



# INNER WEST COUNCIL

## PLANNING PROPOSAL REPORT From Strategic Planning and Policy team

<b>Item No.</b>	2
<b>Planning Proposal No.</b>	IWC_PP_2019_01
<b>Address</b>	245 Marion Street, Leichhardt
<b>Proposal</b>	<p>Planning proposal to amend the <i>Leichhardt Local Environmental Plan 2013</i> to introduce a site-specific local provision to:</p> <ul style="list-style-type: none"><li>• allow residential accommodation as part of a mixed-use development that includes a minimum GFA of 5,200m<sup>2</sup> of non-residential uses, including:<ul style="list-style-type: none"><li>- a minimum of 3,200m<sup>2</sup> of uses permissible in the IN2 zone</li><li>- a maximum of 2,000m<sup>2</sup> of childcare centre and health service facilities</li><li>- a maximum of 250m<sup>2</sup> of restaurant, café or shops</li></ul></li><li>• increase the maximum FSR to 3:1 for mixed-use development;</li><li>• introduce a maximum height of building of 30 metres (approx. 8 storeys) for mixed-use development;</li><li>• remove application of Clause 6.9 to the site; and</li><li>• amend the Key Sites Map to identify the site.</li></ul>
<b>Recommendation</b>	The Panel provide advice to Council on the merits of the Planning Proposal.

### SUMMARY

On 18 September 2019, Council received a Planning Proposal (the 'proposal') for 245 Marion Street, Leichhardt (the 'site') which seeks to amend the *Leichhardt Local Environmental Plan 2013* (LLEP 2013). The proposal seeks to:

- Introduce residential, retail and commercial uses, and childcare and health facilities on an industrial zoned site,
- include a minimum 3,200m<sup>2</sup> for uses permissible in IN2 zone; a maximum of 2,000m<sup>2</sup> of childcare centre and health service facilities, maximum of 250m<sup>2</sup> of restaurant, café or shops;
- increase the maximum floor space ratio (FSR) from 1:1 to 3:1 for mixed-use development;
- introduce a new maximum height of building control of 30m for mixed-use development;
- remove application of Clause 6.9 (under this clause consent can be granted to office and business premises if Council is satisfied that the development will be used for creative purposes); and
- identify the site on the Key Sites Map (Sheet 2).

The proposal was accompanied by a public benefit offer to negotiate a Voluntary Planning Agreement (VPA) with Council for the dedication of 5% of GFA for affordable housing, a monetary contribution to Lambert park football stadium and a provision of a through-site link between Marion Street and Walter Street.

The 'retain and manage' approach to industrial and urban services lands, as set out in the Greater Sydney Region Plan and Eastern City District Plan, applies to this site and serves as a precaution to the conversion of existing industrial land.

Council Officers have assessed the proposal to have insufficient merits as it introduces a high density mixed-use development that adversely impacts the surrounding low density residential area, and is in direct conflict with the 'retain and manage' policy as it would result in further erosion of industrial and urban services land in the Inner West.

A detailed assessment report by Council Officers is contained in **ATTACHMENT 1**.

## **RECOMMENDATION:**

- 1) That the Inner West Planning Panel advise Council to not support the planning proposal for the reasons as outlined below:**
  - a) It fails the Strategic and Site Specific Merit Test of the Guidelines for preparing Planning Proposals pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979;**
  - b) It is inconsistent with the Greater Sydney Region Plan 2018 and the Eastern City District Plan 2018 in relation to retention of all industrial lands;**
  - c) Fails to give effect to Council's draft local Strategic Planning Statement;**
  - d) It is inconsistent with Council's draft Local Housing Strategy and draft Employment Lands and Retail Strategy and supporting studies;**
  - e) It is inconsistent with Inner West's Affordable Housing Policy (2016) for 15% affordable housing;**
  - f) It is inconsistent with Council's Community Strategic Plan - '*Our Inner West 2036*';**
  - g) It is inconsistent with s.9.1 Local Planning Direction 1.1 - Business and Industrial Zones; 3.1 – Residential Zones; 3.4 – Integrating Land Use and Transport; 4.3 – Flood Prone Land; 6.3 – Site Specific Provisions; and 7.1 - Implementation of A Plan for Growing Sydney;**
  - h) Without a supporting Social Impact Assessment, there is inadequate information to assess whether the proposal has adequately identified or addressed relevant social matters;**
  - i) It is inconsistent with the Leichhardt Industrial Lands Study and Leichhardt Industrial Precinct Planning Report and would result in further loss of employment and urban services land in the Inner West LGA;**
  - j) The proposed built form controls and building typology is inappropriate due to adverse amenity impacts on the adjoining low density residential area;**
  - k) Support of this Planning Proposal would establish an adverse precedent and the associated loss of smaller, industrial precincts across the Inner West LGA;**
  - l) In the context of persistent demand for a limited and decreasing supply of industrial land, the proposal would dilute Council's ability to provide sufficient industrial land to accommodate future needs and emerging employment uses and urban services.**
- 2) Should the proponent request a Rezoning Review by the NSW Department of Planning, Industry and Environment, delegation is given to the Group Manager of Strategic Planning to lodge a submission to the review process in accordance with this report and Council's resolution; and**

- 3) In order to maximise Council's influence over this proposal site, should a Rezoning Review prove successful, Council accepts the role of Planning Proposal Authority should the Department of Planning, Industry and Environment invite Council to perform that role.

## **ATTACHMENTS**

- Attachment 1 – Council Officer’s Detailed Assessment Report
- Attachment 2 – Proponent’s Planning Proposal
- Attachment 3 – Proponent’s Concept Design Report
- Attachment 4 – Proponent’s Concept Design Plan
- Attachment 5 – Survey Plan
- Attachment 6 – Employment Impact Assessment
- Attachment 7 – Public Benefit Offer
- Attachment 8 – Preliminary Contamination Assessment
- Attachment 9 – Flooding Report
- Attachment 10– Preliminary Acoustic Assessment
- Attachment 11– Traffic and Transport Report
- Attachment 12- Architectural Excellence Panel (AEP) Report
- Attachment 13– Strategic Advice by SGS Economics & Planning
- Attachment 14 - Former Leichhardt Council Minutes and Report on previous planning proposal
- Attachment 15 - Pre-Gateway Decision Letter – November 2015