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12 January 2015

Mr Lee Mulvey
Director, Metropolitan Region (East)
Planning Services
Department of Planning and Environment
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Dear Mr Mulvey,

**Notification of request for pre-Gateway review – 245 Marion Street, Leichhardt
(PGR_2015_LEICH_001_00)**

Thank you for your correspondence of 8 January 2015 inviting comment on the proponent's pre-Gateway review application to rezone the site at 245 Marion Street, Leichhardt from IN2 Light Industrial to R1 General Residential; increase the floor space ratio from 1:1 to 3.3:1; introduce maximum building height controls of 10m on street frontages to 50m in the centre of the site; and amend Schedule 1 Additional Permitted Uses to permit food and drink premises.

At its meeting of 25 November 2014, Council considered a report on the proponent's request to prepare and submit a planning proposal for Gateway determination and resolved the following (C413/14):

1. *That Council resolve to receive and note the information contained in this report and Attachments as it relates to an assessment of the merits of a Planning Proposal (dated August 2014) for 245 Marion Street, Leichhardt.*
2. *That Council resolve not to support the request to prepare a Planning Proposal (dated August 2014) to rezone 245 Marion Street from IN2 Light Industrial to either R1 – General Residential or a Business Zone (unspecified) for the following reasons:*
 - a) *in the context of persistent demand and a low and decreasing supply of industrial land, a rezoning would dilute Council's ability to provide sufficient industrial land to accommodate demand.*
 - b) *the Planning Proposal is inconsistent with s.117 Direction 1.1 Business and Industrial Zones on the following grounds:*
 - i. *the Planning Proposal is not justified by relevant strategies in relation to the retention of industrial lands, including the Draft Metropolitan Strategy for Sydney to 2031 and the Draft Inner West Sub-regional Strategy.*
 - ii. *the Planning Proposal is not justified by an economic study*
 - iii. *loss of this industrial land would be of substantial significance to the local government area's employment land supply.*
 - c) *the proposal does not have merit when assessed against the criteria established by the Leichhardt Employment and Economic Development Plan 2013-2023*

- d) *the Planning Proposal is not supported by an:*
 - *Economic Assessment*
 - *Net Community Benefit Test*
 - *Social Impact Assessment*
- e) *without the above listed supporting studies, there is not enough information to demonstrate that relevant social, economic and other site specific matters have been identified or adequately addressed and that the site is capable of supporting the proposed zoning.*
- f) *without supporting documents the Planning Proposal does not demonstrate that the proposal has strategic merit. Council recognises that 245 Marion Street could have potential for a modest increase in Floor Space Ratio to create additional employment generating floorspace.*
- g) *the Planning Proposal includes a residential Floor Space Ratio of 3.3:1 and building heights up to 50m for an R1 – General Residential zoning, or no limitations to the maximum height or FSR for a Business zone. There is no precedence in Leichhardt Local Government Area for the proposed FSR and maximum building heights for the proposed zoning and an adequate justification for the FSR and building height has not been provided.*
- h) *there is no strategic justification for the proposed residential Floor Space Ratio and building height in higher order NSW Government State Planning Policy or guidelines or Council Environmental Planning Instruments, Policies or Guidelines.*
- i) *the proposed residential Floor Space Ratio and building heights would result in unacceptable amenity impacts on the local area including:*
 - *overlooking of Walter Street and residents of The Marion, Uniting Church Seniors Housing Development*
 - *inadequate landscaped area*
 - *visual impact from the bulk and scale of the building*
 - *inadequate access to daylight for future residents within the development*
- j) *inadequate supporting information has been provided to ascertain if the quantity and quality of landscaped areas, private open space and communal landscaped area, is acceptable and achieves minimum requirements of SEPP 65.*
- k) *the Planning Proposal does not include any affordable housing and is therefore not consistent with Section 3.3.3 (Clause 3.3.1) of the Leichhardt Affordable Housing Strategy (2011) which seeks a 10% affordable housing contribution.*
- l) *the Planning Proposal does not address the strategic context of major NSW State government projects including:*
 - i. *Bays Precinct Urban Renewal*
 - ii. *Parramatta Road Urban Renewal**which may result in further, significant loss of employment land and an increased demand for non-residential goods and services arising from a growing population in the inner west*
- m) *the Planning Proposal does not address issues associated with the proposed West Connex Motorway including:*
 - i. *traffic generation*

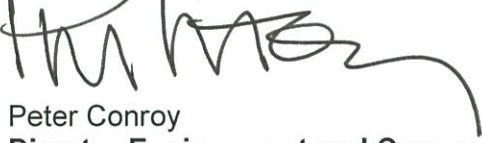
- ii. *location of air quality stacks*
- iii. *location of motorway entry and exit portals Environmental Planning Instruments, Policy and Guideline documents.*

Resolution C413/14 and the associated Council report are attached. These documents clearly outline the strategic planning case that this planning proposal should not be supported by Council or the Department of Planning and Environment.

Furthermore, the Leichhardt Industrial Lands Study has recently been completed. The study provides an analysis of land use, forecasts demand and future capacity scenarios and subsequently identifies key issues affecting the LGAs industrial lands. It concludes with recommended strategies and actions for the management of Leichhardt's industrial lands. The study will be reported to Council for endorsement at its meeting of 10 February. A copy of the study will be provided to the Department prior to the meeting once reports and attachments are publicly available.

Council requests an opportunity to meet with the Department to discuss the matter in detail.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Conroy', with a long horizontal flourish extending to the right.

Peter Conroy
Director Environment and Community Management