SJB Planning



Planning Proposal

141 & 159 Allen Street, Leichhardt

17 January 2012

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Executive Summary

This Planning Proposal has been prepared on behalf of Leichhardt 141 Pty Ltd and Arquilla Bulk Trading Co Pty Ltd, the owners of 141 and 159 Allen Street, Leichhardt respectively. This Planning Proposal provides the justification to Leichhardt Municipal Council to commence the process for the rezoning of the land currently occupied by two warehouse buildings and associated car parking and servicing areas from industrial to residential

The land, the subject of this Planning Proposal has a total site area of 9,920m², over two (2) separate titles comprising the following site areas:

- 141 Allen Street, Leichhardt 7,143m²; and
- 159 Allen Street, Leichhardt 2,777m²

The larger of the two (2) sites, No. 141 Allen Street is currently occupied by a warehouse building known as 'Matt Blatt Furniture' and is used for the purpose of bulky goods retailing, warehousing and distribution. Vehicle access to the site is provided from both Allen and Flood Streets. The Allen Street entrance provides access for heavy vehicles, with Flood Street providing customer entry to the large at grade car park.

No 159 Allen Street is also utilised for the purposes warehousing and distribution. Existing development on the site comprises a single storey warehouse component with a floor area of 2,042m² and a two storey administration component with a total floor area of 272m². Vehicle access is provided directly from Allen Street and parking for up to 10 vehicles is provided on-site within the front setback of the building adjoining the loading and unloading areas.

The sites are located within a predominantly residential precinct which reflects a mix of housing types, mostly of a single or two storey detached or semi-detached form. There are a number of low to medium rise residential flat buildings scattered throughout the precinct, particularly to the west of the site.

The subject site is currently zoned industrial and is subject to a maximum Floor Space Ratio of 1:1 under the provisions of the *Leichhardt Local Environmental Plan 2000*. There are no prescribed development standards in relation to maximum height and minimum lot size requirements that apply to the site.

It is our intention to seek a change to the development standards that would apply to the site, if the rezoning application progresses to gateway determination. Massing studies would be undertaken to determine an appropriate scale and intensity of residential development that would be finalised prior to exhibition. All necessary traffic, parking and site contamination studies would also be undertaken at this time.

The Planning Proposal seeks Councils support for the commencement of a rezoning of the site to a zone that permits residential use, to ultimately facilitate redevelopment of the sites for residential purposes.

Depending on the timing of the Planning Proposal there are two (2) possible approaches to the application of the residential zone and the application of appropriate development standards. These include:

- · An amendment to the Leichhardt Local Environmental Plan 2000 map and written instrument; or
- Mapping amendments to the draft *Leichhardt Local Environmental Plan 2011*.

Support for this Planning Proposal is based on the following circumstances and merits:

maximise efficiency of use of employment lands: The site is currently zoned industrial and identified as Category 1 employment lands under the Inner West Subregion Draft Subregional Strategy.

Despite the sites identification as Category 1 employment land, the sites isolation from a strategic centre, major transport networks (including arterial roads and freight lines) and the proximity and intensity of surrounding residential development restricts the development potential of the site for traditional industrial uses that would contribute to the economic growth of the LGA.

The foregoing conclusion is consistent with the findings of the Leichhardt Employment Land Study dated January 2011 undertaken by SGS Economics and Planning (SGS report) on behalf of Leichhardt Municipal Council to inform the preparation of the *draft Leichhardt Local Environmental Plan 2011*. The study found that *"that the current land uses are not considered ideal adjacent to residential development"*. We note that the same report resolves that the land should be considered for rezoning to permit residential development.

The Planning Proposal to rezone the land residential is therefore an implementation of the findings the SGS report.

- **consistency with the adjoining development:** The proposed rezoning of the site to residential will be a compatible and complementary use given the surrounding residential zone. The Planning Proposal represents an opportunity to provide a compatible development located to utilise existing urban infrastructure and services.
- consistency with the planning framework: The Planning Proposal is consistent with the Metropolitan Plan for Sydney 2036 and the Inner West Subregion Draft Subregional Strategy in seeking to rezone employment land to enable future residential development within the walking catchment of local centres and existing and planned public transport routes and networks, including the planned extension to the inner west light rail line.

These matters are addressed further in Section 3.5 and at Attachment 3 addressing section 117 Directions.

Recommendations

It is recommended that arising from the consideration of this Planning Proposal that Leichhardt Municipal Council:

• Resolve to support the Planning Proposal and request the Department of Planning and Infrastructure to issue a gateway determination to commence the process to rezone the subject land from industrial to residential under the appropriate planning instrument.

1.0 Introduction

The Planning Proposal has been prepared on behalf of Leichhardt 141 Pty Ltd and Arquilla Bulk Trading Co Pty Ltd, as owners of 141 and 159 Allen Street, Leichhardt, respectively.

The Planning Proposal provides the justification to commence the process leading to the rezoning of the above described properties legally described as:

- Lot 1 in DP 632522; and
- Lot X in DP 381373.

Both lots are located within the Leichhardt Local Government Area (LGA) and are zoned industrial under the *Leichhardt Local Environmental Plan 2000* (LLEP 2000).

The land, the subject of this Planning Proposal has a total site area of 9,920m². Each site has the following individual site area:

- 141 Allen Street, Leichhardt 7,143m²; and
- 159 Allen Street, Leichhardt 2,777m².



Figure 1: Aerial view showing the sites subject to the Planning Proposal (www.six.nsw.gov.au)

Both sites are currently occupied by large format industrial buildings, utilised for the purpose of bulky goods retailing and warehousing, along with associated car parking, loading and unloading facilities. Each site has a direct road frontage and vehicle entry points from Allen and Flood Streets (refer to Figure 1).

Rezoning of both allotments is sought to allow for a comprehensive redevelopment for residential purposes. The Planning Proposal seeks to rezone both sites, so as to avoid isolation or sterilisation of either lot.

The Planning Proposal has been prepared in accordance with the Department of Planning and Infrastructure Guidelines *A Guide to Preparing Planning Proposals* dated July 2009 and *A Guide to Preparing Local Environmental Plans* dated July 2009.

The consideration of the Planning Proposal details the merits of the proposed rezoning and has been structured in the following manner:

- Section 2 provides a description of the precinct and its context, including identification of the land to which the proposed rezoning applies, existing development and the current planning framework;
- Section 3 provides the Planning Proposal consistent with the matters to be considered in the *Guide to Preparing a Planning Proposal* and a detailed justification to support the rezoning of the sites;
- Section 4 provides a Conclusion and Recommendation to proceed with the Planning Proposal to gateway determination;
- Attachment 1 provides an assessment against the Local Environmental Plan Evaluation Criteria;
- Attachment 2 provides a consideration of the consistency of the Planning Proposal with State Environmental Planning Policies and Deemed Environmental Planning Policies (previously Regional Environmental Plans);
- Attachment 3 provides a consideration of the consistency of the Planning Proposal with the Section 117 Directions; and
- Attachment 4 provides an extract from the Leichhardt Employment Lands Study, January 2011 undertaken by SGS Economics and Planning– Table 29 Proposed Zoning.

2.0 The Site and its Context

2.1 Overview

This section describes the location of the sites, existing development on the land, the current planning framework, and the relationship of the area to the applicable subregional strategy.

2.2 Location

The site the subject of this Planning Proposal comprises Nos. 141 and 159 Allen Street, Leichhardt and is legally described as Lot 1 in DP 632522 and Lot X in DP 381373, respectively ("the site").

The site is located within the Leichhardt Local Government Area (LGA) on the northern side of Allen Street at its intersection with Flood Street, Leichhardt approximately 6.6 kilometres west of the Sydney CBD. Parramatta Road is 1 kilometre south of the site, Norton Street 600 metres east and the City West Link is located to the north. A local bus route travels along Flood Street past the site. Bus links to strategic centres are available from Norton Street.

The site is also located within an approximate 350m walking distance of the future light rail station on the Hawthorne Canal being constructed as one of nine (9) new stops on the inner west light rail line connecting Lilyfield with Dulwich Hill.

The blocks surrounding the sites have a distinct residential character and the residential subdivision pattern, whilst varied, remains substantially intact and reflective of the original development pattern. There is a diverse mix of housing types, although the residential character predominantly reflects single and two storey detached and semi-detached dwellings. Low to medium rise residential flat buildings are present within the locality, particularly to the west of the site.

The current industrial zoning of the sites fragments the residential area and could be considered to detract from the general amenity of the neighbourhood, in terms of traffic, noise and streetscape impacts associated with their operation. The sites broad context is shown in Figure 2.



Figure 2: Map showing location of the subject site (source: www.maps.google.com.au)

2.3 Land Subject to the Planning Proposal

The land the subject of the Planning Proposal is shown in Figure 3. The land is owned and controlled by Leichhardt 141 Pty Ltd and Arquilla Bulk Trading Co Pty Ltd. The land to be rezoned comprises:

- · Lot 1 in DP 632522 (141 Allen Street, Leichhardt); and
- Lot X in DP 381373 (159 Allen Street, Leichhardt).



Figure 3: Cadastral image of 141 and 159 Allen Street, Leichhardt (source: www.six.nsw.gov.au) (sites indicated with red boundary)

The sites have a total land area of 9, 920m² with the following dimensions:

- Northern boundary: 90.5m;
- · Eastern boundary (Flood Street): 100.57m;
- Southern boundary (Allen Street): 100.55m; and
- Western rear boundary is irregular with dimensions of 62.63m, 11.01m and 35.59m.

2.4 Existing Development

2.4.1 141 Allen Street, Leichhardt

141 Allen Street Leichhardt has a land area of 7,143m² and is currently occupied by a warehouse building known as 'Matt Blatt Furniture', which operates as a bulky goods retailer (showroom), warehouse and distribution for various individual retail outlets around Sydney. Vehicle access to the site is available from Allen Street, to the main loading dock, with customer access provided via Flood Street.

Existing development on the site consists of a single storey warehouse building. Due to the landform variation of the site, the Allen Street frontage sits slightly below road level. The building has a flat roof form, similar in height to the nearby two (2) storey residential dwellings (refer to Figures 4 and 5).



Figure 4: 141 Allen Street - Looking north east from the intersection of Flood Street & Allen Street (Flood Street Elevation)



Figure 5: 141 Allen Street – Flood Street frontage looking northwest

2.4.2 159 Allen Street, Leichhardt

159 Allen Street, Leichhardt, the smaller of the two lots, is located to the immediate west of No. 141 Allen Street and has a site area of approximately 2,777m². The site is currently occupied by a warehouse building, which operates as a food and beverage distribution warehouse. Vehicle access is provided direct to Allen Street for the purpose of loading/unloading and providing access to the 10 on-site parking spaces provided within the front setback.

The existing building is part single storey, to the rear and along the eastern side and is confined to that area used as a warehouse. A two storey administration is located at the front of the building on the southern elevation.

The existing warehouse component of the building has a pitched roof form, whilst the roof over the two storey administration area is flat (refer to Figure 6).



Figure 6: View of 159 Allen Street – Allen Street Frontage

2.5 Leichhardt Municipal Council Planning Framework

2.5.1 Leichhardt Local Environmental Plan 2000

The sites are identified as being zoned industrial under the *Leichhardt Local Environmental Plan 2000* (LLEP), (refer to Figure 7). The sites are not identified as heritage items. However, Allen Street between Flood Street and Darley Road is identified as a landscape heritage item, reflecting remanent interwar street tree plantings.

The current zoning prohibits "dwellings" and is structured such that only those uses listed as permissible with consent can be carried out within the subject zone. Those uses listed as being permissible with consent include:

Advertisements; amusement centres; brothels; bulk stores; bulky goods retailing; car parking; community facilities; depots; educational establishments; generating works; high impact telecommunication facilities; industries; local shops; motor showrooms; passenger transport terminals; places of public worship; port uses; public transport stops; railways; recreation areas; recreation facilities; roads; service stations; sex shops; smash repairs; timber yards; transport depots; veterinary facilities; warehouses; water-based commercial and recreational facilities; demolition; and subdivision.



To facilitate future redevelopment of the sites for residential purposes, the sites will need to be rezoned residential.

Figure 7: Existing zoning under Leichhardt Local Environmental Plan 2000

Clause 23 (2) prohibits Council from granting consent to development on land within the industrial zone with a FSR greater than 1:1.

The LLEP 2000 does not prescribe maximum building heights or minimum lot size requirements for development within the industrial zone.

The surrounding locality is zoned residential under the LLEP 2000 (as shown in Figure 7). The residential Density Map adopted under clause 19 of LLEP 2000 prescribes a maximum FSR of 0.5:1 to land with Leichhardt, including the identified sites to which this proposal relates (refer to Figure 8).



Figure 8: FSR controls under the LLEP 2000

Clause 19 (3) of LLEP 2000 also requires that residential development maintains 40% of the site as landscaped area and that 25% of this be provided as deep soil landscaping.

The LLEP 2000 does not prescribe height controls for residential development. These are contained within Part B Residential Development of the Leichhardt Development Control Plan (DCP) 2000.

2.5.2 Draft Leichhardt Local Environmental Plan 2011

The Draft *Leichhardt Local Environmental Plan (DLLEP) 2011* is currently with the Department of the Planning and Infrastructure awaiting gateway determination to permit the exhibition of the draft plan.

Council has concurrently developed a draft Development Control Plan which is understood will form part of the exhibition package.

The DLLEP 2011 provides a clear indication of Council's intention for the site with respect to future zoning and permissible uses. In this regard we note that the DLLEP 2011 is a "no change" LEP and its main purpose is to provide a translation of the existing controls into the standard LEP template. Recommendations arising from specific studies and strategies are proposed to be dealt with as future amendments.

The sites (141 & 159 Allen Street Leichhardt)

The subject sites are proposed to be zoned *Light Industrial* (IN2) under the *Draft Leichhardt Local Environmental Plan 2011* (refer to Figure 9).



Figure 9: Proposed zoning under the Draft Leichhardt Local Environmental Plan 2011

Under the provisions of the DLLEP 2011 the range of permitted uses is expanded and includes the following uses:

Amusement Centres; Animal boarding or training establishments; Boat launching ramps; Boat building and repair facilities; Bulky goods premises; Car parks; Charter and tourism boating facilities; Community facilities; Depots; Electricity generating works; Environmental protection works; Extractive industries; Freight transport facilities; Function centres; Funeral homes; Garden centres; Hardware and building supplies; Industrial retail outlets; Industrial training facilities; Information and education facilities; Intensive plant agriculture; Jetties; Kiosks; Landscaping material supplies; Light industries; Liquid fuel depots; Mortuaries; Neighbourhood shops; Passenger transport facilities; Places of public worship; Plant nurseries; Port facilities; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Recreation facilities (major); Research stations; Service stations; Sewage treatment plants; Sex services premises; Signage; Take away food and drink premises; Timber yards; Transport depots; Truck depots; Vehicle body repair workshops; Vehicle repair stations; Water recreation structures; Water supply systems; Water recycling facilities; Water supply systems; Water recycling facilities; Water supply systems; Water recycling facilities; Wharf or boating facilities and Wholesale supplies.

It is noted that whilst heavy, hazardous or offensive industries are prohibited from occurring within the proposed light industrial zone, the range of permissible uses is significantly expanded under the DLLEP 2011. Many of those uses listed as being permissible within the proposed zone would be unsuitable for the site given its proximity to residential development.

Pursuant to subclause 4.4(2) DLLEP 2011 a maximum FSR of 1:1 is proposed for the site. This is the same control that currently applies.

There are no prescribed minimum or a maximum building height requirements that relate to the subject land.

The Surrounding Locality

That land immediately surrounding the subject sites is proposed to be zoned R1 General Residential (refer to Figure 9). The land density map adopted under clause 4.4 of the DLLEP 2011 proposes to retain the existing FSR control 0.5:1 (refer to Figure 10).

Similarly to the current LLEP 2000 the Draft LLEP 2011 adopts the following controls in relation to the residential development:

- Clause 4.3A(2) development within the zone R1 must not provide less than 25% of the site area as landscaped area;
- · Clause 4.3A(3) requires that landscaped area must have a minimum dimension of 2 metres; and
- Clause 4.3B(2) permits a maximum site coverage of 60% of the site area.

Leichhardt Municipal Council has not adopted clause 4.3 *Height of Buildings* of the Standard Instrument. Accordingly, it is envisaged that building height will be controlled through a Development Control Plan. As yet Leichhardt Municipal Council has not developed or exhibited any supporting Development Control Plan.



Figure 10: Proposed FSR under draft Leichhardt Local Environmental Plan 2011

2.6 Leichhardt Development Control Plan 2000

Development of the site, subject of this proposal, and the surrounding residential zone is regulated by the Leichhardt Development Control Plan 2000 (DCP). The DCP is broken into parts that address and control different categories of development. In this regard the relevant sections of the DCP area as follows:

- Part A: General Information that relates to all forms of development undertaken throughout the Leichhardt LGA and includes locality statements;
- Part B: Residential Development; and
- Part C: Non-Residential Development including commercial, retail, industrial development and the like.

The current LLEP 2000 does not prescribe maximum height controls instead these controls are provided within Parts A (General Information) and B (Residential Development) of the DCP.

The DCP utilises a building envelope to determine appropriate building heights, which reflect the prevailing built form and scale of surrounding development. The subject site is identified as being within the West Leichhardt Distinctive Neighbourhood – Industrial Business Areas bordered by the North Residential Area (refer to Figure 9).



Figure 11: Distinctive Neighbourhood Map – West Leichhardt – Leichhardt Development Control Plan 2000

Under section 5 of the West Leichhardt Distinctive Neighbourhood statement of the Leichhardt Development Control Plan 2000 both the North Residential and Industrial Business Areas have a maximum wall height of 6.0m.

2.7 Strategic Context and Specific Studies

2.7.1 Metropolitan Plan for Sydney 2036

The Metropolitan Plan is a broad planning framework used to guide the development of Sydney to 2036. The Strategy plans population growth, new housing, new jobs, increases in industrial land, and commercial and retail floor space over a 25 year period for the whole of Sydney.

- Locate at least 70 per cent of new housing within existing urban areas;
- Subregional net additional dwelling targets for the Inner West (including Leichhardt LGA) is 35,000 new dwellings by 2036. The targets are to be reflected in Local Environmental Plans (Action D1.2);
- Increase employment opportunity within the inner west through the provision of an additional 25,000 new jobs by 2036;
- Monitor the supply and demand for employment lands, identify and retain strategically important employment lands and plan for new employment lands.

2.7.2 Inner West Subregion Draft Subregional Strategy (July 2008)

Implementation of the Metropolitan Plan for Sydney 2036 is, in part, achieved through the breakdown of areas into subregions. Leichhardt LGA is located within the Inner West Subregion. Accordingly strategic development decisions and tools are informed by the goals set by the Inner West Subregion Draft Subregional Strategy.

Along with identifying specific growth targets in relation to new housing and job creation (refer to section 3.5.2), the Inner West Subregion Draft Subregional Strategy identifies and categorises employment lands for retention. In this regard we note that the subject sites are identified in Figure 4 *Inner West Subregion Structure Plan* as being employment lands and later identified in Table 6 *Schedule of Future Role of Employment Lands in the Inner West* as being Category 1 employment lands.

Category 1 employment land, is land identified to be retained for industrial purposes. Sites identified as category 1 lands are those which presently function as industrial areas and provide a regional/national,

subregional or local economic role (refer to page 28 of the Inner West Subregion Draft Subregional Strategy). Sites within this category are seen as being collectively vital to the health of local and regional economies and should be retained to accommodate and support and range of services.

Consistency of the Planning Proposal with the relevant objectives and actions of the Inner West Subregion Draft Subregional Strategy are considered in detail in section 3.5.2.

2.7.3 Leichhardt Employment Lands Study 2011

The local level implementation of the Inner West Subregion Draft Subregional Strategy is implemented through Local Environmental Plans (LEP). As part of the process of preparing the DLLEP 2011, a series of specialised studies have been undertaken.

In this regard Leichhardt Municipal Council commissioned the Leichhardt Employment Lands Study, which was used to identify the local demand and supply of employment lands and their capacity to meet the projected targets of the Metropolitan Plan for Sydney 2036 and the Inner West Subregion Draft Subregional Strategy.

The final report of the Leichhardt Employment Lands Study compiled by SGS was published in January 2011.

The study utilised gap analysis to determine the availability of employment lands based on three (3) scenarios and the opportunities and constraints that each site or precinct offered in achieving economic and employment growth within the LGA.

The three (3) scenarios adopted by SGS to determine current and future demand for employment lands, included a:

- Business as usual scenario (BAU);
- Redistribution of excess demand scenario (which redistributes those deficits into areas of surplus based on their broad land use category); and
- Sites removal scenario.

At a broad scale, across the Leichhardt LGA, the analysis returns a deficit of 25, 000m² of industrial land under the BAU scenario. Under the redistribution of excess demand and the sites removal scenarios a surplus of industrial land of 12, 400m² and 7, 500m² is returned. This discrepancy in available employment lands reflects the redirection of non-industrial uses away from industrial precincts to commercial precincts.

The subject sites at Allen and Flood Streets are identified within the SGS report as being the *Leichhardt B Industrial Precinct*. The precinct land is currently utilised for the purpose of bulky goods retailing, warehousing and distribution. The related employment sectors may be broadly categorised as wholesale trade and transport and storage (Appendix 6: *Forecast Approach: Table 1, page 87*). The employment growth rate for each of these industries is 93% and 115% respectively for the period 2006 to 2031.

Gap analysis, in relation to these sites indicates that based on projected industry employment growth rates for sectors relating to wholesale trade and transport and storage, there will be a minor deficit in available floor space under the BAU and Redistribution Scenarios.

Notwithstanding the above, the report makes the following observations in respect to the land and its future use:

• The sites are fragmented from local and strategic centres (Glebe Island/White Bay Precinct) and corridors (Rozelle Goods Line);

- The sites are surrounded by residential development that restrict the development potential, intensity and nature of industrial and employment generating use due to land use conflicts arising from noise, waste management and traffic;
- The sites due to their constrained locality are underutilised; and
- The sites are isolated from major transport routes, including rail freight lines and do not have direct access to major arterial transport routes.

Consequently the third scenario, site removal, tests the tolerance of removing the land from the supply and demand analysis and the capability of remaining employment lands to provide for and meet projected industry employment and growth targets set by the Metropolitan Plan for Sydney 2036 and Inner West Subregion Draft Subregional Strategy.

Under this scenario, the site returns a neutral value and as indicated previously the Leichhardt LGA as a whole returns a surplus of employment land equal to 7, 527m². Based on this outcome the proposed rezoning of the site will not adversely affect employment or economic growth of the Leichhardt LGA as a whole, or the need to meet the target to generate an additional 500 new jobs by 2031 as set by the Inner West Subregion Draft Subregional Strategy.

The report ultimately recommends in Section 7 *Strategies and Actions* that the *Leichhardt B precinct* be rezoned, in the short term for residential purposes.

3.0 The Planning Proposal

3.1 Overview

This section addresses and responds to the matters for consideration detailed within the Department of Planning and Infrastructure's document *A Guide to Preparing Planning Proposal*, dated July 2009.

3.2 Objectives and Intended Outcome

This Planning Proposal seeks a rezoning of Lot 1 in DP 632522 and Lot X in DP 381373 from industrial to residential.

The rezoning is sought to facilitate redevelopment of the existing industrial warehousing sites for the purpose of a residential development

Depending on timing, there are two possible approaches by which to achieve the proposed rezoning, these include:

- An amendment to the current Leichhardt LEP 2000, or
- An amendment to the comprehensive *Draft Leichhardt LEP 2011* yet to be exhibited.

3.3 Explanation of Provisions

To achieve the rezoning of the land from industrial to residential the following amendments would be necessary under each scenario.

Approach 1 – Amend Leichhardt LEP 2000

An amendment to the LLEP 2000 would require a mapping amendment to change the zoning and require an amendment to the written instrument in relation to the permitted FSR.

An amendment to the written instrument would be achieved through the inclusion of additional controls at Schedule 1 *Additional Uses and Controls for Certain Land,* Part 3*Amended controls on specific sites.* The amendments could include suitable development standards.

The provisions of existing subclause19 (2) will not apply to the development.

In accordance with s.117 directions any amendment to the LEP would also include provisions to ensure that future residential development was undertaken in accordance with *Australian Standard 2021- 2000 Aircraft Noise Intrusion Building Siting Acceptability based on ANEF Zones*, for internal noise levels for properties affected by the ANEF 20 contours.

Approach 2 - Amendment to the Comprehensive Draft Leichhardt LEP 2011

Amendment to the comprehensive DLLEP 2011 to rezone the land from industrial to residential would require mapping amendments to sheets LZN_002 and FSR_002.

This approach would involve no changes to the written instrument.

Further Studies

The Planning Proposal is broadly seeking to rezone the site from industrial to residential. This zone would permit a range of residential uses. The scale and intensity of the built form would need to be tested through additional urban design analysis. Similarly given the change from industrial to residential additional controls and amendments will be required. It is envisaged that the following additional studies will be requested prior to determination:

- *Urban Design:* provides an analysis of character, scale, and height of new development within the context of its residential setting. Arising from the urban design work, a built form Controls Map may be a suitable outcome, showing FSR and possibly height.
- *Contamination:* Given the sites current and historical industrial use a minimum phase 2 Environmental Site Audit (ESA) will be required to determine the extent and nature of any contamination that is present on either site and determine the appropriate measures for remediation (if required) to ensure the land is suitable for its intended future residential use.
- *Traffic, Access and Movement:* assessment of traffic impacts, cumulative impacts, amelioration of impacts and alternative forms of travel; access and movement to and from the site; and
- Infrastructure: confirmation that existing facilities can be upgraded and/or extended to meet demand.

The key planning controls such as FSR will be incorporated into the Draft LEP. Height would be addressed through suitable DCP controls.

It is envisaged that any further studies would be undertaken once gateway determination has been made and prior to the exhibition of the draft LEP.

3.4 Justification

This section addresses the need for the rezoning, why the Planning Proposal is the best approach and what the community benefits will be.

A detailed assessment of the consistency of the proposal with the LEP Evaluation Criteria is provided at Attachment 1.

3.4.1 Need for the Planning Proposal

The Planning Proposal will facilitate the redevelopment of the site for residential purposes with the attended benefit of providing new housing stock within an established urban area serviced by existing infrastructure, with access to public transport routes that connect to strategic centres. The site is located within the 600m walking catchment of an identified "village" centre and 1.1km of the Norton Street Town Centre.

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

In part, yes. This proposal has been submitted as an amendment to facilitate redevelopment of the site for residential purposes.

The proposal is an implementation of the recommendations made in the January 2011 SGS report into Leichhardt employment lands (refer to table 29 in section 7.0, page 181-182). The report recommends the rezoning of the site, for residential purpose consistent with surrounding development and prevailing character of the sites immediate area (refer to SGS report page 158 and page 81 of Appendix 5).

The SGS report finds that the existing fragmentation of the site from public transport and strategic centres, combined with land use conflicts such as noise and traffic is not ideal. Moreover the report finds that the rezoning of the Category 1 employment lands (as identified in the Inner West Subregion Draft Subregional

Strategy) will not adversely affect the economic growth or potential employment generation of the Leichhardt LGA.

The proposal is therefore considered consistent with local level strategic documents.

Is the Planning Proposal the Best Way to achieve the Intended Outcomes?

The Planning Proposal is considered the best and only appropriate method of rezoning the site to permit residential development that would be otherwise prohibited under the existing and proposed industrial zoning.

Rezoning of the site will result in the reduction of land use conflict between the existing industrial uses operating within an area predominantly characterised by residential development. Rezoning of the site will contribute to an increase in new housing for the Leichhardt LGA located within proximity to identified centres, on land supported by existing services and infrastructure.

Without the Planning Proposal a residential development could not be pursued. It is also noted that the comprehensive DLLEP 2011 has not included any strategic changes or implementation of the SGS report's recommendations as it is essentially a transition of the existing instrument to the standard template format.

Potential Community Benefits

The redevelopment of the site for residential purposes will potentially provide the following community benefit:

- Provide new housing opportunities and contribute to the range of housing forms within the LGA;
- · Increasing the availability and range of housing stock can contribute to housing affordability;
- · Reduce the volume of heavy vehicular traffic currently utilising the residential road network;
- Improve the amenity of the surrounding residential zone through reduced traffic volumes, noise generation and improved streetscape amenity;
- Maximises the use of existing infrastructure and services;
- Support the growth of local centres, through increasing population and density within walking catchments to identified neighbourhood, village and town centres;
- Permits economic redevelopment of employment land that is constrained in terms of future development potential;
- Providing new dwellings within proximity to existing and new transport nodes will reduce reliance on car usage and congestion; and
- · Supports major infrastructure development and investment in regard to the proposed light rail upgrade.

3.5 Relationship with the Strategic Planning Framework

3.5.1 Metropolitan Plan 2036

The Metropolitan Plan is a broad planning framework used to guide the development of Sydney to 2036. The Strategy plans population growth, new housing, new jobs, increases in industrial land, and commercial and retail floor space over a 25 year period.

The Metropolitan Plan for Sydney 2036 identifies seven (7) key strategies comprising the following parts Economy and Employment, Centres and Corridors, Housing, Transport, Environment and Resources, Parks and Public Places and Governance and Implementation. The pursuit of providing future in-fill residential development within an established urban area supported by services and public transport infrastructure is consistent with the following relevant actions:

Strategic Direction 'A' – Strengthening a City of Cities

Objective A1 To promote Regional Cities to underpin sustainable growth in a multi-centred city.

The inner west, including Leichhardt LGA, has a lower proportion of jobs to working age residents, as it has long served as a residential "dormitory" suburb for the inner city due to a high degree of access to public transport and employment.

The subject sites are located within 350m of the future Hawthorne Light rail station combined with regular bus services and routes available from Flood and Norton Streets that will connect the site to major strategic centres.

The proposal contributes to increasing residential density around transport routes and networks and within walking distance of local and town centres and contributes to the creation of a sustainable city.

Objective A3 To contain the Urban Footprint and achieve a balance between Greenfields Growth and renewal in existing urban areas.

Leichhardt LGA is an established area located within 6.6 kilometres of the Sydney CBD, serviced by existing infrastructure, including existing and planned public transport connections.

The proposed rezoning of the land to permit infill residential development will contribute to urban consolidation and renewal of the area.

Objective A8 To plan and coordinate delivery of Infrastructure to meet Metropolitan Housing and Employment Growth rates.

The Inner West Subregion Draft Subregional Strategy identifies a need to provide an additional 2,000 new dwellings within the Leichhardt LGA by 2031. The proposed rezoning has the potential to contribute to achieving this goal through the comprehensive and coordinated rezoning and redevelopment of nearly 1 hectare of land strategically located on and near existing and future transport lines, supported by existing services and infrastructure.

Rezoning of the subject site, will not compromise the ability of Leichhardt Municipal Council to achieve the projected employment growth targets, as there is adequate supply of employment lands within existing centres and enterprise corridors to permit the relocation of the existing bulky goods retailing and warehousing uses in an unconstrained environment (refer to section 7.0 of the SGS report).

Strategic Direction 'B' – Growing and Renewing Centres

Objective B1 To focus activity in accessible centres.

The sites are located within proximity to four (4) identified centres of varying hierarchy being:

- Allen Street Neighbourhood Centre;
- Lower Norton Street Small Village;
- Leichhardt Market Place Village; and
- Norton Street, Leichhardt Town Centre.

The site is located within the walking catchment of the Leichhardt Market Place Village.

Action B1.3 Aim to locate 80 per cent of all new housing within the walking catchments of existing and planned centres of all sizes with good public transport.

The sites are located within the walking catchment of the Leichhardt Market Place Village and existing and planned public transport routes, including the planned Hawthorne light rail stop that is to be constructed as part of the inner west light rail extension approved in February 2011, which will connect the site to major strategic centres. Transport for NSW envisages delivery of the full network extension by early 2014.

Strategic Direction 'C' – Transport for a Connected City

Action C2.1 Ensure subregional housing and employment targets are informed by analysis of current and planned public transport capacity availability.

The sites are located on existing and planned public transport corridors. In particular the planned expansion of the light rail system from Lilyfield to Dulwich Hill will provide for an increased capacity in the local public transport system. Increasing the provision of housing within proximity to the propose light rail expansion corridor is consistent with the objectives of the Metropolitan Plan for Sydney 2036 to foster increased residential development close to public transport to reduce car dependence and road congestion.

Strategic Directions 'D' – Housing Sydney's Population

Objective D1 To ensure adequate supply of land and sites for residential development

Rezoning the site will contribute to the supply of residential land within an existing and established urban area.

Action D1.1 Locate 70 per cent of all new housing within existing urban areas and up to 30 per cent of new housing in new release areas.

The sites are located within an established urban area supported by existing services and infrastructure. The proposal would increase the quantum of land available within the Leichhardt LGA to be used for residential purposes.

Action D2.1 Ensure local planning controls include more low-rise medium density housing in and around small centres.

The Metropolitan Plan for Sydney 2036 identifies a need to provide a total of 35,000 new dwellings within the inner west, which includes the Leichhardt LGA. The proposed rezoning of the site would facilitate the redevelopment of the site for an appropriate form of residential development that responds to the local character and strategic location.

Subject to further studies being undertaken, it is proposed to amend the LLEP 2000 or the DLLEP 2011 to permit an appropriate FSR for the sites that would facilitate development of a suitable scale and intensity of medium density housing.

Objective D3 To improve Housing Affordability

Increasing the quantum of residential land available within the Leichhardt LGA, combined with improving the provision of diversity in housing form and typology will contribute to the supply of dwellings and housing affordability within the area.

Objective D4 To improve the quality of new housing development and urban renewal

The sites are currently used and occupied for industrial warehousing purposes that detract from the surrounding visual and residential amenity.

The Planning Proposal supports the redevelopment of the site for residential purposes consistent with the surrounding character. Any future development will be subject to assessment in accordance with the relevant local and states policies that will apply to land.

Redevelopment of the site will contribute to an improved streetscape and residential amenity, in relation to a reduction in noise and heavy vehicle traffic movement associated with the current industrial operations.

Strategic Direction 'E' – Growing Sydney's Economy

Objective E3 To provide employment lands to support the economy's freight and industry needs.

The sites represent an isolated pocket of industrial land surrounded by residential development. In this regard intensive industrial use of the sites is restricted due to the potential for adverse impact on the surrounding sensitive residential land use. As such the sites are currently underutilised.

Moreover, the sites are only accessible via residential collector streets and are not located within proximity to major arterial roads or freight lines. The proposed rezoning would implement the findings of the SGS report to rezone the sites for residential purposes and encourage the relocation of the existing bulky goods uses to future enterprise corridors.

Action E3.2 Identify and retain strategically important employment lands

The sites are currently zoned industrial and listed as Category 1 Employment Land in Table 6 of the Inner West Subregion Draft Subregional Strategy.

Notwithstanding this, a recent Leichhardt Employment Lands Study prepared by SGS on behalf of Leichhardt Municipal Council identifies that the site could feasibly be rezoned without adversely affecting the economic or employment growth of the LGA. Logically the same report does not include the sites as being of strategic importance to the LGA.

Due to the predominantly residential character of the locality and the sites isolation from major arterial roads and freight links the site is not identified as being of strategic significance at a local or regional level.

Strategic Direction 'G' – Tackling Climate Change and Protecting Sydney's Natural Environment

Objective G8 To minimise household exposure to unacceptable noise level

The Planning Proposal to rezone the sites from industrial to residential will remove the existing land use conflicts that arise from noise and heavy vehicular traffic movements associated with the operation of broad industrial uses.

The subject sites are affected by Aircraft Noise Exposure Forecast (ANEF) 20 contour as shown in Figure 14.7b of the Sydney Airport Master Plan2009 for ANEF 2029 and ANEF 2023/24 (refer to Figure 12). Land within the ANEF 20 is acceptable for residential purposes subject to construction in accordance with *Australian Standard 2021- 2000 Aircraft Noise Intrusion Building Siting Acceptability based on ANEF Zones.* In accordance with s.117 direction 3.5 should the rezoning be supported future development will be governed by suitable controls in this regard.

Action G8.1 Avoid noise based land use conflict through strategic planning and development assessment processes

The Planning Proposal to rezone the land for residential purposes will remove existing land use conflicts that would arise from the operation of the warehouse buildings, including noise and heavy vehicle traffic.

The subject site is located within an area that may be affected by:

- Aircraft noise exposure; and
- Rail noise (future light rail).

However, the levels of noise generated by the identified sources could be resolved through appropriate and site responsive design and suitable construction methods. These matters would be addressed at Development Application stage and are matters for consideration under s.79C of the *Environmental Planning and Assessment Act 1979.*

Strategic Direction 'I' – Delivering the Plan

Objective 14 To ensure LEPs deliver the intent and yield anticipated under the Metropolitan Plan

The Planning Proposal to rezone the sites would inform the DLLEP 2011 and would contribute to the quantum of residential land available to enable Leichhardt LGA to provide an additional 2,000 new dwellings by 2031 as required by the draft Inner West Subregion Draft Subregional Strategy.

3.5.2 Inner West Subregion Draft Subregional Strategy

The Metropolitan Plan for Sydney 2036 is divided into sub-regions and the Department of Planning and Infrastructure has maintained the subregional strategies in draft form. The subject site is located within the Inner West Subregion.

The subregional strategies are designed to assist Council's with the preparation of their LEPs. The Inner West Subregion Draft Subregional Strategy was drafted for release in July 2008. The purpose of the subregional strategy is to provide for targeted and specific response to the state level strategic objectives and aims set by the Metropolitan Plan for Sydney 2036 at a regional level.

The key directions and targets identified in the Inner West Subregion Draft Subregional Strategy of relevance to the proposal include:

Key Directions 'A' - Economy and Employment

IW A1.1.1 Inner West local councils to prepare Principal LEPs which will provide sufficient zoned commercial and Employment Land to meet their employment capacity targets

The Planning Proposal will reduce the quantum of employment lands within the Leichhardt LGA by nearly 1 hectare. However, the proposed rezoning of the site is consistent with the recommendations of the SGS, Leichhardt Employment Lands Study (refer to Table 29 on page 182). The report identifies the sites as being potentially constrained due to their fragmentation from public transport and major centres (refer to 158). The isolation of the sites in conjunction with the amenity interface issues caused by the proximity of residential development (SGS report, Appendix 5 page 82) constrains the use of the site and restricts potential growth and intensification of the existing industrial uses.

Modelling undertaken by SGS indicates that the net reduction in employment land will not affect the capacity of remaining employment lands within the Leichhardt LGA from meeting the employment capacity target of 500 new jobs by 2031 (refer to table26 *Sites removal scenario*, page 167). The SGS report into employment lands within Leichhardt LGA provides various strategies for developing local niche markets (creative industry) and improving and strengthening existing corridors and centres to enable suitable job creation.

IW A1.2.3 Council to ensure retention of sufficient small Employment Lands parcels to support local service industries

The subregional strategy broadly recommends that existing small pockets of industrial land within Leichhardt should be retained to provide for a range of local economic services unless it can be demonstrated that the land is surplus to demand.

A recent study into the Leichhardt LGA Employment Lands undertaken by SGS identifies the sites as being fragmented and isolated from public transport and other commercial locations. Moreover the report indicates that the continued use of the site for industrial purposes is inconsistent with the surrounding residential development.

The constrained nature of the site restricts existing and future employment opportunities, with the larger of the two sites Matt Blatt only employing 10 people to operate the site. The increasing residential population of the area will only place further pressure on the land and constrain the use and opportunity for employment generation further.

The SGS report undertook a Gap Analysis involving a sites removal scenario which tests the tolerance of the remaining employment lands to absorb displaced land uses and operations. Under this scenario the analysis returned an overall surplus of employment land throughout the LGA.

The report ultimately recommends that Council consider rezoning the site for residential purposes. Accordingly, the Planning Proposal is considered consistent with the identified action and more detailed analysis of the amount and suitability of employment lands particular to the LGA.

Key Directions 'B' – Centres and Corridors

IW B4.1.2 Councils to investigate appropriate locations for retail uses in Centres, Business Development Zones (supporting identified Strategic Centres) and Enterprise Corridors.

Section 7 of the Leichhardt Employment Land Study by SGS makes recommendations on strategies that Council can adopt to strengthen their local centres (of varying hierarchy), in particular the report recommends that Leichhardt Municipal Council enhance the future role of commercial centres identified within Rozelle and Norton Street through the restriction of out of centre commercial development. The SGS report also recommends that bulky goods retailing "out of centres" only be encouraged within enterprise corridors.

The subject sites are fragmented from both commercial centres and enterprise corridors. The continued use of these site for use as bulky goods retailing and warehousing uses, would be contrary to the recommendations of the SGS, contributing to decentralisation of established commercial centres and significantly contributing to vehicle trips within the local road network away from enterprise corridors, contrary to the objections of the Metropolitan Plan for Sydney 2036, the Inner West Subregion Draft Subregional Strategy and the SGS report.

Key Directions 'C' - Housing

IW C1.3.1 Inner West Councils to plan for sufficient zoned land to accommodate their local government area housing targets through their Principal LEPs.

The Planning Proposal will contribute to the quantum of residential zoned land.

IW C2.1.1 Inner West Councils to ensure the location of new dwellings maintains the subregion's performance against the target for the State Plan Priority E5 (jobs closer to home)

State Plan Priority E5 states that:

"Increasing densities in centres and concentrating activities near public transport, together with an improved transport system, will strongly contribute to achieving "jobs closer to home".

The sites are located 6.6 kilometres from the Sydney CBD. Existing public transport routes are available from Flood Street with connections to the strategic centre of Sydney CBD available from Norton Street, approximately 600m from the sites.

Moreover we note that the sites are located within 350m of the planned Hawthorne light rail station that forms part of the approved inner west light rail extension being constructed to connect Dulwich Hill to the City of the Sydney.

Accordingly the proposal is considered consistent with State Plan Priority E5 (jobs closer to home).

IW C2.1.2 Councils to provide in their LEPs zoned capacity for a significant majority of new dwellings to be located in strategic and local centres.

The sites are located within the walking catchment area of the Leichhardt Market Village centre, the Norton Street commercial strip and the future inner west light rail extension. The Planning Proposal is considered to be consistent with the objective to locate new dwellings around existing centres and existing and future public transport routes.

C2.3 Provide a mix of Housing

The Planning Proposal will facilitate comprehensive redevelopment of the sites. Any future development will provide for diversity in the housing mix. The housing types and forms to be developed will be determined based on the urban design study (to be undertaken after gateway determination) and will inform the appropriate density, height and built form of any future development.

The sites strategic location in proximity to identified centres, existing and planned public transport routes and infrastructure provides an opportunity to redevelop the site and contribute to the housing mix of the LGA consistent with the aims of the Inner West Subregion Draft Subregional Strategy and Council's resolution of July 2009 (C318/09) to investigate and identify sites that would be suitable for the provision of affordable housing.

IW C2.3.2 Inner West Councils to provide for an appropriate range of residential zoning to cater for changing housing needs.

The Planning Proposal seeks consideration of a broad residential zone consistent with the existing LLEP 2000 and DLLEP 2011 that allows for all forms of residential housing. An urban design study will be undertaken to determine suitable density and height controls for the sites.

The proposal is considered consistent with the objective.

Key Directions 'E' - Environment, Heritage and Resources

E2.5 Minimise household exposure to unacceptable noise levels.

The Planning Proposal seeks to rezone an existing pocket of isolated industrial land for residential purposes, consistent with its surrounding context. The change in zoning will reduce the current land use conflicts that

are likely to arise from the operation of warehousing units within proximity to dwellings, in particular noise and heavy vehicular movements.

The subject sites are located within proximity to the future light rail network and may be affected by aircraft noise associated with the operation of Sydney Airport. The sites are identified in Figure 14.7b of the Sydney Airport Master Plan 2009 as being within ANEF 20 (refer to Figure 12)

These are matters that can be addressed through suitable design and construction responses to ensure residential amenity.



Figure 12: Sydney Airport ANEF Contour Map (Source: Sydney Airport Master Plan 2009)

3.5.3 Leichhardt 2020 + Strategic Plan

The Leichhardt 2020+ Strategic Plan, September 2007 was developed by Council with the local community to guide and direct Council and the community in achieving their development goal of a "sustainable and liveable community".

The plan provides a framework for future development of the community over key areas that include:

- Community Well Being;
- Accessibility;
- Place Where We Live & Work;
- Sustainable Environment;
- Business in the Community; and
- Sustainable Services & Assets.

The Planning Proposal is consistent with the goals of the Strategic Plan 2020+ in respect to the following:

- The rezoning of the land is consistent with the Metropolitan and Subregional Plans in seeking to redevelop constrained industrial land for residential development that will contribute to achieving new dwellings targets for the area;
- Increasing density and providing for in-fill residential development on existing and planned transport links will promote public transport usage and reduce car dependence;
- The proposal provides an opportunity to increase the diversity of the housing mix, contributing to housing affordability and community diversity; and
- The proposal is consistent with regional and subregional planning strategies and provides an integrated response to local land use planning.

3.5.4 State Environmental Planning Policies

The relevant State Environmental Planning Policies and deemed State Environmental Policies that should be considered have been addressed at Appendix 2 to this report. The consideration of these State Environmental Planning Policies has identified that the Planning Proposal would not conflict with any of these of policies.

There are no deemed SEPP (previous Regional Planning Policies) that are relevant to the Planning Proposal.

3.5.5 Section 117 Directions

The S.117 directions applicable to the Planning Proposal have been addressed at Appendix 3 of this report.

The Planning Proposal would be consistent with all the relevant directions.

3.6 Environmental, Social and Economic Impact

3.6.1 Critical Habitat or Threatened Species

The sites are located within a highly modified urban environment and have been extensively developed to accommodate warehouse buildings and at grade parking and loading and unloading facilities. There is no vegetation present on either site.

The proposed residential zone and future redevelopment of the site is appropriate to be considered further as there are no critical habitats or threatened species affected by the potential works.

3.6.2 Environmental Risks and Hazards

The sites are currently used for industrial purposes and are located within proximity to the Hawthorne Canal (located approximately 250m northwest of the site). The site is not identified as a Flood Control Lot under Part A of the Leichhardt Development Control Plan. The site also not identified as being affected by Acid Sulphate Soils under the DLLEP 2011.

The historical and continuing use of the sites for industrial purposes may have some minimal potential of contamination of ground soils. The reuse of the site for the purpose of residential development should therefore only occur after detailed site contamination assessment has been undertaken in accordance with State Environmental Planning Policy No. 55.

Contamination assessment, including a minimum Phase 2 Environmental Site Audit (ESA) will be undertaken once gateway determination of the Planning Proposal has been made. If contamination is identified as a result of the ESA a Remediation Action Plan will be developed, carried out and the site validated prior to any future redevelopment of the site for residential purposes.

Given the history and type of industrial uses on the site is it not anticipated that ground contamination will be a major constraint.

No other environmental hazards are known to affect the site.

3.6.3 Social and Economic Impacts

Heritage

The land subject to this Planning Proposal is not located within a heritage conservation area, however it is adjoined by and is within proximity to the following items as listed under the *Leichhardt Local Environmental Plan 2000:*

- Allen Street Landscape heritage item Street tree plantings between Flood Street and Darley Road for remanent street tree plantings within the carriageway;
- · 212 Flood Street, Leichhardt Built form, corner store; and
- · 68 Allen Street, Leichhardt Built form, Congregational Church and Hall.

The Planning Proposal to rezone the land will have no direct impact on the heritage value of the item and any future application to redevelop the site would be subject to the provisions of Clause 15 and 16 for *Heritage Conservation* of LLEP 2000 or similar provision in DLLEP 2011.

Built Form

As outlined in Section 3.3, it is envisaged that detailed modelling and analysis to determine appropriate built form, FSR and heights would be undertaken once a gateway determination has been made.

The Planning Proposal will involve alteration to permissible FSR restrictions combined with determining an appropriate building height.

Economic

The proposed rezoning of the site will not adversely impact on the economic or employment growth of the Leichhardt Local Government Area (LGA). As identified within the SGS Leichhardt Employment Lands Study, growth can be achieve through strengthening and centralising business activity around strategic centres and corridors, focusing retention of strategic industrial sites (those located within proximity to the Glebe

Island/White Bay Precinct and major arterial roads) and developing niche "creative arts" based industries (refer to SGS report January 2011, section 7.0 Strategies and Actions pages 169 – 179)

Moreover, by providing for new residential land within an established urban area within proximity to identified centres and along transport corridors the proposal contributes to urban consolidation, promoting and strengthening local and regional commercial centres.

Employment

The subject sites are identified as employment lands under the Metropolitan Plan for Sydney 2036. The Metropolitan Plan broadly seeks to retain all existing employment lands within the Leichhardt LGA to ensure the provision of services and the creation of job opportunities.

This strategic aim is reflected in the Inner West Subregion Draft Subregional Strategy that identifies the site as the "Allen and Flood Street Precinct" and applies a Category 1 ranking to the land. This ranking requires the sites to be retained for industrial purposes as they are considered to provide a national, regional or subregional role in contributing to the local and regional economies.

In January 2011 Leichhardt Municipal Council released the Leichhardt Employment Lands Study. This report forms part of the comprehensive review of the current Local Environmental Plan. This report includes a specific assessment of the sites at No. 141 and 159 Allen Street Leichhardt.

The study concludes that the sites fragmentation from strategic and local business centres, isolation from major transport and freight routes combined with the potential to generate land use conflicts with the surrounding residential environment restricts the nature of future use, the capacity for future development and detracts from its continued industrial use.

The nature and type of use that can be carried out of the sites are currently restricted due to the proximity of surrounding residential development. As such the sites are currently used for light industrial warehousing and bulky good retailing use that operate at a relatively low intensity. Matt Blatt Furniture, the larger of the two operations, located on 141 Allen Street, has a floor area of 7,143m² and generates a maximum of 10 jobs opportunities. Increasing the intensity of the site would inevitably cause an increase in land use conflict, which has already been identified as a prevailing issue.

This undeniable constraint on the land to provide for employment growth or unconstrained use is reflected in the resolution of the SGS report that recommends the site be rezoned to permit residential redevelopment. The report resolves that rezoning the sites will not compromise or adversely affect Leichhardt Municipal Council from achieving the employment target of 500 new jobs by 2031 as set by the Inner West Subregion Draft Subregional Strategy.

The sites are underutilised and are unlikely to be able to reach their full developmental or operational capacity whilst zoned industrial. The report ultimately recommends that the site be considered for residential rezoning in the short term (refer to Table 29 on page 183 of the SGS Leichhardt Employment Lands Study provided at Attachment 4).

The Planning Proposal to rezone Category 1 industrial land is consistent with the strategic aims of the Metropolitan Plan to regularly review and identify underutilised and constrained industrial land to enable suitable redevelopment through rezoning.

Housing

The Metropolitan Plan for Sydney 2036 promotes urban consolidation through encouraging new residential development in established areas and within and adjoining identified centres.

The Inner West Subregion Draft Subregional Strategy has specified housing targets for the Leichhardt LGA in the order of an extra 2,000 new dwellings to be provided by 2031.

The proposed rezoning of the site from industrial to residential will permit the redevelopment of the site to provide new housing stock that will contribute to meeting this target. The location of the site within the walking catchment of an identified village centre and public transport routes, including the planned light rail extension, is consistent with the centres based approach to development.

The proximity of the site to services and existing and planned public transport routes and infrastructure, provides a suitable opportunity to redevelop the site for housing and potentially some affordable housing. The identification of sites within the Leichhardt LGA that are suitable for the purpose of providing affordable housing is consistent Council's resolution of July 2009 (C318/09) and the aims of the Inner West Subregion Draft Subregional Strategy to provide a mix of housing types (C2.3 and IW C2.3.2).

Infrastructure

The subject site is located in an area currently serviced by all necessary services and infrastructure facilities.

The proposal is consistent with the Metropolitan Plan 2036 to increase residential densities around identified centres. In this respect we note that following centres, as identified within the Inner West Subregion Draft Subregional Strategy, are located within proximity to the site

Name of Centre	Centre Hierarchy	Distance	Walking catchment Distance*		
(*walking catchments taken from Table 7 on page 47 of the Inner West Subregion Draft Subregional Strategy).					
Allen St, Leichhardt	Neighbourhood Centre	350m	150m		
Leichhardt Market Place	Village Centre	450m	600m		
Lower Norton St (bound by Allen St & City West Link)	Small Village	1.0 kilometre	400m		
Norton Street (between Parramatta Rd & Marion St)	Town Centre	1.1 kilometres	800m		

Table 1: Identification of centres and walking catchments within proximity to the site taken from the Inner West Subregion Draft Subregional Strategy

With respect to the Norton Street Town Centre, it is noted that the retail and commercial centre extends beyond the defined limits of the Town Centre as reflected in the Inner West Subregion Draft Subregional Strategy. The commercial/retail precinct extends the length of Norton Street from Parramatta Road northwards to William Street. The site falls within a 650m walking distance of the Norton Street Town Centre.

The site is further supported by access to existing and planned transport routes and networks that will connect the land to strategic centres, including Sydney CBD.

The site is supported by local services and existing infrastructure, including public transport networks. In particular the site is well positioned in respect to the approved inner west light rail extension (refer to Figure 14). The planned "Hawthorne" station is located 350m from the sites and is in walking distance. The light rail extension will provide direct access to the Sydney CBD combined with other major transport hubs, including traditional rail and bus lines.

Accordingly, the proposal will maximise existing infrastructure and will contribute to achieving the identified dwellings targets for the Leichhardt LGA. The request to rezone the site from industrial to residential land is an orderly and economic use of the land.

Traffic

A detailed traffic and parking assessment will be undertaken as part of those further studies identified in Section 3.3 to be completed prior to the exhibition of the Draft LEP.

The current warehousing operation at No. 141 Allen Street, Leichhardt generates approximately 250-350 vehicle trips per day on weekdays (around 30 - 40 trips per hour), with the busiest time occurring at 11.00am on Saturdays with an average of 150 vehicle trips.

It is envisaged that the rezoning of the site from industrial to residential, depending on density is likely to result reduced traffic impacts.

Parking

The Planning Proposal will permit redevelopment of the site for residential purposes. Any parking required will be determined in accordance with Council's existing development controls that relate to the provision of onsite parking.

Public Transport

The sites are located on an existing public transport route along Flood and Norton Street connecting to local and major urban centres. The site is also located within proximity to the future "Hawthorne" light rail stop to be constructed as part of the approved inner west light rail extension to be delivered by early 2014.

Bus Services

Regular and direct bus service routes depart from Norton Street, Leichhardt approximately 667m to the east. The M10 and 440 bus routes connect Norton Street, Leichhardt to Sydney CBD. Alternative services to the City, including routes 438 are available from the corner or Marion and Flood Streets (refer to Figure 13).

The M10 bus is a high frequency service that runs every 10 minutes during morning and afternoon peak periods, every 15 minutes during the day and every 20 minutes at night and on weekends. Bus route no 445 departing from the corner of Flood and Allen Street, connect residents to Norton Street and Darling Street in Rozelle. Connection can be made to bus route 518 to the City from Rozelle.

The rezoning of land within walking catchments, on land serviced by existing infrastructure including public transport routes is consistent with the transport objectives of the Metropolitan Plan for Sydney 2036.



Figure 13: Sydney Buses Service Map showing bus stop locations and routes from the subject sites to nearby centres (source: www.sydneybuses.info)

Light Rail Extension

On 16 February 2011 the Minister granted consent to Stage 1 of the Sydney Light Rail Extension (MP10_0111). Stage 1 of this project is the 5.6kilometre extension of the Inner West Line connecting Lilyfield to Dulwich Hill and includes nine (9) new stops including one at the Hawthorne Canal approximately 350m walking distance from the subject site (refer to Figure 14).



Figure 14: Existing and approved extension to Light Rail Network (Source: Environmental Assessment Report, Parsons Brinckerhoff)

The proximity of the site to the new light rail extension and Hawthorne Stop will promote the use of public transport and further contribute to a reduction in vehicle movements.

3.7 State and Commonwealth Interests

3.7.1 Is there adequate public infrastructure for the planning proposal?

The site is an existing urban site serviced by all relevant utilities and with access to public transport infrastructure, including existing bus routes and the future Hawthorne light rail station along the approved inner west extension of the light rail. The rezoning and subsequent redevelopment of the site would be based upon sound principles for utilising land within the walking catchment of an identified village centre, serviced by existing infrastructure and utilities and located along transport networks linked to major strategic centres.

The Planning Proposal would not place unacceptable demands on existing public infrastructure.

3.7.2 What are the views of the of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Pursuant to section 56 (d) of the *Environmental Planning and Assessment Act 1979* the Minister as part of the gateway determination will consider if the Planning Proposal requires consultation with State or Commonwealth public authorities.

Any consultation required by the Minister will be undertaken prior to the exhibition of the Draft LEP.

3.8 Formal Consultation on Draft LEP

The formal phase of consultation will be undertaken to coincide with the notification and exhibition of requirements that must be undertaken in accordance with the plan making provisions prescribed by the *Environmental Planning and Assessment Act 1979* and associated *Environmental Planning and Assessment Regulation 2000*. Consultation undertaken in this phase will include:

- · Notification of the Planning Proposal on the respective Council website;
- · Formal notices in locally circulating newspapers;
- Public exhibition of the Planning Proposal document for a period of 28 days at venues to be determined by Council; and
- Direct letter notification to surrounding and adjoining properties in accordance with the community notification policies of Council advising of the exhibition and inviting public submissions.

4.0 Conclusions and Recommendations

The proposed rezoning of 141 and 159 Allen Street Leichhardt from industrial to residential represents an opportunity to redevelop underutilised and constrained industrial to provide new dwelling opportunities that will contribute to meeting the 2000 dwelling target of the Inner West Subregion Draft Subregional Strategy and contribute to housing diversity and density around transport nodes.

The proposed rezoning implements the recommendations of the Leichhardt Employment Lands Study, January 2011 undertaken by SGS. Rationalisation of the sites into the surrounding residential zone will overcome existing land use conflicts and contribute to urban consolidation by increasing density around local centres and transport routes without adversely affecting the economic development or sustainability of the LGA.

Leichhardt Municipal Council is therefore requested to support the Planning Proposal and request the Department of Planning and Infrastructure to issue a gateway determination to commence the process to rezone the subject land from industrial to residential, by one of the following means:

- · An amendment to the current Leichhardt LEP 2000; or
- · An amendment to the comprehensive Draft Leichhardt LEP 2011 yet to be exhibited.

Arising from the consideration of this Planning Proposal that the applicant will be required to undertake the following further studies prior to exhibition of the Draft LEP:

- Urban Design: provides an analysis of character, scale, and height of new development within the context of its residential setting. Arising from the urban design work, a built form Controls Map may be a suitable outcome, showing FSR and possibly height.
- *Contamination:* Given the sites current and historical industrial use a minimum phase 2 Environmental Site Audit (ESA) will be required to determine the extent and nature of any contamination that is present on either site and determine the appropriate measures for remediation (if required) to ensure the land is suitable for its intended future residential use.
- *Traffic, Access and Movement:* assessment of traffic impacts, cumulative impacts, amelioration of impacts and alternative forms of travel; access and movement to and from the site; and
- · Infrastructure: confirmation that existing facilities can be upgraded and/or extended to meet demand



Attachments
Attachment 1: Assessment Against LEP Evaluation Criteria

There are eight criteria identified by the Department of Planning and Infrastructure to be addressed for spot rezoning LEP proposals. These evaluation criteria are considered below:

Criteria 1

Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?

The Planning Proposal will permit the redevelopment of underutilised and inappropriately located industrial land for residential purposes, within an established urban area supported by infrastructure, services and facilities. The site is located on existing bus routes available from Flood and Norton Street and is located 350m walk from the new Hawthorne station to be constructed as part of the inner west light rail extension.

As identified in Section 3.5.2 the Planning Proposal is consistent with the Inner West Subregion Draft Subregional Strategy that applies to the land.

Criteria 2

Will the LEP implement studies and strategic work consistent with State and Regional policies and Ministerial (S.117) directions.

The Planning Proposal would not result in any significant conflict with any relevant State Environmental Planning Policies or S.117 Directions.

Criteria 3

Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional or subregional strategy?

The site is not located within a global/regional city or strategic centre or corridor. The site is located within 6.6 kilometres of the global city of Sydney and within the walking catchment of the Leichhardt Markets Village Centre and the proposed inner west light rail extension.

The Planning Proposal will allow for the redevelopment of the site for residential purposes, within an established urban area that is well located in terms of accessibility to services and public transport.

Criteria 4

Will the LEP facilitate permanent employment generating activity or result in a loss of employment lands?

The Planning Proposal will result in a net loss of 9, 920m² of industrial land, defined as Employment Lands under the Metropolitan Plan for Sydney 2036 and Inner West Subregion Draft Subregional Strategy.

Notwithstanding, the sites are isolated from major arterial road and freight lines, in an area predominately characterised by residential development. The sites are presently underutilised due to the potential to generate land use conflict with neighbouring properties as a result of noise and heavy vehicle movements. The sites have been identified in a recent Employment Lands Study undertaken by SGS Economics and

Planning as being unsuitable for continued industrial use. Moreover, the report concludes that rezoning of the land will not compromise the ability of the Leichhardt LGA in meeting their required employment target, of 500 new jobs by 2031, set by the Inner West Subregion Draft Subregional Strategy.

Criteria 5

Will the LEP be compatible/complimentary with the surrounding land uses?

The Planning Proposal would be compatible with the surrounding residential uses.

Criteria 6

Is the LEP likely to create a precedent, or create or change the expectations of the landowner or other landholders?

The Planning Proposal to rezone the land from industrial to residential would generate a reasonable change in development expectations of the landholders, particularly in relation to the type and form of future development.

The development of appropriate development standards through an urban design study will ensure that any expectations in respect to development potential are compatible, complimentary and appropriate for the site and general locality.

The Planning Proposal is not likely to set a precedent for spot rezoning of remaining Employment Lands throughout the Leichhardt LGA. The subject land is fragmented and isolated from local business centres and bounded by residential uses. The proposal is consistent with the outcomes of the recent Employment Lands Study that concludes that the site and current land uses are not ideally located adjacent to residential development. SGS recommends that the sites be considered for rezoning to residential.

Criteria 7

Will the LEP deal with a deferred matter in an existing LEP?

The Planning Proposal does not deal with a deferred matter in an existing LEP and is not applicable in this instance.

Criteria 8

Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?

Council has undertaken a review of its broad strategic planning framework as part of their comprehensive LEP review. We note that the DLLEP 2011 has been forwarded to the Department of Planning and Infrastructure and is awaiting a gateway determination to permit exhibition.

It is noted that the subject land, despite the outcomes and recommendations of the SGS report in the employment lands in Leichhardt is proposed to maintain an industrial zoning of IN2 *Light Industrial*, under the provisions of the DLLEP 2011.

Notwithstanding the above, the cumulative impact of this spot rezoning is not considered to undermine the broader planning of the area or undermine the management of planning functions for Council.

In considering the cumulative impact of recent spot rezoning applications we note the following Planning Proposals have being forwarded by Council to the Department of Planning and Infrastructure for Gateway determination:

Site	Planning Proposal Change	Date lodged	Gateway Determination Date	Status
118 – 124 Terry Street, Rozelle	industrial to residential	25 July 2011	16 August 2011	On exhibition
22 George Street, Leichhardt	industrial to unspecified to permit mixed use	14 May 2010	Refused at Gateway	
Housing Keeping LEP 2000	Various changes	8 January 2010	9 February 2010	Returned to RPA 11 November 2010 – unpublished.

Of the three (3) Planning Proposals recently lodged for Gateway determination, only one, in relation to land at 118 – 124 Terry Street, Rozelle, is considered to be of relevance.

Attachment 2: Consistency with Environmental Planning Policies

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SEPP Title	Consistency	Comment
1. Development Standards	N/A	This SEPP does not apply
4. Development without consent and Miscellaneous Exempt & Complying Development	N/A	This SEPP does not apply
6. Number of Storeys in a Building	Yes	This Planning Proposal does not derogate or alter the application of the SEPP to future development.
14. Coastal Wetlands	N/A	
15. Rural Landsharing Communities	N/A	
19. Bushland in Urban Areas	N/A	
21 Caravan Parks	N/A	
22. Shops and Commercial Premises	N/A	
26. Littoral Rainforests	N/A	
29. Western Sydney Recreation Area	N/A	
30. Intensive Agriculture	N/A	
32. Urban Consolidation (Redevelopment of Urban Land)	Yes	The Planning Proposal to rezone industrial land to permit residential redevelopment would be consistent with the aims of the SEPP. The site is located within an established urban area, supported by public transport (existing and planned), services and infrastructure. The cumulative area of the land would lend itself to a form of multiunit housing, the ultimate form, density and height of which will be determined by an urban design study prior to the exhibition of the Draft LEP.
33. Hazardous and Offensive Development	N/A	
34. Manufactured Estate Homes	N/A	

SEPP Title	Consistency	Comment
39. Spit Island Bird Habitat	N/A	
41. Casino Entertainment Complex	N/A	
44. Koala Habitat Protection	N/A	
47. Moore Park Showground	N/A	
50. Canal Estate Development	N/A	
52. Farm Dams and Other Works in Land and Water Management Plan Areas	N/A	
55.Remediation of Land	Consistent	The site has historically and continues to be used for industrial purposes. A minimum phase 2 environmental site assessment will be required from the applicant prior to exhibition of the Planning Proposal to advise of any remediation works that may be necessary to make the site suitable for residential use.
59. Central Western Regional Open Space and Residential	N/A	
60. Exempt and Complying Development	N/A	This SEPP does not apply
62. Sustainable Aquaculture	N/A	
64. Advertising and Signage	N/A	
65. Design Quality of Residential Flat Development	Yes.	This SEPP is relevant to specific development forms that would be permitted under the Planning Proposal. The future density and height is to be determined by an urban design study however if development is of a scale that the SEPP is triggered a future development application would need to comply with these provisions.
70. Affordable Housing (Revised schemes)	Yes.	The SEPP is relevant to the form of development that would be permitted under the Planning Proposal. Compliance with the SEPP is only required where a development includes affordable housing.

SEPP Title	Consistency	Comment
		These matters will be considered at future DA stage.
71. Coastal Protection	N/A	
SEPP (Building Sustainability Index: BASIX) 2004	Unknown	Any future redevelopment of the site for residential purposes will need to comply with the provisions of the SEPP.
SEPP (Major Development) 2005	N/A	
SEPP (Sydney Region Growth Centres) 2006	N/A	
SEPP (Infrastructure) 2007	Yes.	The SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP (Kosciuszko National Park-Alpine Resorts) 2007	N/A	
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	N/A	
SEPP (Temporary Structures) 2007	Yes	The SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP (Exempt and Complying Development Codes) 2008	Yes	The SEPP is relevant to particular development categories. This Planning Proposal does not derogate or later the application of the SEPP to future development.
SEPP (Rural Lands) 2008	N/A	
SEPP (Western Sydney Parklands) 2009	N/A	
SEPP (Housing for Seniors or People with a Disability) 2004	Yes.	The SEPP is relevant to particular development categories. This Planning Proposal does not derogate or alter the application of the SEPP to future development.
SEPP (Kurnell Peninsula) 1989	N/A	
SEPP (SEPP 53 Transitional Provisions) 2011	N/A	

SEPP Title	Consistency	Comment
SEPP (State & Regional Development) 2011	N/A	
SEPP (Sydney Drinking Water Catchment) 2011	N/A	
SEPP (Urban Renewal) 2010	N/A	
SEPP (Western Sydney Employment Area) 2009	N/A	
SEPP (Affordable Rental Housing) 2009	Yes	The SEPP is relevant to particular development categories. This Planning Proposal does not derogate or later the application of the SEPP to future development.
Sydney Regional Environmental Plan (Sydney Harbour Catchment)	N/A	

Attachment 3: Ministerial (S.117) Directions

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S.117 Direction Title	Consistency	Comment	
1.0 Employment and Resources			
1.1 Business and Industrial Zones	Yes	The Planning Proposal will reduce the availability of Employment Lands. However the land has been identified as unsuitable for continued industrial use due to its constricted location surrounded by residential development and isolation of major transport, freight links and business centres. The Planning Proposal will permit redevelopment of the site for residential purposes within an established urban area, within proximity to existing and planned commuter links to strategic centres and within the walking catchment of the Leichhardt Market Village Centre.	
1.2 Rural Zones	N/A		
1.3 Mining, Petroleum Production & extractive Industries	N/A		
1.4 Oyster Aquaculture	N/A		
1.5 Rural Lands	N/A		
2.0 Environment & Heritage			
2.1 Environmental Protection Zones	Yes	The Planning Proposal does not propose the introduction of any environmental protection zones or heritage zones. There are no site features that would warrant consideration of the application of these zones.	
2.2 Coastal Protection	N/A		
2.3 Heritage Conservation	Yes	The Planning Proposal adjoins land that is identified as containing Council Street trees that are remanent plantings established during major inter war growth period. Future development of the site would be guided by the existing heritage provisions of	

S.117 Direction Title	Consistency	Comment
		the LLEP 2000 and DCP controls.
2.4 Recreation Vehicle Areas	N/A	
3.0 Housing, Infrastructure and Urban	Development	
3.1 Residential Zones	Yes	The Planning Proposal to rezone the land to enable residential development providing a mix of form and density will provide for improved housing choice and affordability. The amenity of the adjoining residential developments will be preserved and enhanced through design controls that will respond appropriately to the site and its context.
3.2 Caravan Parks & Manufactured Home Estates	N/A	
3.3 Home Occupations	Yes	The Planning Proposal will recognise the importance of home base business through the development of appropriate design controls that encourage adaptable spaces that can be utilised for the purpose of providing home business opportunities.
3.4 Integrating Land Use and Transport	Yes	 The Planning Proposal is considered to be consistent with this Direction through: The sites are serviced by existing public transport routes from Flood and Norton Streets that connect to major strategic centres; The site is within walking distance of the planned Hawthorne light rail stop. Along the recently approved inner west light rail extension from Lilyfield to Dulwich Hill; and The site is within the walking catchment of the Leichhardt Market Place Village Centre and within 1.1km of the Norton
3.5 Development Near Licensed Aerodromes	Yes	Street Town Centre. The land subject to the Planning Proposal is located within the ANEF 20 contour. The Planning Proposal includes an amending clause for inclusion in Schedule 1, Part 3 <i>Additional Uses and Controls for Certain Land</i> to require any future development of the land to comply with AS2021 for internal noise level.

S.117 Direction Title	Consistency	Comment
3.6 Shooting Ranges	N/A	
4.0 Hazard and Risk		
4.1 Acid Sulphate Soils	Yes	The site is identified as having class 5 Acid Sulphate Soils (ASS). Council. Further investigation regarding the presence of ASS will be undertaken as part of the contamination assessment and reporting.
4.2 Min Subsidence ad Unstable Land	N/A	
4.3 Flood Prone Land	N/A	The land is not identified on Council's Flood Control Lot Maps as being Flood Prone.
4.4 Planning for Bushfire Prone Land	N/A	
5.0 Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Development in the vicinity of the Ellalong, Paxton and Millfield (Cessnock LGA)	N/A	
5.5 Second Sydney Airport: Badgery's Creek	N/A	
6.0 Local Plan Making		
6.1 Approval & Referral Requirements	Yes	The Planning Proposal is consistent with the Ministerial Direction.
6.2 Reserving Land for Public Purposes	Yes	The Planning Proposal is consistent with the Ministerial Direction.
6.3 Site Specific Provisions	Yes.	The Planning Proposal does not include any unnecessarily restrictive development standards or requirements on the site.
7.0 Metropolitan Plan		
7.1 Implementation of the Metropolitan Plan	Yes	The Planning Proposal is consistent with the relevant actions from the Inner West Subregion Draft Subregional Strategy.

Attachment 4: SGS Employment Lands Study – Table 29 – Proposed Zoning

Source: SGS, 2009, Draft Inner West Subregional Strategy, 2008; *Refers to the Metrix centre buffer GIS data provided by D

Table 29. Employment Lands - Proposed Zoning