include attributes such as good access to gateway infrastructure (ports/ airport, arterial road network and freight rail), public transport, large unfragmented sites, buffered from residential, potential to service a large and growing population catchment, sufficient power and water servicing and potential to complement and support Strategic Centres.

The Draft Subregional Strategy identifies the following categories of employment lands:

- Category 1: land to be retained for industrial purposes;
- Category 2: land with potential to allow for a wider range of employment uses and elements of residential or other non-employment uses; and
- Category 3: land that could be investigated for alternative uses.

The subject land is identified as Category 2 in the Draft Subregional Strategy which states as follows:

CATEGORY 2

Land with potential to allow for a wider range of employment uses

The second categorisation of Employment Lands is those which may have potential to accommodate a wider range of employment uses or more intensive scale of employment activity than currently permitted under an existing industrial zone. For example, they could be rezoned in part to allow for a higher percentage of office use, or even stand alone commercial development where criteria related to centres can be met, and could support a higher job density or intensity of activity.

Where a wider range of employment uses or intensity of activity is considered this must be able to illustrate that it will not negatively impact on any surrounding specialised or commercial centres, but rather can contribute towards further economic growth of these centres.

Such areas are likely to be in areas well serviced by public transport and where industrial activities are not functioning well due to surrounding land uses or site constraints. In some circumstances an element of residential or other non-employment uses may be considered on part of these sites where this can be shown to not impact on the primarily employment function of the area or will be affected by other land use planning considerations, such as busy roads, rail lines or environmental constraints. However, unlike Category 3 lands, in these cases non-employment uses would only be a relatively minor element of development. Examples of Category 2 lands may include employment locations along road and rail corridors well serviced by public transport, such as Enterprise Corridors, or on the edge of existing Strategic Centres which can contribute to their growth.

This Planning Proposal addresses the criteria in the Metropolitan Plan for assessing the strategic importance of industrial zone employment lands (see Part 4 Section C below) and finds that the subject land is not strategically significant primarily due to its isolation from other industrial zoned land and major industrial transport corridors and infrastructure, and the potential for land use conflict with surrounding residential and open space zones including the adjoining seniors housing development. It is also important to note that the adjoining land at 237 Marion Street, which is now developed as seniors housing, is also identified as part of this Category 2 employment land, and its redevelopment for seniors housing has further eroded the strategic significance of the subject land at 245 Marion Street as industrial zone land.

B. Centres and Corridors – This Planning Proposal to zone the subject land to permit residential development is consistent with the objectives and actions for establishing stronger centres (ie. in this case the nearby Leichhardt Market Place village centre and Norton Street town centre) and for concentrating activities near public transport (ie. in this case the adjoining light rail stop). Neighbourhood shops, café and community uses are proposed as permissible uses that fit into the network of existing centres.

C. Housing – This proposal to permit housing on the subject land is consistent with the objectives and actions for ensuring an adequate supply of sites for residential development in existing urban areas, planning for housing mix near jobs, transport and services, and providing a key opportunity site for quality new housing.

D. Transport – This Planning Proposal is consistent with the objectives and actions for improving and encouraging the use of the public transport system by providing for urban renewal with increased passenger numbers and improved facilities, amenity and access adjoining a light rail stop.

E. Environment, Heritage and Resources – This proposal to permit medium to high density residential use and neighbourhood shops on the subject land is consistent with the objectives and actions for improving air quality by providing for public transit oriented development with reduced demand for car use. It is consistent with the actions for improving the environmental health of waterways and coasts and sustainable water use by proposing the replacement of a relatively old industrial site with a new modern residential and mixed use development that meets contemporary environmental standards. It is also consistent with the action in the draft sub-regional strategy for minimising exposure of surrounding households to noise from industrial use on the subject land.

F. Parks, Public Places and Culture – The proposal is consistent with the objectives and actions for parks and public places as it provides for urban renewal and redevelopment with increased density of people on a site that will provide good access and make good use of the adjacent open space at Lambert Park and Hawthorne Canal Reserve.

G. Implementation and Governance – This submission is consistent with the objectives and actions for aligning the Draft Subregional Strategy with Council's LEP, and for the LEP to support State investment in the light rail infrastructure adjoining the subject land.

Q4. Is the planning proposal consistent with a Council's local strategy or other local strategic plan?

Leichhardt 2025+ Community Strategic Plan

The Planning Proposal is consistent with the goals, objectives and strategies for the six key areas in the Leichhardt 2025+ Council Community Strategic Plan as described below.

Community Wellbeing – The Planning Proposal will contribute to community well-being through urban renewal of underutilised industrial land with a modern transit oriented development that will improve amenity, accessibility and community facilities in the neighbourhood.

Accessibility – The Planning Proposal will improve accessibility for the public through the site and for the adjacent light rail stop. It proposes a transit oriented development for living with better public transport connectivity and accessibility.

Place Where We Live and Work – The Planning Proposal provides for new housing choices and an appropriate level of employment uses with provision to permit neighbourhood shops and restaurant/cafe.

A Sustainable Environment – The Planning Proposal is for an integrated transit oriented development within the established Sydney urban area that is consistent with government planning strategies and policies for sustainable urban development.

Business in the Community – The Planning Proposal includes provision to permit neighbourhood shops and restaurant/café of a scale that fits into the network of existing centres.

Sustainable Services and Assets – The Planning Proposal includes provision for an additional community facility to contribute to Council services and assets.

Leichhardt Community and Cultural Plan

The key strategic objectives in the Leichhardt Community and Cultural Plan are:

1. Connecting people to each other.
2. Connecting people to place.
3. Developing community strengths and capabilities.
4. Enlivening the arts and cultural life.
5. Promoting health and wellbeing.

The Planning Proposal will contribute to community well-being and the achievement of the above strategic objectives through urban renewal of underutilised land with a modern transit oriented development that will improve amenity, accessibility and community facilities in the neighbourhood.

Leichhardt Environmental Sustainability Strategy

The Planning Proposal is consistent with the key elements of Council's Environmental Sustainability Strategy as follows:

Land – The Planning Proposal provides for the efficient, effective and sustainable use of land which is currently underutilised, and is consistent with government planning strategies for integrated land use and transport planning.

Air and Climate Change – The Planning Proposal is for a transit oriented development that utilises existing public transport infrastructure and reduces demand for car use and the associated air pollution. The subject land is not at risk from sea level rise or inundation from climate change.

Sustainable Transport – The Planning Proposal is for a transit oriented development that seeks to better utilise existing public transport infrastructure.

Water – Future development described in this Planning Proposal will need to be the subject of a Development Application and meet relevant water management and conservation objectives including the statutory BASIX targets for residential apartments at that stage.

Biodiversity – The subject land has no significant vegetation or habitat on it, and the Planning Proposal will not have any significant impact on biodiversity other than contributing to additional new housing within the established Sydney urban area and reducing demand pressure for housing in non-urban areas with more biodiversity value.

Consumption and Waste – Future development as described in the Planning Proposal will need to be the subject of a Development Application and meet relevant standards for waste management at that stage.

Noise – Future development on the subject land under the Planning Proposal will need to be the subject of a Development Application and meet relevant standards for noise at that stage.

Heritage – Future development on the subject land under the Planning Proposal will need to be the subject of a Development Application that addresses any potential impacts on the significance of heritage items in close proximity to the site.

Draft Integrated Transport Plan

Leichhardt Council's Draft Integrated Transport Plan includes nine key outcome areas. The Planning Proposal is consistent with these outcome areas as described in the table below.

Plan Outcomes	Comment
1. A modal hierarchy which reflects our desired future.	The Planning Proposal facilitates increased use of public transport and pedestrian access.
2. Performance targets which reinforce our desired future.	The Proposal will contribute to achieving the targets for the outcome areas.
3. Walking - A legible, direct and safe pedestrian network that encourages an increased number of people to walk.	The Proposal will facilitate better pedestrian access through the site and for the locality.
4. Cycling – A comprehensive bicycle network which makes cycling safe, usable and attractive.	The Proposal will not affect the bicycle network.
5. Public Transport – Public transport systems that are fully integrated, suitable to the inner city and efficiently respond to changing demands.	The Planning Proposal is a transit oriented development that seeks to make better use and integration of adjacent public transport infrastructure.
6. Community Transport – Knowing our Community's travel needs and working with all stakeholders to cater for those needs.	Community transport will not be affected by the Planning Proposal.
7. Parking – A systematic equitable approach to the provision and management of both on-street and off-street parking.	Parking in future development under the Planning Proposal will need to meet relevant parking standards in a future Development Application.
8. General traffic – Leichhardt's Street Network should be safe, usable and adaptable.	The local road network is anticipated to have sufficient capacity to accommodate the Planning Proposal. Traffic generation will be the subject of assessment in a future Development Application.
9. Land Use and Other Considerations - An Integrated approach to achieving our transport future managed across multiple disciplines.	The Planning Proposal is for a transit oriented development adjacent to public transport infrastructure, and is a good example of integrated land use and transport planning.

Leichhardt Employment Lands Study (2011)

The Leichhardt Employment Lands Study (January 2011) identifies the subject land at 245 Marion Street and the adjoining land which is now developed for seniors housing development at 237 Marion Street as part of the 'Leichhardt Industrial A' fragmented industrial land. The Study notes the following:

Leichhardt Industrial A and Lords Road

These sites contain local light land uses with Leichhardt Industrial A also containing special land uses (Uniting Church). The location has the following implications for future land uses:

The site is currently inappropriate for residential development given the proximity to the Rozelle Goods line corridor.

Additional retail and commercial landuses are inappropriate given the identified proximate Leichhardt Market Place centre.

It may be appropriate to retain a light industrial zoning until the status of the corridor is established, then alternative uses may be considered in this location.

(my emphasis in bold)

The status of the rail line corridor is now established as a light rail corridor for passenger transport connecting to the City of Sydney. The Planning Proposal for a transit oriented development of medium to high density residential apartments and neighbourhood shops, cafe and community uses is appropriate for its location adjacent to a light rail stop, and consistent with Government strategic planning objectives and the principles of ecologically sustainable development.

Leichhardt Employment and Economic Development Plan (2013-2023)

The Leichhardt Employment and Economic Development Plan includes a key strategy objective to protect and leverage existing economic assets. The Plan specifies criteria against which proposed rezonings of industrial land should be assessed and states that ***"Based on these criteria the industrial sites most likely to be suitable for rezoning are the LGA's fragmented industrial sites and smaller industrial precincts."*** The table below provides an assessment of the Planning Proposal against the criteria in the Employment and Economic Development Plan.

Criteria for Rezoning	Comment
Would the rezoning result in insufficient land industrial land being available for current and future demand for industrial land in the LGA, at a minimum?	The Planning Proposal will reduce the area of industrial zone land by a relatively small area of 5,210sq.m, which has limited suitability for industrial use due to its small size, isolation from other industry, and potential for land use conflict with adjacent residential and recreation zones.
Would the rezoning of the site result in the fragmentation of a larger industrial precinct or erode the viability of a locally or regionally significant industrial precinct?	The subject land is isolated and identified as fragmented industrial land in Council strategic plans. The Planning Proposal will not fragment or erode the viability of an industrial precinct.

Criteria for Rezoning	Comment
Would the rezoning be consistent with adopted Council and/or State Government Policy regarding the future role and demand for industrial land? What impact would it have to Council's employment targets?	The Planning Proposal is consistent with meeting the criteria in State and local government planning strategies for the rezoning of industrial land. The subject land has a relatively small area with limited employment potential. The Planning Proposal includes an appropriate level of provision for employment generating uses in providing for neighbourhood shops and cafe.
Does the site(s) have characteristics required by light or high tech industrial uses and other uses permitted in the zone/seeking floorspace in the LGA or subregion?	The characteristics, suitability and attractiveness of the subject land for industrial uses and tenants is limited primarily due to its isolation from other industrial / business zones and major economic infrastructure, and potential for land use conflict with the adjacent residential zone to the north.
Would it be economically viable to improve the site to attract new tenants or to adapt to changing industry requirements and to ensure that the land uses on the site address compatibility with surrounding uses?	The Planning Proposal includes provision for some employment generating uses in permitting neighbourhood shops and restaurant/cafe.
Would the retention of industrial uses on the site result in a positive net benefit to the community as a whole?	The Planning Proposal will result in a positive net benefit to the community through urban renewal on underutilised land with a modern transit oriented development that will better utilise transport infrastructure and improve amenity, accessibility and neighbourhood facilities.

The above table demonstrates that the subject land, as a fragmented industrial site, is suitable for rezoning according to the criteria in the Leichhardt Employment and Economic Development Plan.

Strategic Centres and Sites Study

In May 2013, Leichhardt Council considered submissions on the Draft Leichhardt LEP 2012 including submissions to rezone a number of areas and sites in the Leichhardt LGA including the subject land at 245 Marion Street, Leichhardt. Council resolved to prepare a Strategic Centres and Sites Study for a number of the areas and sites raised in submissions including the subject land at 245 Marion Street, Leichhardt. The Council report and resolution effectively recognises that the subject land at 245 Marion Street, Leichhardt has strategic significance and its zoning needs to be subject to strategic review and study.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The relevant State environmental planning policies (SEPPs) are shown in the table below.

SEPP	Applicability
SEPP No 1—Development Standards	Not Applicable
SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development	Not Applicable
SEPP No 6—Number of Storeys in a Building	Not Applicable
SEPP No 14—Coastal Wetlands	Not Applicable
SEPP No 15—Rural Landsharing Communities	Not Applicable
SEPP No 19—Bushland in Urban Areas	Not Applicable
SEPP No 21—Caravan Parks	Not Applicable
SEPP No 22—Shops and Commercial Premises	Not Applicable
SEPP No 26—Littoral Rainforests	Not Applicable
SEPP No 29—Western Sydney Recreation Area	Not Applicable
SEPP No 30—Intensive Agriculture	Not Applicable
SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)	Not Applicable
SEPP No 33—Hazardous and Offensive Development	Not Applicable
SEPP No 36—Manufactured Home Estates	Not Applicable
SEPP No 39—Spit Island Bird Habitat	Not Applicable
SEPP No 44—Koala Habitat Protection	Not Applicable
SEPP No 47—Moore Park Showground	Not Applicable
SEPP No 50—Canal Estate Development	Not Applicable
SEPP No 52—Farm Dams and Other Works in Land and Water Management Plan Areas	Not Applicable
SEPP No 55—Remediation of Land	Applicable
SEPP No 59—Central Western Sydney Regional Open Space and Residential	Not Applicable
SEPP No 60—Exempt and Complying Development	Not Applicable
SEPP No 62—Sustainable Aquaculture	Not Applicable
SEPP No 64—Advertising and Signage	Not Applicable
SEPP No 65—Design Quality of Residential Flat Development	Applicable
SEPP No 70—Affordable Housing (Revised Schemes)	Not Applicable
SEPP No 71—Coastal Protection	Not Applicable

SEPP	Applicability
SEPP (Affordable Rental Housing) 2009	Not Applicable
SEPP (Building Sustainability Index: BASIX) 2004	Not Applicable
SEPP (Exempt and Complying Development Codes) 2008	Not Applicable
SEPP (Housing for Seniors or People with a Disability) 2004	Not Applicable
SEPP (Infrastructure) 2007	Not Applicable
SEPP (Kosciuszko National Park—Alpine Resorts) 2007	Not Applicable
SEPP (Kurnell Peninsula) 1989	Not Applicable
SEPP (Major Development) 2005	Not Applicable
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable
SEPP (Penrith Lakes Scheme) 1989	Not Applicable
SEPP (Port Botany and Port Kembla) 2013	Not Applicable
SEPP (Rural Lands) 2008	Not Applicable
SEPP (SEPP 53 Transitional Provisions) 2011	Not Applicable
SEPP (State and Regional Development) 2011	Not Applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not Applicable
SEPP (Sydney Region Growth Centres) 2006	Not Applicable
SEPP (Temporary Structures) 2007	Not Applicable
SEPP (Urban Renewal) 2010	Not Applicable
SEPP (Western Sydney Employment Area) 2009	Not Applicable
SEPP (Western Sydney Parklands) 2009	Not Applicable

The SEPPs relevant to this Planning Proposal are:

- SEPP No. 55—Remediation of Land;
- SEPP No.65 – Design Quality of Residential Flat Development;
- SEPP (Infrastructure) 2007;
- SEPP (BASIX) 2004.

There are no other SEPPs applicable to the Planning Proposal.

SEPP 55 - Remediation of Land

Clause 6 of SEPP 55 states the following:

6 Contamination and remediation to be considered in zoning or rezoning proposal

(1) In preparing an environmental planning instrument, a planning authority is not to include in a particular zone (within the meaning of the instrument) any land specified in subclause (4) if the inclusion of the land in that zone would permit a change of use of the land, unless:

- (a) the planning authority has considered whether the land is contaminated, and*
- (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and*
- (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.*

(2) Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.

(3) If a person has requested the planning authority to include land of a class identified in subclause (4) in a particular zone, the planning authority may require the person to furnish the report referred to in subclause (2).

(4) The following classes of land are identified for the purposes of this clause:

- (a) land that is within an investigation area,*
- (b) land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) to the extent to which it is proposed to carry out development on it for residential, educational, recreational or child care purposes, or for the purposes of a hospital—land:*
 - (i) in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

The subject land has potential for soil contamination from a history of industrial use and it is likely that any contaminants found on the subject land would be able to be remediated in the same way that the adjoining land was remediated for the seniors housing development. The landowner / proponent understands that a contamination investigation would be required under SEPP 55 prior to the land being rezoned R1 in accordance with this Planning Proposal, and this could be prepared by the landowner/proponent and submitted to Council after a gateway determination and planning authorities have indicated support in-principle for the proposed zoning and development standards in this proposal.

SEPP 65 – Design Quality of Residential Flat Development

Clause 28 of SEPP 65 states the following:

28 Preparation of instruments

A person who prepares:

(a) an environmental planning instrument, or

(b) a development control plan, or

(c) a master plan or similar plan,

that makes provision with respect to residential flat development should include provisions in the instrument or plan to ensure the achievement of design quality in accordance with the design quality principles and have regard to the publication Residential Flat Design Code (a publication of the Department of Planning, September 2002).

The Planning Proposal is to retain the application of SEPP 65 to future residential flat development on the subject land. Any future Development Application for a residential flat building on the land under the proposed R1 Zone would need to be subject to SEPP 65 and the Residential Flat Design Code. The design principles in SEPP 65 are addressed below.

Design Principle	Proposed Development
1. Context	The Planning Proposal for transit oriented residential flat development with ground level neighbourhood shops and community uses is appropriate for the site context adjacent to light rail and bus transport corridors, residential and recreation zones.
2. Scale	The scale, built form and density of development in the Planning Proposal as established by the proposed floor space ratio and building height standards are appropriate for the site location and context adjoining light rail and bus transport infrastructure, and give due respect to the amenity of the adjacent residential zone, streetscapes and recreation zones.
3. Built Form	
4. Density	
5. Resource, energy and water efficiency	A BASIX Certificate would need to accompany a future Development Application for residential flat development to ensure relevant targets for energy and water efficiency are met.
6. Landscape	Landscaping would need to be addressed in a future Development Application for more detailed design of development.
7. Amenity	Internal amenity of residential apartments would need to be addressed in a future Development Application for more detailed design of development.
8. Safety and Security	Safety and security would need to be addressed in a future Development Application for more detailed design of development. The Planning Proposal would result in improved surveillance of the surrounding streets, parks and locality.
9. Social dimensions and housing affordability	The Planning Proposal includes provisions to facilitate the development of community facility, child care centre, neighbourhood shops, cafe for improved amenity and accessibility for the light rail stop and neighbourhood.
10. Aesthetics	Design aesthetics would need to be addressed in a future Development Application.

The key parts of the Residential Flat Design Code are addressed in the table below.

Code Chapter	Proposed Development
Part 1. Local context	
Relating to local context	The Planning Proposal for transit oriented residential flat development with ground level neighbourhood business and community uses is appropriate for the site context adjacent to light rail and bus transport corridors and residential and recreation zones.
Residential flat building types	The type of residential building is to be the subject of a future Development Application.
Amalgamation and subdivision	The subject land has an area of 5,210sq.m which is more than sufficient for a residential flat development with design quality.
Building envelopes	The subject land and Planning Proposal provide for residential building envelopes consistent with the Code in terms of building height, depth and separation distances.
Primary development controls	The primary controls in the Planning Proposal of floor space ratio and building height are appropriate for the site location and context in making efficient and effective use of the adjoining light rail and bus transport infrastructure, and respecting the amenity of the adjacent residential zones, streetscapes and recreation zones.
Part 2. Site Design	
Site analysis	A site analysis is included in the description of the Subject Land in this Planning Proposal and in the appended Urban Design Study.
Site configuration	The site configuration is largely determined by the existing lot size, shape and adjoining land uses. The site orientation and amenity allows for a building design to achieve good views and outlook, solar access, communal open space, and stormwater management. Deep soil planting has limited opportunity due to the need for basement parking.
Site amenity	
Site access	The subject land has two road frontages and an adjoining light rail stop and bus corridor providing access for residential development in the Planning Proposal.
Part 3. Building Design	The assessment of building design will need to be the subject of a future Development Application for more detailed design of residential flat development.

State Environmental Planning Policy (Infrastructure) 2007

Clauses 85 to 87 of the SEPP (Infrastructure) 2007 includes provisions applying to development on land adjacent to rail corridors that would apply to a future Development Application for housing or mixed use on the subject land adjacent to the light rail corridor. These provisions of the SEPP Infrastructure apply to Development Applications and not to the zoning of land as proposed in this submission.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

A future Development Application for housing on the subject land would need to be accompanied by a BASIX certificate to confirm that dwellings meet relevant energy efficiency and water conservation targets.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The relevant S.117 Directions are shown in the following table:

S.117 Direction	Applicability
1 Employment & Resources	Not Applicable
1.1 Business and Industrial Zones	Applicable
1.2 Rural Zones	Not Applicable
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable
1.4 Oyster Aquaculture	Not Applicable
2 Environment & Heritage	Not Applicable
2.1 Environmental Protection Zones	Not Applicable
2.2 Coastal Protection	Not Applicable
2.3 Heritage Conservation	Not Applicable
2.4 Recreation Vehicle Areas	Not Applicable
3 Housing, Infrastructure and Urban Development	Not Applicable
3.1 Residential Zones	Applicable
3.2 Caravan Parks and Manufactured Home Estates	Not Applicable
3.3 Home Occupations	Not Applicable
3.4 Integrating Land Use and Transport	Applicable
3.5 Development Near Licensed Aerodromes	Applicable
4 Hazard and Risk	Not Applicable
4.1 Acid Sulfate Soils	Not Applicable
4.2 Mine Subsidence and Unstable Land	Not Applicable

S.117 Direction	Applicability
4.3 Flood Prone Land	Not Applicable
4.4 Planning for Bushfire Protection	Not Applicable
5 Regional Planning	Not Applicable
5.1 Implementation of Regional Strategies	Not Applicable
5.2 Sydney Drinking Water Catchments	Not Applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not Applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not Applicable
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Not Applicable
5.6 Sydney to Canberra Corridor	Not Applicable
5.7 Central Coast	Not Applicable
5.8 Second Sydney Airport: Badgerys Creek	Not Applicable
6 Local Plan Making	Not Applicable
6.1 Approval and Referral Requirements	Not Applicable
6.2 Reserving Land for Public Purposes	Not Applicable
6.3 Site Specific Provisions	Applicable
7 Metropolitan Planning	Not Applicable
7.1 Implementation of the Metropolitan Strategy	Applicable

The S.117 Ministerial directions that are relevant considerations for this Planning Proposal are:

- 1.1 Business and Industrial Zones;
- 3.1 Residential Zones;
- 3.4 Integrating Land Use and Transport;
- 3.5 Development Near Licensed Aerodromes; and
- 6.3 Site Specific Provisions; and
- 7.1 Metropolitan Plan for Sydney 2036.

The relevant S.117 Directions are addressed below.

S.117 Direction – 1.1 Business and Industrial Zones

Objectives

(1) The objectives of this direction are to:

- (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.*

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

What a relevant planning authority must do if this direction applies

(4) A planning proposal must:

- (a) give effect to the objectives of this direction,*
- (b) retain the areas and locations of existing business and industrial zones,*
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director-General of the Department of Planning.*

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

- (i) gives consideration to the objective of this direction, and*
- (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
- (iii) is approved by the Director-General of the Department of Planning, or*

(b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

This Proposal to rezone the subject land from industrial to an R1 Zone satisfies the S.117 Direction 1.1 as it is consistent with the Metropolitan Plan and Draft Subregional Strategy as described in Part 3 Section B Q3 and Q4 above. The subject land is not well suited or strategically significant as industrial land according to the criteria in these strategies, and the proposed R1 Zone and additional permitted uses would provide some local employment uses.

S.117 Direction - 3.1 Residential Zones

S.117 Direction No.3.1 states the following:

Objectives

(1) The objectives of this direction are:

- (a) to encourage a variety and choice of housing types to provide for existing and future housing needs,*
- (b) to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
- (c) to minimise the impact of residential development on the environment and resource lands.*

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:

- (a) an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
- (b) any other zone in which significant residential development is permitted or proposed to be permitted.*

What a relevant planning authority must do if this direction applies

(4) A planning proposal must include provisions that encourage the provision of housing that will:

- (a) broaden the choice of building types and locations available in the housing market, and*
- (b) make more efficient use of existing infrastructure and services, and*
- (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and*
- (d) be of good design.*

(5) A planning proposal must, in relation to land to which this direction applies:

- (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
- (b) not contain provisions which will reduce the permissible residential density of land.*

Consistency

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

The Planning Proposal is consistent with the S.117 Direction 3.1 in the following respects:

- it will broaden the choice of building types and locations available in the housing market;
- it will make more efficient use of existing infrastructure and services described in Part 3 Section C below;
- it will reduce the consumption of land for housing and associated urban development elsewhere on the urban fringe further away from established urban centres and services; and
- it will not reduce the permissible residential density of land.

S.117 Direction - 3.4 Integrating Land Use and Transport

S.117 Direction No.3.4 states the following:

Objective

(1) The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:

(a) improving access to housing, jobs and services by walking, cycling and public transport, and

(b) increasing the choice of available transport and reducing dependence on cars, and

(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and

(d) supporting the efficient and viable operation of public transport services, and

(e) providing for the efficient movement of freight.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.

What a relevant planning authority must do if this direction applies

(4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:

(a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and

(b) The Right Place for Business and Services – Planning Policy (DUAP 2001).

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objective of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

This submission is consistent with the aims, objectives and principles of the Guidelines and Policy in clause 4 above in that it proposes an R1 Zone for medium to high density residential development adjacent to public transport infrastructure and within relative close proximity of a village centre and town centres. A density of development is proposed in this submission that is commensurate with the level of accessibility to public transport, facilities and services.

S.117 Direction - 3.5 Development Near Licensed Aerodromes

S.117 Direction No.3.5 states the following:

Objectives

(1) The objectives of this direction are:

(a) to ensure the effective and safe operation of aerodromes, and

(b) to ensure that their operation is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity, and

- (c) to ensure development for residential purposes or human occupation, if situated on land within the Australian Noise Exposure Forecast (ANEF) contours of between 20 and 25, incorporates appropriate mitigation measures so that the development is not adversely affected by aircraft noise.*

Where this direction applies

- (2) This direction applies to all relevant planning authorities.*

When this direction applies

- (3) This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to land in the vicinity of a licensed aerodrome.*

What a relevant planning authority must do if this direction applies

- (4) In the preparation of a planning proposal that sets controls for the development of land in the vicinity of a licensed aerodrome, the relevant planning authority must:*

- (a) consult with the Department of the Commonwealth responsible for aerodromes and the lessee of the aerodrome,*
- (b) take into consideration the Obstacle Limitation Surface (OLS) as defined by that Department of the Commonwealth,*
- (c) for land affected by the OLS:*
 - (i) prepare appropriate development standards, such as height, and*
 - (ii) allow as permissible with consent development types that are compatible with the operation of an aerodrome*
- (d) obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal proposes to allow, as permissible with consent, development that encroaches above the OLS. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Act.*

- (5) A planning proposal must not rezone land:*

- (a) for residential purposes, nor increase residential densities in areas where the ANEF, as from time to time advised by that Department of the Commonwealth, exceeds 25, or*
- (b) for schools, hospitals, churches and theatres where the ANEF exceeds 20, or*
- (c) for hotels, motels, offices or public buildings where the ANEF exceeds 30.*

- (6) A planning proposal that rezones land:*

- (a) for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25, or*
- (b) for hotels, motels, offices or public buildings where the ANEF is between 25 and 30,*
- (c) for commercial or industrial purposes where the ANEF is above 30, must include a provision to ensure that development meets AS 2021 regarding interior noise levels.*

Consistency

(7) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objectives of this direction, and

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or

(c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) of minor significance.

The subject land is identified outside the 20 ANEF contour on the Sydney airport ANEF map, The subject land is within the area identified on the Sydney airport obstacle limitation surface (OLS) map as 156m AHD which is over the building height limits in this Planning Proposal..

S.117 Direction - 6.3 Site Specific Provisions

S.117 Direction No.6.3 states the following:

Objective

(1) The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

What a relevant planning authority must do if this direction applies

(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

Consistency

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

The Planning Proposal is consistent with clause 4 of this S.117 Direction in the following respects:

- it is to rezone the subject land to a zone that is included in the Leichhardt LEP 2013;
- it allows the land use without imposing any additional development standards or requirements to those already contained in the zone.

S.117 Direction - 7.1 Implementation of the Metropolitan Plan for Sydney 2036

S.117 Direction No.7.1 states the following:

Objective

(1) The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.

Where this direction applies

(2) This direction applies to land comprising of the following local government areas:

.....

Leichhardt

.....

When this direction applies

(3) This direction applies when a Relevant Planning Authority prepares a planning proposal. a Relevant Planning Authority must do if this direction applies

(1) Planning proposals shall be consistent with:

(a) the NSW Government's Metropolitan Plan for Sydney 2036 published in December 2010 ("the Metropolitan Plan").

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the Relevant Planning Authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the extent of inconsistency with the Metropolitan Plan:

(a) is of minor significance, and

(b) the planning proposal achieves the overall intent of the Plan and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions.

This submission is consistent with the Metropolitan Plan for Sydney 2036 and the S.117 Direction - 7.1 as described above in Part 3 Section A of this report.

Section C - Environmental, social and economic impact

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?

There is no critical habitat or threatened species, populations or ecological communities, or their habitats on or around the subject land or that will be significantly affected by the Planning Proposal.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The environmental issues associated with the Planning Proposal are:

- Character of the locality;
- Scale, bulk and height of buildings;
- Streetscapes;
- Interface with surrounding properties;
- Traffic;
- Water;
- Geotechnical stability;
- Heritage;
- Energy efficiency;
- Waste management;
- Air quality.

Character of the locality

The locality surrounding the subject land at 245 Marion Street, Leichhardt is currently characterised by its inner Sydney urban location with original urban detached and semi-detached housing forms, small industrial zones, traditional main street and neighbourhood business centres, parks for passive and active recreation integrated with drainage channels, modern low to medium density housing forms, and a new light rail corridor. Some of the industrial zones in the locality are currently subject to Planning Proposals for rezoning to permit new residential flat buildings and mixed use development.

The subject land is currently one of a number of small fragmented and isolated industrial zones in the locality and contains an industrial/warehouse building used for a vehicle repair station. It is adjacent to a new light rail stop adjoining its western boundary, low density dwelling houses and semi-detached dwellings of 1 to 2 storeys to the north, 3 storey seniors housing to its east, and parkland to the south on the opposite of Marion Street and to the west on the opposite side of the light rail corridor.

The Planning Proposal will transform and renew the character of the subject land to a modern transit oriented development consistent with contemporary planning principles of ecologically sustainable development and urban design quality. These principles include the effective use and integration of the adjoining light rail stop with a medium to high density residential development, ground level access for the light rail stop and complimentary ground level neighbourhood shops and community facilities for the neighbourhood. The Planning Proposal will improve the urban amenity, accessibility and facilities through the subject land for the adjoining light rail stop and neighbourhood.

Scale, bulk and height of buildings

The Planning Proposal is for a medium to high density and scale of development with building height of 10m (3 storeys) on the Marion and Walter Street frontages stepping up to 50m (15 storeys) in the central part of the subject land. This scale and height of development in the Planning Proposal is appropriate in the following respects:

- the medium to high density and scale of development with an FSR of 3.3:1 and building height up to 50m (15 storeys) in the central part of the subject land is appropriate for the location of the subject land adjoining a new light rail node and consistent with government strategic planning objectives and principles;
- the proposed 10m (3 storey) height on the Walter Street frontage of the subject land provides an appropriate interface between the proposed development on the subject land and the residential zone to the north;
- the proposed 10m (3 storey) stepped height on the Marion Street frontage is an appropriate scale to highlight the site as a public transport node, deliver an appropriate building height to street width ratio, and maintain an appropriate interface with Lambert Park to the south.

The appended Urban Design Study prepared by Figgis + Jefferson Architects provides a visual assessment of the scale and height of buildings including **Figures 14 to 20** below. The building form and design resulting from this Planning Proposal would be the subject of detailed design in a future Development Application.

Streetscape and public domain

The Planning Proposal is for a building scale and height on its street frontages that are appropriate and compatible with the streetscapes. This includes a 10m (3 storey) height on the Walter Street frontage consistent with the residential character of Walter Street and stepping up in height to the centre of the site. The Proposal is also for a 10m (3storey) height on the Marion Street frontage stepping up in height to the centre of the site which is compatible with the role of Marion Street as a collector road and public transport corridor, appropriate to the scale of the adjacent light rail bridge over Marion Street, and delivers an appropriate height to street width ratio.

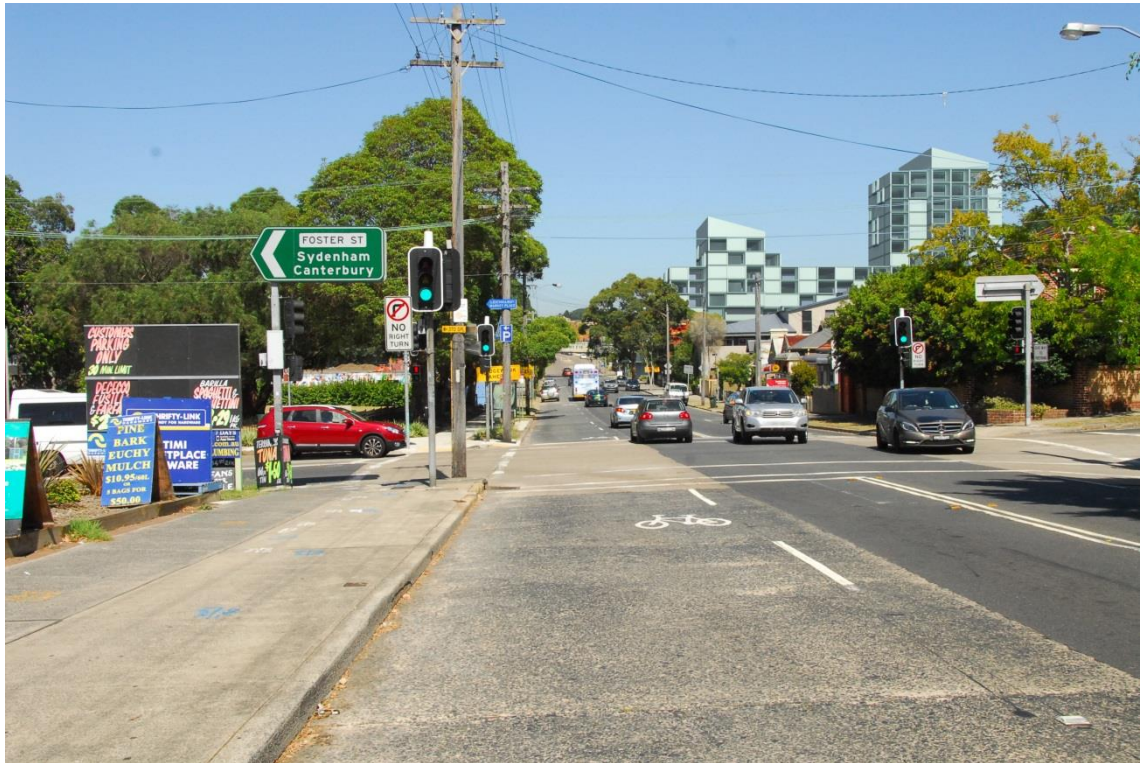


Figure 14 – Indicative architectural montage of Planning Proposal viewed from Marion Street



Figure 15 – Indicative architectural montage of Planning Proposal viewed from Marion Street



Figure 16 – Indicative architectural montage of Planning Proposal viewed from Marion Street



Figure 17 – Indicative architectural montage of Planning Proposal viewed from Walter Street



Figure 18 – Indicative architectural montage of Planning Proposal viewed from Walter Street



Figure 19 – Indicative architectural montage of Planning Proposal viewed from Loftus Street



Figure 20 – Indicative architectural montage of Planning Proposal viewed from Richard Murden Reserve

At ground level on the street frontages, the Planning Proposal is to enable landscaped building setbacks, public pedestrian links giving access through to the Marion Street light rail stop, and potential for neighbourhood shop, cafe, community facility and child care. Above ground level, the Planning Proposal is to enable appropriate building façade designs that reflect the residential use of the building and provide additional amenity, surveillance and security on surrounding streets.

A visual streetscape analysis is included in the appended Urban Design Study prepared by Figgis + Jefferson Architects including **Figures 14 to 20**. The detailed design of the streetscape, building facade and public domain components of development resulting from this Planning Proposal including the interface with the light rail stop would be the subject of a future Development Application.

Interface with surrounding properties

The interface between the Planning Proposal and surrounding properties in terms of building scale, views, solar access, visual and acoustic privacy is as follows.

Building scale – As mentioned above, the Planning Proposal is for a building scale that is appropriate and compatible with surrounding properties. This includes a 10m (3 storey) height on the Walter Street frontage to provide an appropriate interface with the residential zone to the north. It includes a 10m (3 storey) stepping height on the Marion Street frontage of the subject land to provide an appropriate scale highlighting the site as a public transport node, respond to the adjacent light rail bridge, and maintain an appropriate height to street width ratio and interface with Lambert Park to the south.

Views – The Planning Proposal will not impact on any significant views from surrounding properties in terms of view sharing principles of the Land and Environment Court. A visual assessment is included in the appended Urban Design Study prepared by Figgis + Jefferson Architects.

Solar access – Shadow diagrams from the potential new building envelopes in the Planning Proposal are shown in the appended Urban Design Study prepared by Figgis + Jefferson Architects. The shadow diagrams show that the proposed development will not significantly overshadow any residential properties between the hours of 9am and 3pm at any time of year other than the adjoining seniors housing development at 237 Marion Street.

The Planning Proposal will overshadow the adjoining seniors housing property at 237 Marion Street to the east in the afternoon as it casts a shadow on the property boundary in mid-winter from around 1pm which moves slowly east to cover much of the property into the late afternoon. The seniors housing development will retain solar access up until the afternoon including approximately 4 hours of direct sunlight in the central common open space area.

The Planning Proposal would also result in overshadowing of the southern end of Hawthorne Canal Reserve adjacent to the subject land in the mornings all year and overshadowing of parts of the northern side of Lambert Park in winter. These shadow impacts are not expected to significantly impact on the recreational and amenity value of these parks or on the survival of the vegetation.

Visual and acoustic privacy – The Planning Proposal provides for a building to be designed in a future Development Application that meets the minimum building separation distances to surrounding residential buildings as specified in the SEPP 65 Residential Flat Design Code at 12m for buildings up to 4 storeys to achieve appropriate levels of acoustic and visual privacy.

Interface with light rail stop – The Planning Proposal is to integrate new development on the subject land with the adjacent light rail stop at ground level by providing opportunities for complimentary uses including neighbourhood shops, cafe and community facilities, and improving access, security and amenity.

Heritage

The subject land has been developed in the past for industrial use covering the majority of the site. There are no known sites, objects or items of Aboriginal or European heritage or cultural significance on the subject land. The Planning Proposal is not expected to have any significant impact on any heritage item in the locality.

Traffic

The Planning Proposal is intended to enable the development of up to 200 residential apartments together with 2,000sq.m of neighbourhood shops, restaurant/ café, child care and community uses.

The subject land is located on the junction of two public transport corridors being the new light rail corridor and Marion Street bus corridor. The Planning Proposal for a transit oriented development on public transport corridors reduces the need for car use and traffic generation, and is consistent with Government strategic planning policies and objectives.

The RMS Guidelines to Traffic Generating Development specify the peak hour traffic generation rates for residential apartments at 0.19 vehicles per hour in the am peak and 0.15 vehicles per hour in the pm peak. According to the guidelines, a Planning Proposal for 200 residential units would therefore generate approximately 38 car trips in the morning peak hour and 30 car trips in the afternoon peak hour. Given this traffic generation and that the subject land has two street frontages, suitable vehicle access and parking can be provided for new development on the subject land and it is anticipated that the local road network has capacity to accommodate the Planning Proposal.

A detailed assessment of access arrangements, parking, traffic generation, capacity of the road network, and any traffic management measures as a result of development arising from this Planning Proposal would be the subject of a future Development Application.

Water

The Planning Proposal provides the opportunity to have an overall positive effect on the management and conservation of water resources on the subject land. It provides the opportunity for the retention, reuse and treatment of stormwater in new development on the land to improve the quantity and quality of discharge, and to improve the water conservation performance in new development compared to the existing industrial use.

Future residential development described in this Planning Proposal will need to be the subject of a water management plan and comply with the statutory BASIX target for water conservation in a future Development Application.

Energy efficiency

Future residential development described in this Planning Proposal will need to comply with the statutory BASIX target for energy efficiency in a future Development Application.

Air quality

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

Waste management

It is expected that future land uses on the site will be subject to the same waste management arrangements as the existing suburb of Leichhardt, and residential construction activities will be subject to Leichhardt Council's standard requirements for management of construction waste.

Construction impacts

The potential impacts of construction activities associated with development described in this Planning Proposal would be managed through a construction management plan prepared prior to commencement of works in accordance with standard practice for land development. It would address the management of site safety and security, traffic, waste, soil and water, noise and vibration, dust and geotechnical issues.

Q9. Has the planning proposal adequately addressed any social and economic effects?

Social Effects

The social issues raised by this Planning Proposal include:

- integration of new development and facilities into the community;
- access to employment, services and facilities for new residents;
- safety and security.

Integration of new development and facilities into the community

The Planning Proposal has been prepared to integrate new development into the community in the following respects:

- land uses are compatible with the local neighbourhood and surrounding land uses;
- building frontages and streetscapes are designed to respect existing streetscapes;
- public pedestrian access can be provided through the site to improve access connections between the adjoining light rail stop and surrounding neighbourhood;
- vehicular traffic generated by new housing is proposed to be directed away from the local road network in the residential neighbourhood; and
- potential for local neighbourhood shops and cafe, community facility and child care centre to compliment and improve amenity around the light rail node and serve the local community.

Access to employment, services and facilities for new residents

The subject land has an inner Sydney urban location and future residents in a housing development 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 Sydney Light Rail extension route and Marion Street Light Rail stop, and Sydney Bus routes along Marion Street adjacent to the site. Future residents in new housing on the subject land will have the same level of access to centres of business, services, community facilities and social infrastructure as existing residents in Leichhardt. New residents will support local businesses and community activities

Safety and security

The Planning Proposal will enable new housing development to provide additional passive surveillance and improve safety and security in the neighbourhood and around the new light rail stop.

If required by planning authorities, the proponent would be able to prepare and submit a social impact assessment for the Planning Proposal after a gateway determination.

Economic Effects

The key economic considerations raised by this Planning Proposal are:

- industrial employment lands supply;
- housing supply and affordability; and
- existing business centres.

Industrial Employment Lands Supply

As noted above in Part 3 Section B of this report, the Draft Inner West subregional Strategy identifies the subject land as Category 2 employment lands with potential to allow for a wider range of employment uses and elements of residential or other non-employment uses. The Metropolitan Plan for Sydney, new Draft Metropolitan Plan for Sydney 2031, and Leichhardt Employment and Economic Development Plan specify criteria for assessing the strategic importance of industrial zone land and for the rezoning of industrial land to other land use zones as proposed in this submission. The criteria are all addressed above in Part 3 Section B Q3 of this report. In summary, the subject land is not strategically significant as industrial land primarily due to its small size, fragmentation from other industrial zoned land and major industrial infrastructure, and the potential for land use conflict with surrounding residential and open space zones including the adjoining seniors housing development. It is also important to note that the adjoining land at 237 Marion Street, which is now developed as seniors housing, is also identified as part of the Category 2 employment land in the Draft Subregional Strategy, and its redevelopment for seniors housing has further eroded the strategic significance of the subject land at 245 Marion Street as industrial zone land.

Housing supply and affordability

The need for additional housing supply in Sydney to meet population growth and market demand is demonstrated in Government planning strategies and in numerous housing market studies and reports by specialist economists. The development of the subject land for medium to high density housing represents the highest and best use of the land from an economic perspective at this time and into the foreseeable future. The proposed R1 Zone 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.

Existing Business Centres

The Planning Proposal is to allow neighbourhood shops, community facilities and child care, food and drink premises (cafe/restaurant) as permissible commercial land uses on the subject land in an R1 General Residential Zone. The type and scale of these proposed commercial uses are considered appropriate to compliment the adjoining light rail stop and serve the local neighbourhood, and fit into the network of existing business zones and centres so as not to significantly compete with or threaten the viability of existing business zones.

If required by planning authorities, the proponent would be able to prepare and submit an economic assessment for the Planning Proposal after a gateway determination.

Section D - State and Commonwealth interests

Q10. Is there adequate public infrastructure for the planning proposal?

Public Transport Infrastructure

The public transport infrastructure immediately adjacent to the site includes:

- Sydney Light Rail Extension – Stage 1 Inner West Extension – Marion Street light rail stop adjoining the site; and
- Sydney Bus Routes along Marion Street.

This public transport infrastructure establishes a high level of public transport accessibility for the site that supports and is better utilised by a R1 General Residential Zone. 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 R1 Zone.

The R1 Zone on the subject is consistent with strategic planning directions for integrated land use and transport planning and efficient use of public transport infrastructure and land resources.

Sydney Light Rail Extension – Stage 1 Inner West Extension

The subject land is located adjacent to the Marion Street light rail stop on the Sydney Light Rail Extension – Stage 1 Inner West Extension.

The Environmental Assessment in the Part 3A Approval for the Sydney Light Rail Extension – Stage 1 Inner West Extension includes the following rationale for the location of the Marion Street rail stop adjacent to the site:

*The site to the north side of Marion Street underbridge was preferred because of its closeness to surrounding developments and the **potential for longer-term urban renewal opportunities close by**. The northern stop also provided the opportunity for lower impacts on existing vegetation and reduced visibility from residential areas to the west. (Our emphasis in bold underline.)*

This submission to zone the subject land adjoining the Marion Street light rail stop as an R1 General Residential Zone with commensurate development standards is proposed to facilitate urban renewal and transit oriented development on the site consistent with the planning for the Sydney Light Rail Extension – Stage 1 Inner West Extension.

The Environmental Assessment in the Part 3A Approval for the Sydney Light Rail Extension – Stage 1 Inner West Extension also includes the following vision and design principles for the light rail stops:

Vision and design principles for light rail stops

Following the receipt of 88 public comments on the proposed locations of the stops identified in the GHD's draft Inner West Extension Study (GHD May 2010), a set of vision and design principles was used to guide the refinement of options from the short list of preferred stops.

The vision and design principles were developed to complement the overall objectives of the project and help identify the best location for each preferred stop along the alignment. The vision and design principles for the light rail stops are discussed below.

Vision for the light rail stops

The vision for the new light rail stops includes the following elements:

- accessible boarding for mobility impaired passengers*
- efficient access to/from stop platforms for all transport users*
- appropriate end user facilities, such as shelter, seating and bicycle parking*
- increased opportunities for modal interchange*
- access to/from the wider Sydney public transport network*
- appropriate safety, lighting and signage*
- contemporary and efficient architectural design*
- integration with the GreenWay shared path*
- potential for local sustainable urban renewal opportunities.*

Light rail stop design principles

When the corridor was built in 1916 as a goods rail line, it effectively split the existing communities and created a significant barrier to movement between local neighbourhoods. Through its conversion to light rail and integration with shared cycle and pedestrian paths (detailed further in Chapter 6), there is an opportunity to improve local urban connectivity and to re-establish some of the historical connections that existed before the goods line was built.

Providing well considered stop locations throughout the corridor would create the greatest community connection. Urban connectivity has been a key factor in determining the proposed stops for the project, plus other factors, such as:

- potential catchments*
- existing transport routes (bus and rail)*
- retail areas and key local connectors*
- accessibility*
- personal security and surveillance*
- constructability*
- operational constraints (e.g. desirability of locating platforms on straight track)*
- visual impact.*

The R1 Zoning and development standards in this Planning Proposal for the subject land adjoining the Marion Street light rail stop facilitates the redevelopment and urban renewal of the subject land and provides opportunities for improved urban design and connections around the adjoining Marion Street light rail stop and through the subject land. The redevelopment and renewal of the subject land provides the following opportunities for the light rail stop consistent with the vision and design principles for light rail stops in the Environmental Assessment in the Part 3A Approval for the Sydney Light Rail Extension – Stage 1 Inner West Extension:

- complementary land uses;
- new vehicle pick-up/drop-off areas and short stay public parking;
- additional public pedestrian and disabled access through the subject land to and from the light rail stop with directional signage for better access and wayfinding;
- improved safety and security with increased passive surveillance from new uses and active CCTV, better lighting, signage and landscaping, territorial reinforcement and management;
- improved amenity and attractiveness of light rail stop from redevelopment of deteriorating industrial sheds into modern residential and mixed use buildings of high quality architectural design with associated landscaping, lighting and signage.

Sydney Bus Routes

Marion Street is on five inner west bus routes with links to and from Leichhardt and Sydney City to the east and various suburbs on the Harbour and Parramatta River foreshore to the west. These bus services add to the light rail stop next to the site to a high level of public transport infrastructure and accessibility that supports the proposed R1 General Residential Zone.

Utility services infrastructure

We understand that 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 infrastructure and any augmentation requirements to accommodate future residential or mixed use development on the site under an R1 Zone on the site could be investigated at the future stage of a Development Application. Alternatively, the proponent P&C Consulting has indicated it would be willing to engage engineers to prepare a Utility Services Infrastructure Strategy for the site if necessary at this stage to progress the rezoning of the site to an R1 Zone.

Social infrastructure

The subject land has an inner Sydney location within the metropolitan region where future residents in a housing development 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 Sydney Light Rail extension route and Marion Street Light Rail stop, and Sydney 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.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

No State and Commonwealth public authorities have been consulted to date by the proponent or consultants. It is expected that the planning authority will consult with relevant public authorities after a gateway determination in accordance with legislative requirements and contemporary planning practice.

PART 4 - MAPPING

As noted in Part 2 of this Planning Proposal under Explanation of Provisions, this Planning Proposal seeks an amendment to the Leichhardt LEP Land Zoning Map, Floor Space Ratio Map and Height of Buildings Map to apply the following to the subject land:

- R1 General Residential Zone; and
- Maximum Floor Space Ratio of 3.3:1;
- Building height limits of 10m at street frontages stepping up to 50m in the centre of the subject land.

The proposed draft amendments to the Leichhardt LEP maps are shown below in **Figures 21, 22 and 23.**

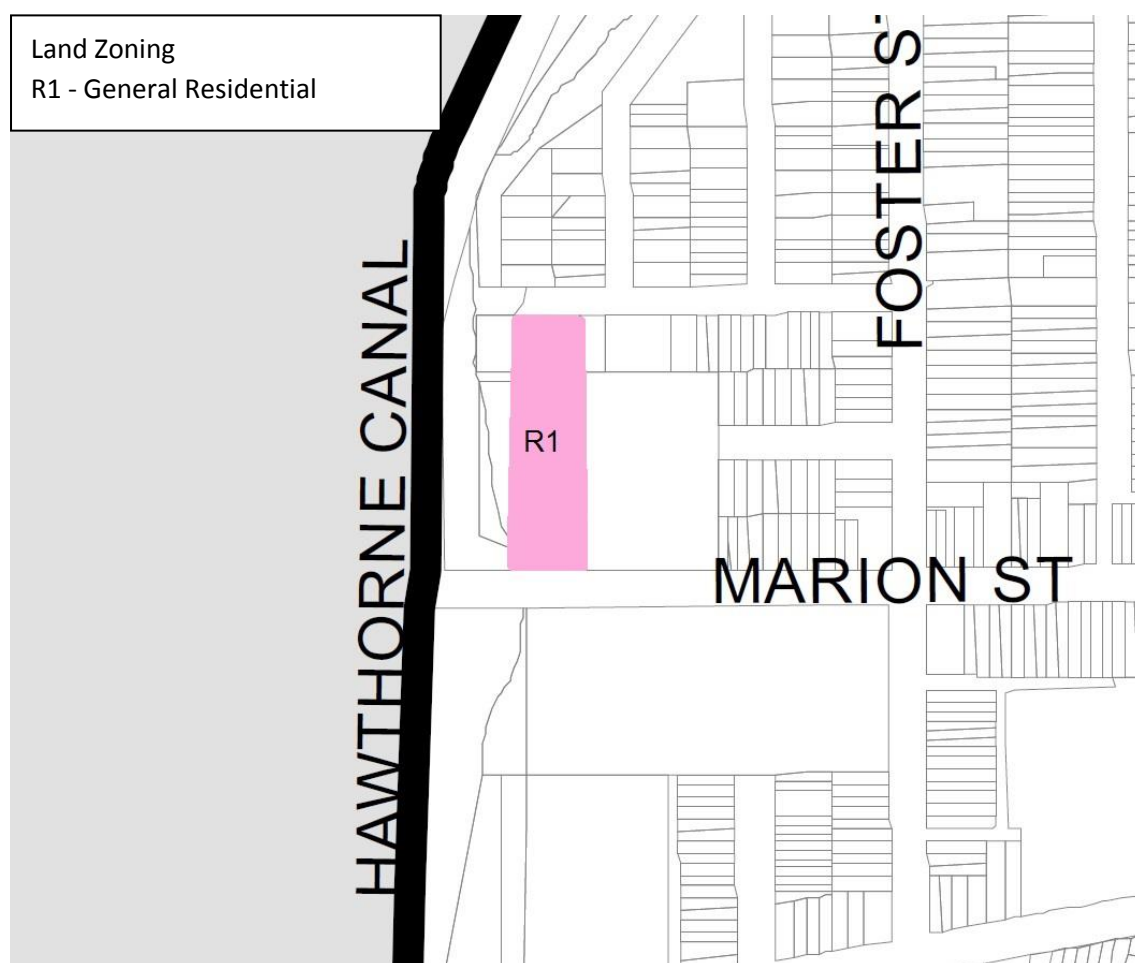


Figure 21 – Proposed Land Zoning Map Amendment (with subject land coloured)

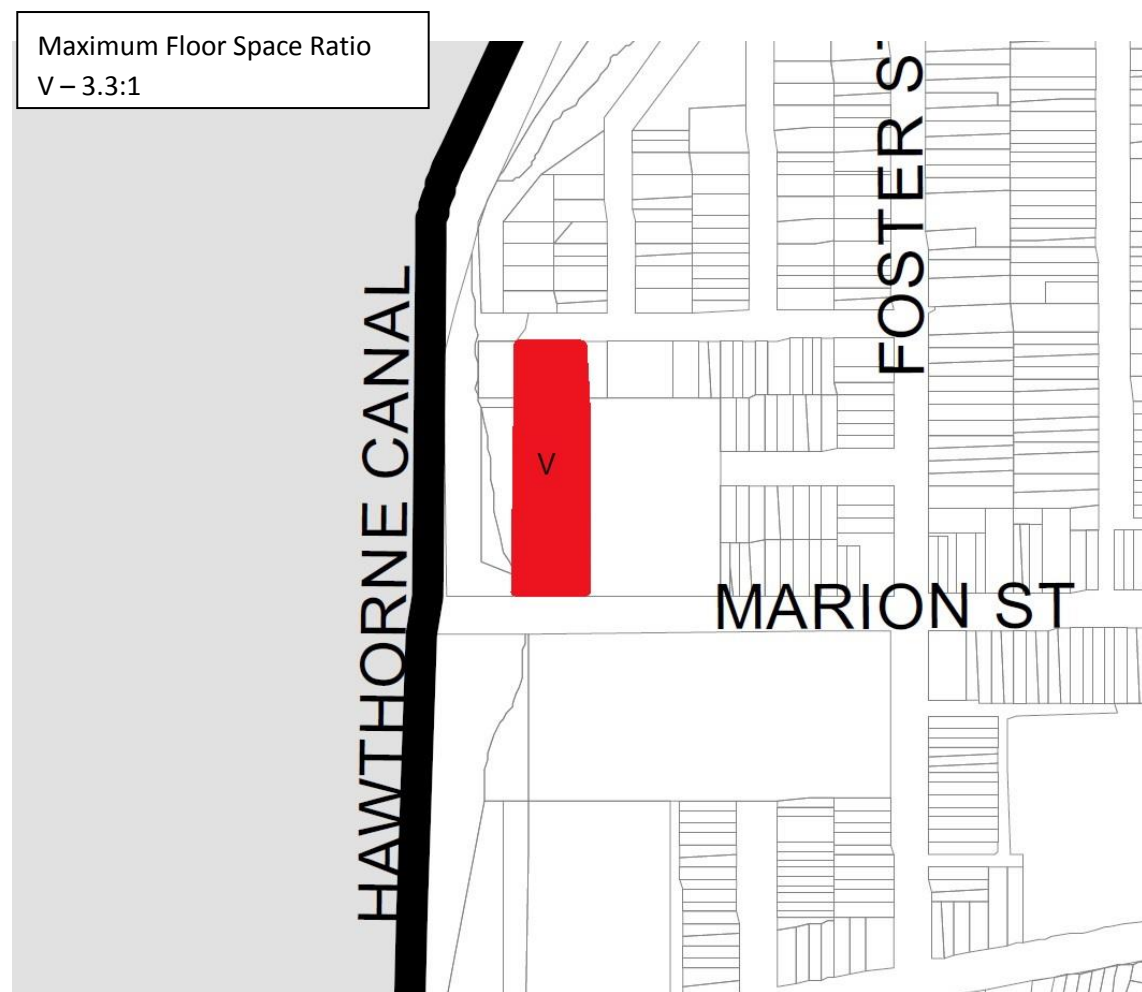


Figure 22 – Proposed Floor Space Ratio Map Amendment (with subject land coloured)

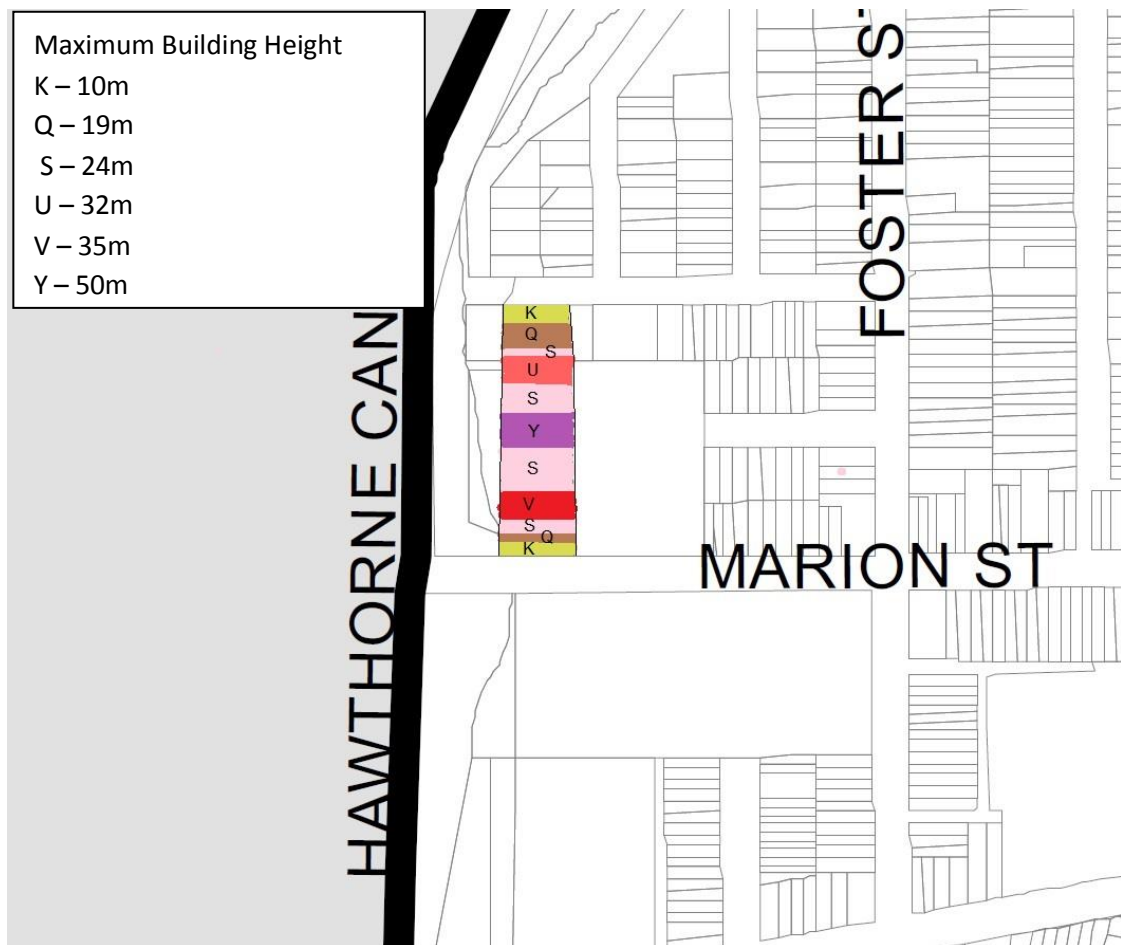


Figure 23 – Proposed Height of Buildings Map Amendment (with subject land coloured)

PART 5 - COMMUNITY CONSULTATION

It is anticipated that planning authorities responsible for the assessment and processing of the Planning Proposal will carry out community consultation in accordance with the provisions of the *Environmental Planning and Assessment Act 1979 and Regulation 2000*.

PART 6 - PROJECT TIMELINE

The project timeline anticipated for the project is shown in the table below.

Key Steps and Milestones	Timeline
Lodgement with Council	August 2014
Council assessment and decision on proceeding to Gateway determination	November 2014
Gateway determination by Department of Planning and Infrastructure (DPI)	March 2015
Additional planning documentation provided if required	April 2015
Public exhibition and consultation with Government agencies	May 2015
Council consideration of submissions and decision to proceed with LEP	August 2015
Council submission to DPI to finalise LEP	September 2015
Making and gazettal of LEP	December 2015

CONCLUSION

The Planning Proposal for an amendment to Leichhardt LEP 2013 to apply an R1 General Residential Zone with a maximum floor space ratio of 3.3:1 and building height limits from 10m to 50m to the subject land at 245 Marion Street, Leichhardt has strategic planning merit and is justified in the following respects:

- The Planning Proposal is consistent with the strategic planning objectives and policies in the Metropolitan Plan for Sydney, Draft Metropolitan Strategy for Sydney and the Draft Inner West Subregional Strategy in facilitating balanced growth with urban renewal and transit oriented development around new light rail, providing additional new housing supply and choices to meet demands of a growing population at a density that is appropriate for its location and level of access to infrastructure and services, contributing to economic productivity and employment, and respecting environmental attributes. It meets the criteria in these strategies for rezoning employment lands.
- The Planning Proposal is consistent with the strategic plans of Leichhardt Council in improving community well-being through urban renewal with a sustainable transit oriented development of integrated land use and transport infrastructure that includes opportunities for neighbourhood shops, child care and community uses on land with no significant environmental value. It meets the criteria in Council's economic strategy for rezoning of employment lands.
- The Planning Proposal is not reliant on Council's Strategic Centres and Sites Study being completed for other centres and sites in the LGA as the subject land and its future development have no significant interdependence with other strategic sites.
- The site is not strategically important or suitable for industrial use primarily due to its fragmentation and isolation from other industrial zoned land and major industrial infrastructure, and the potential for land use conflict with surrounding residential and open space zones including the adjoining seniors housing. The adjoining land at 237 Marion Street, which is also zoned industrial, is now developed as seniors housing and has further eroded the strategic significance and suitability of the subject site as an industrial zone.
- The urban context and location of the site are suitable for the Planning Proposal given the inner Sydney location within relative close proximity to transport, jobs, services and recreation/ entertainment facilities. It is within 500m of the Leichhardt Market Place village centre, 1km of the Norton Street town centre, and 5km of Burwood major centre and Sydney city centre, and is adjacent to two parks.
- Public transport infrastructure is available adjacent to the site in the form of the adjoining Sydney Light Rail Network Extension - Marion Street Light Rail stop and the Sydney bus routes along Marion Street adjacent to the site which support transit oriented development in the Planning Proposal.
- Surrounding residential and open space/recreational land use zones are compatible with the Planning Proposal (and generally less compatible with impacts of industrial use).
- Good road access is provided with the site having frontages to two roads being Marion Street, a classified secondary road, and Walter Street, a local residential road, which connect in turn to the main road network in Sydney including Parramatta Road approximately 500m to the south and City West Link approximately 1km to the north.

- The full range of utility service infrastructure mains – electricity, telecommunications, water, sewer, gas and stormwater drainage – are understood to be available on Marion Street and Walter Street adjacent to the site to support the Planning Proposal.
- The physical attributes of the site and its surrounds are suitable for the Planning Proposal and do not contain any vegetation, habitat, heritage item or environmentally sensitive attributes of such significance as to preclude a future residential and mixed use development under the Planning Proposal.

The level of documentation in this Planning Proposal meets or exceeds the requirements of planning legislation and associated guidelines for this stage of the Planning Proposal and LEP amendment process. Any additional or updated planning studies required by planning authorities can be prepared by P&C Consulting Pty Ltd and its consultants after an initial assessment and/or gateway determination in accordance with the legislation and guidelines for Planning Proposals.

Given the above strategic planning merits, Council is requested to forward the Proposal to the Minister for Planning for a gateway determination in accordance with Section 56 of the *Environmental Planning and Assessment Act 1979* to enable the Proposal to proceed to public exhibition, finalisation and gazettal of an LEP Amendment.