



Internal Ref: EXTERNAL/2025/0019

28 October 2025

Department of Planning, Housing and Infrastructure
Locked Bag 5022
Parramatta NSW 2124
Via email: Lachlan.hutton@dpie.nsw.gov.au

Dear Mr Hutton,

Inner West Council Response: SSD-96105713– 245 Marion Street, Leichhardt

Thank you for the opportunity to participate in the Planning Focus Meeting (PFM) on 20 October 2025. The comments below are offered in response to the request for Secretary's environmental assessment requirements (SEARs) for a State Significant Development Application (SSDA) and concurrent rezoning at 245 Marion Street, Leichhardt. Accordingly, this letter documents the views of Council officers, not of the elected representatives

Under the Inner West Local Environmental Plan 2022 (IWLEP 2022), the site is currently zoned E4 General Industrial and has a maximum Floor Space Ratio (FSR) of 1:1. There is no Height of Building (HOB) control for the site. As outlined in the scoping report, the SSDA and concurrent rezoning proposal will seek the following amendments to the IWLEP 2022:

- Rezone the site from E4 General Industrial to R4 High Density Residential
- Introduce an Additional Permitted Use to allow a variety of non-residential uses, limited to 1,000m²
- Introduce a maximum HOB of 33.5m
- Increase the maximum FSR to 3.2:1

Site and Strategic Background

The site has two street frontages, the primary frontage being Marion Street, with secondary access from Walter Street. On its western boundary is the Marion Street Light Rail, and west of the rail line is the Haberfield Heritage Conservation Area. To the south, across Marion Street, is Lambert Park. Adjoining the eastern boundary, on Marion Street, is the Uniting Church residential aged care facility, and to the rear, on Walter Street is an industrial building. To the north and east, are mostly low-density residential dwellings. Approximately 200m along Marion Street, between Foster and Flood Streets, is a local centre that includes Marketplace Leichhardt. The surrounding area has a predominately fine grain character, made up of low and medium density built form, with a mix of residential and non-residential uses.



The site is zoned E4 General Industrial and supports employment uses. A planning proposal (PP_2019_01) was submitted to Council in September 2019, which sought to enable residential uses on the site as part of a mixed-use development. Council did not support the planning proposal due to its failure to satisfy the strategic merit test, primarily due to inconsistencies with State and local strategic planning policies to 'retain and manage' industrial zoned land.

A Rezoning Review (RR_2020_IWEST_001_00) was subsequently undertaken by the Department of Planning, Industry and Environment (DPIE), and on 11 June 2020, (the Panel) determined to not support the planning proposal on the following grounds, confirming Council's position:

- *The proposal fails the Strategic merit test, in particular does not comply with Action 51 of the Eastern City District Plan to 'retain and manage' currently zoned industrial land.*
- *The proponent's reliance on the proximity of the site to the light rail station is insufficient justification for overcoming the lack of strategic and site specific merit.*
- *Council's LSPS, that has been assured by the GSC, and Council's Housing Strategy, do not identify the need for increased housing in this location and has identified sufficient opportunity to meet applicable housing targets without reliance on this site. The Council's draft Employment and Retail Lands Strategy and Study has identified this as an industrial site to be retained, with no additional permitted residential uses.*
- *The proposal to reinstate industrial floorspace underground is not convincing as a method of maintaining the industrial and urban services potential of the site and conflicts between industrial and residential land use have not been satisfactorily addressed with the ground level being dominated by roadways.*
- *The proposed additional use is incompatible with the current zoning to be sustainable into the future having regard to the need for flexibility for accommodating additional floor space for urban services.*
- *The proposal is inconsistent with the 'retain and manage' policy of the Regional and Eastern District Plan which provides that all existing industrial and urban services land should be safeguarded from competing pressures especially residential and mixed use zones.*
- *The proposal fails the site specific merit test, noting the proposed building height of 8 storeys is incompatible with the character of the locality.*

The intended rezoning, as outlined in the applicant's scoping report, is not dissimilar to the planning proposal considered by the Panel. It continues with the assumption that the site no longer forms part of an industrial precinct and, as such, is isolated and underutilised within a mixed-use residential area, warranting its transition to residential uses. It further assumes that this site is comparable to other large landholdings in the area that were formerly used for industrial or employment purposes and have since been redeveloped for high-density residential use. However, the scoping report and supporting design analysis



fail to address the issues raised in the Panel's decision, specifically in regard to strategic the merit test.

Housing Delivery Authority Criteria for Strategic Merit

The proposal was declared State Significant Development (SSD) by the Housing Delivery Authority (HDA) on 24 March 2025. At that time, the HDA SSD criteria did not require proposals to demonstrate strategic merit. The HDA criteria has since been updated (10 July 2025) to include:

- *Applicant demonstrates the proposal has strategic merit:*
 - *aligns with a relevant strategic plan or responds to a change in circumstances that has not been recognised by the existing planning framework*
 - *there is no other available state assessed pathway*
 - *aligns with development standards/zoning set for the site through a State-led process within the past 24 months*
 - *is consistent with an underway state-led rezoning.*

There are significant concerns that the rezoning of 245 Marion Street, Leichhardt lacks both strategic and site-specific merit, as outlined in the following sections.

Strategic Merit Test

While the Marion Street industrial precinct has been partially eroded by the introduction of seniors housing on the adjoining site, the subject site nevertheless continues to play an important strategic role in supporting local employment and providing industrial and urban services to the community, with the existing building fully occupied. Its substantial size and strategic location make it well suited to the ongoing provision of employment uses. The site's industrial and urban services function will be particularly important in meeting the needs of the additional population anticipated under Council's endorsed Our Fairer Future Plan.

The proposal to deliver housing on this industrial zoned site is inconsistent with endorsed State and local planning policies, as outlined below.

<i>Eastern City District Plan</i>	
<i>Planning Priority E12 Retaining and managing industrial and urban services land</i>	• <i>Action 51. Retain and manage industrial and urban services land, in line with the principles for managing industrial and urban services land in the Eastern City District by safeguarding all industrial zoned land from conversion to residential development, including conversion to mixed use zones.</i>



The Eastern City District Plan stipulates that industrial lands to be retained and managed are essential for economic and employment purposes and that job numbers should not be the primary objective, but rather a mix of economic outcomes that support the city and population. The management of such lands should accommodate evolving business practices and changes in needs for urban services from the surrounding community and businesses.

DPHI Industrial Land update

The Department of Planning, Housing and Infrastructure's (DPHI) Industrial Lands Action Plan, released January 2025, identifies actions to be progressed in relation to industrial lands, that include:

- Delivering a statewide categorisation policy for industrial lands to replace the existing retain, review and plan and manage policies.
- Making planning and policy amendments to increase flexibility on land zoned for industrial purposes.
- Finalising and releasing a statewide pipeline for supply of industrial lands.
- Implementing an Employment Land Development Program to coordinate infrastructure investment for the supply of industrial land over the next two decades.

Once fully implemented, the new statewide policy will replace existing policies for industrial lands, such as *Retain and Manage*. All employment lands will be reviewed and categorised as part of that process. The criteria being investigated for the categorisation of employment lands include:

- Scale (spatial and employment)
- Clustering of assets or industries (potential or actual)
- Accessibility and linkages to the freight network and major roads
- Location of assets, infrastructure or business that are critical urban services
- Economic contribution

On the basis of DPHI's major undertaking to update the State's employment land policy, the rezoning of this industrial zoned site is premature.

Local Planning Framework

Council's adopted Employment and Retail Lands Strategy (2020) found low vacancy rates on land zoned for employment uses and projected that, by 2036, industrial and urban services would require an additional 217,000m² of gross floor area to accommodate local population growth. Land, such as this site, that is zoned to support employment uses should be retained for that purpose, rather than being redeveloped for high density residential uses, which can be accommodated in other areas of the Inner West identified for residential growth. The proposal is inconsistent with the following Inner West Priorities, Actions and Principles:

Local Strategic Planning Statement	
<i>Planning Priority 9 A thriving local economy</i>	The strategic projections to 2036 indicated the Inner West will need an additional 217,000m² of gross floor area to accommodate industry and business in the employment zoned lands. Based on the review of employment lands, the strategy identified objectives to: - Retain, protect and increase industrial lands, and - Zoning and planning provisions accommodate affordable entry points for a range of industries.
Employment and Retail Lands Strategy	
<i>Strategy 2.2: Protect employment lands from being eroded by conflicting and incompatible uses</i>	Action 2.2.1: Based on the employment precinct demand and capacity assessment: - Retain all industrial land for industrial purposes across the LGA - Prohibit residential development in industrial, business development and enterprise corridor zones (E3 Productively Support and E4 General Industrial zones)

Cumulative Impact of Rezoning Industrial Land

Given the number of SSD rezoning applications under consideration, the Inner West and other parts of Sydney's inner and middle rings are in danger of losing substantial portions of their remaining employment zoned land. Currently, the HDA has declared nine SSD applications in the Inner West, five of which propose the concurrent rezoning of E3 or E4 zoned land. An additional expression of interest, which includes the proposed rezoning of industrial land, has not yet been declared by the HDA.

There are planning proposals currently being considered by DPHI that also seek to rezone employment lands, such as 67-75 Lords Road, Leichhardt, as well as multiple pre-lodgement proposals submitted to Council for existing industrial sites along the Parramatta Road Corridor (within the Taverners Hill and Leichhardt precincts), and within the industrial precincts of Marrickville, Stanmore and St Peters.

These proposals to rezone employment land for high-density residential development are often tokenistic in the provision of non-residential floorspace. Once approved, the subsequent high-density mixed-use developments do not provide for employment uses. They often result in limited retailing at the ground floor, typically comprising one or two cafes or shops, but more frequently, non-residential floorspace remains vacant due to design limitations that prevent viable commercial or employment uses.



Individual rezoning proposals for employment land cannot be assessed without considering the cumulative impacts of all proposed rezonings. Accordingly, the proposal for 245 Marion Street requires an assessment of the loss of existing industrial floorspace on the site and its contribution to the cumulative impact of all rezonings of employment land currently under consideration by DPHI and the HDA, including both SSD and site-specific planning proposals.

This assessment should provide a comprehensive review of existing industrial floorspace and capacity of employment zoned land in the Inner West. It should also include an analysis of current and future demand for employment floorspace, based on forecast growth in business/ industry sectors and population-driven demand. The assessment should extend beyond the LGA to consider the importance of the Inner West's industrial land within the broader Eastern City District, particularly given the limited availability of industrial land in Woollahra, Waverley, Randwick, and the City of Sydney LGAs.

Council's endorsed Planning Principles

In May 2024, Council resolved to exhibit planning principles that would guide future amendments to the IWLEP 2022. These were exhibited between June and August 2024 and broadly supported by the community. Principle 8 informs the planning for employment lands by:

- *protecting and expanding existing employment lands to attract increased employment and new industries.*

The proposed rezoning of this employment zoned site for residential uses is inconsistent with Council's endorsed Planning Principles and aspirations to attract increased employment and new industries.

Council's "Our Fairer Future Plan"

In September 2025, Council endorsed Our Fairer Future Plan (the Plan), which establishes a robust and strategic framework to deliver up to 30,000 new dwellings across the Inner West, with a strong emphasis on affordable housing in locations that are well-served by infrastructure, transport, and amenities.

The Plan reflects Council's proactive and place-based approach to addressing the housing crisis, ensuring that new housing is delivered in areas that can support sustainable, high-quality urban growth. The Plan demonstrates Council's leadership in strategic planning and its capacity to not only meet but exceed housing targets through thoughtful, evidence-based decision-making. It prioritises housing delivery in areas with genuine capacity and suitability, rather than compromising employment lands that serve critical economic functions.



Under Stage 2 of The Plan, Housing Investigation Areas, Council undertook a detailed place-based analysis of the Leichhardt area. While some areas were identified for transition to medium and high-density residential uses, industrial sites were deliberately excluded due to their strategic role in supporting industrial productivity and employment. These sites are essential to the local economy and are not appropriate for residential development.

Redevelopment of the subject site for residential purposes would directly undermine Council's adopted planning principles, strategic land use objectives, and the integrity of the Plan. The site's function in supporting industrial and employment uses renders it unsuitable for residential uses, and any such development would result in poor planning outcomes for local businesses and the community.

Notwithstanding the concerns outlined above, should the SSD proposal for 245 Marion Street be progressed in the interest of prioritising housing over viable employment uses, the following strategic and site-specific matters should be addressed in the EIS.

Key issues and Supporting Documentation

1. Strategic Context

Supporting Documentation: Concurrent Rezoning Report, Economic Impact Assessment

- Address all relevant legislation, Local Planning Directions, relevant environment planning instruments, State and local plans, policies, guidelines and planning circulars.
- Identify the proposed changes to IWLEP 2022, including land use zoning, FSR, HOB and any additional site-specific local provisions. The rezoning proposal should include the changes to the IWLEP 2022 maps and clauses.
- The proposal should address the loss of industrial floorspace on site and its contribution to the cumulative impacts of employment land rezonings that are currently being considered by DPHI and the HDA.
- Subject to detailed assessment of cumulative impact, the proposal should consider provision of minimum non-residential floorspace and design measures to ensure continued employment uses on the site.
- The scoping report has referenced other developments in the broader area, however these should not be used as precedent for this site in terms of its form, scale and uses.
- Any rezoning of the site should deliver clear and measurable benefits for the community through an appropriate combination of affordable housing, employment floorspace, and public domain improvements that align with Council policies.

2. Statutory Context

Supporting Documentation: To be addressed in the EIS, Concurrent Rezoning Report

- Address relevant IWLEP provisions, including but not limited to:
 - a) R4 High Density Residential zone

- b) 5.21 Flood planning
- c) 6.2 Earthworks
- d) 6.3 Stormwater management
- e) Clause 6.8 Development in areas subject to aircraft noise
- f) Clause 6.9 Design excellence
- g) Clause 6.14 Diverse housing
- h) 6.15 Development control plans for certain development
- i) 6.21 Business and office premises in Zones E3 and E4
- j) Schedule 1 Additional Permitted Uses

3. Site Isolation

Supporting Documentation: To be addressed in the EIS, Concurrent Rezoning Report, Consultation Report, Urban Design Report

- The rezoning and redevelopment of the subject site have the potential to significantly impact current operations at 32 Walter Street, creating a risk that the adjoining site will become isolated and no longer function as viable employment land.
- The proposal should consider the current and future uses on both sites, including the options for amalgamation, the appropriate land zoning, built form, density, height and setbacks.
- Provide evidence of consultation with the landowner of 32 Walter Street, to avoid isolation of the adjoining site.
- Provide site context and built form design analysis to demonstrate how the proposed development will manage impacts on the adjoining site, and the reverse amenity impacts from the existing and future operation on the adjoining site.
- An assessment is to be made against the Planning Principle established in *Karavellas v Sutherland Shire Council* [2004] NSWLEC 251 (Karavellas) – Isolation of site by redevelopment of adjacent site.

4. Affordable Housing

Supporting Documentation: Economic Feasibility Assessment, EIS, Concurrent Rezoning Report, LEP clause or SSDA condition ensuring provision of affordable housing

- The scoping report indicates that the proposed development would allocate 10% of the gross floor area as affordable housing, to be retained for a period of 10 years. This is inconsistent with Council's Affordable Housing Policy, which requires that affordable housing contributions be secured in perpetuity.
- At its meeting on 30 September 2025, Council resolved C0925(2), Item 1 Our Fairer Future Plan, to require a 20% affordable housing contribution, to be secured in perpetuity, for any additional floor space beyond the baseline provision on upzoned sites.

- Where the 20% affordable housing target is not feasible, the land value uplift associated with these proposals and applications will be calculated on a case-by-case basis in accordance with Council's Voluntary Planning Agreement (VPA) Policy.
- The proposal should investigate the provision of 20% affordable housing, in line with Council's resolution, to be provided in perpetuity and managed by a registered community housing provider. It should be supported by an economic feasibility assessment evaluating the financial viability of the project at the proposed FSR, including the cost of in perpetuity affordable housing, and detailing the mechanism for delivering the affordable housing.
- The application should ensure that the affordable housing component is well-integrated into the overall design of the residential accommodation and is provided with sufficient amenity. An appropriate mix of apartment sizes, including three-bedroom units, is also strongly encouraged to provide options that can accommodate a range of household types.

5. Public Domain, Landscaping, Activation and Access and Movement

Supporting Documentation: Landscape Plan, Public Domain Strategy, Planning Agreement offer

- Given the significant uplift proposed by this application, the proposal should deliver well-considered public benefits that provide tangible improvements, including measures that support activation, enhance pedestrian connections, support access to the light rail stop and upgrade the public domain.
- A clear access and movement strategy must be provided, addressing pedestrian, vehicular, and servicing needs, while minimising conflicts between uses.
- The proposed publicly accessible space within the site does not align with key pedestrian corridors or destinations and is better suited for internal communal use.
- The potential link connecting site to the light rail platform, over the railway corridor (west of site boundary) does not seem viable due to the topography. Further, this land is under ownership of the rail authority, and would require consent.
- Publicly accessible open space should be located adjacent to the public domain—ideally fronting Marion Street—with strong visual and solar access.
- Council proposes a secondary GreenWay along the eastern side of the light rail, consistent with the GreenWay Master Plan. This link would facilitate pedestrian and cyclist connectivity between Marion Street and Walter Street. The site's 35–40m width is sufficient to accommodate this through-site link, a feasible building footprint, and the required building setbacks and separations.
- The proposed through-site link must be open to the sky and comply with the Crime Prevention Through Environmental Design (CPTED) principles including passive surveillance, activation, safety, visual access and lighting.
- The proposal is to be accompanied by an offer to enter into a Planning Agreement with Council to provide a 5 m-wide easement along the site's western boundary to facilitate the secondary GreenWay link. The link must be publicly accessible 24/7 and

include improvements such as landscaping and a shared path, in accordance with Council's Public Domain Design Guidelines.

- Ground-level activation is encouraged along Marion Street and along the western edge fronting the proposed through-site link, extending to the light rail crossing.
- Public domain works adjacent to the site must be designed in accordance with the Inner West Public Domain Design Guidelines.
- Overhead power cables adjacent to the site shall be relocated underground and poles shall be replaced with steel standards to Ausgrid's requirements. Street lighting shall be designed in accordance with Australian Standard AS1158-Road Lighting and the Network Standards of Ausgrid.

6. Built Form and Urban Design

Supporting Documentation: Urban Design Report, Character analysis and desired future character for the site and surrounds, Visual Impact Analysis, 3D Design Model of the proposed development (in Rhino/ 3Ds Max) for Council testing/ modelling, Solar Access Study, Acoustic Impact Assessment

A detailed urban design study is to be submitted with the EIS including:

- **Urban Context, Site Analysis and Benchmarking**
 - Undertake a detailed urban design and place analysis of the site and its context, addressing existing and desired character, built form, open space, vegetation, topography, view corridors, land use, and activity patterns. A photomontage is required to demonstrate how the proposal will sit within the streetscape.
 - Provide comparable examples of sites in neighbouring councils with similar scale of development including proposed FSR and heights.
- **Built Form Testing**
 - Test multiple built form scenarios to assess massing, bulk, height, orientation, setbacks, separation distances, and site layout to determine optimal outcomes for the site and its surroundings.
 - Justify proposed FSR and height controls with clear rationale and environmental impact considerations.
 - Compare the base case (existing controls) with proposed variations, demonstrating superior outcomes in line with Local Planning Directions.
 - Testing the maximum potential development uplift across the block, and for sites immediately adjacent to the block, including any applicable FSR/height bonus under the Housing SEPP 2021 for affordable housing.
- **Visual Impact and Public Realm**
 - Assessment of view impact of the proposed development from public streets/ spaces, key intersections, including Lambert Park and adjacent Haberfield Heritage Conservation Area. Include photomontages and 3D views of from prominent view lines available on surrounding local streets and public.

- Achieve comfortable street environments for pedestrians with high levels of sunlight and appropriate human scale.
- Ensure public domain upgrades are planned to support future residents across the precinct.
- Any proposed basement needs to be adequately setback to provide landscaping and not protrude into the deep soil zone and any areas being dedicated to Council.
- **NSW Apartment Design Guide (ADG) Compliance – where applicable**
 - Review of the proposal against – Part 1 – Identifying the context of the NSW Apartment Design Guide (ADG), confirming design response considered at the – urban block, site-specific and detailed building design scales.
 - Demonstrate compliance with Part 2 of the ADG, including building envelopes, height, FSR, setbacks, depth, separation, landscape area, communal open space (min. 25%), and deep soil zones (min. 15% area and 6m dimension for sites >1,500 sqm).
 - Include building separation analysis considering potential future built forms on adjoining eastern properties.
 - Provide detailed architectural drawings (plans, elevations, sections) showing compliance with Part 4 of the ADG, including services, parking, and access, etc.
 - Conduct solar access analysis confirming at least 70% of units and 50% of communal open space receive 2+ hours of sunlight in mid-winter.
- **Neighbouring Impact Assessment**
 - Assess impacts to the neighbouring properties and Lambert Park sporting field and provide appropriate height transition to these properties and open space.
 - Consider the potential built form of the adjoining E3-zoned 32 Walter Street, including the required building setbacks and separations, as well as the site's capacity to be redeveloped independently.
- **Suitability of non-residential spaces**
 - For the non-residential spaces to be flexible and adaptable to a wide range of uses, generous floor to ceiling heights are required. The rezoning proposal should demonstrate adequate floor to floor levels to accommodate a range of uses.
- **Overshadowing and Solar Access**
 - The development should be constructed in accordance with Part C3.9 of the Leichhardt Development Control Plan 2013, and the objectives (3B-2 (Orientation) and 3F-1 (visual privacy)) of the Apartment Design Guide. A solar access study will be required to demonstrate that adequate solar access to the neighbouring properties is maintained in winter, including the residential aged care facility and Lambert Park.
 - The development shall be designed, oriented and sited to maximise sunlight and daylight received to the main living rooms and private open spaces to ensure amenity and energy efficiency in accordance with the requirements of Chapter 4 of the Housing SEPP 2021, and Parts 4A, and 4B of the Apartment Design Guide for Solar and Daylight Access and Natural Ventilation.



- **Visual Privacy**
 - The development must ensure spaces are designed with a high level of consideration to protecting visual privacy within the nearby dwellings, the neighbouring residential aged care facility, and users of the nearby recreational spaces, in accordance with the requirements within Chapter 4 of Housing SEPP and Part 3F of the Apartment Design Guide for Visual Privacy.
- **Acoustic Privacy and Noise Impact**
 - The development must contain noise within each apartment and minimise the transmission of external noise. Plumbing for each dwelling is to be provided separately and buffered by acoustic measures such as noise resistant walls, ceiling and floor treatments.
 - Elevations within 20m of the light rail will likely require additional mitigation measures in accordance with requirements in Part 4J: Noise and Pollution of the Apartment Design Guide, and the Interim Guide for Development Near Rail Corridors and Busy Roads.
 - An assessment of noise emissions associated with the proposed development must be undertaken by a suitably qualified acoustic consultant. This assessment should address all potential noise sources, including mechanical plant and equipment, traffic, and aircraft, and must recommend appropriate mitigation measures to ensure compliance with the Protection of the Environment Operations Act 1997, Liquor & Gaming NSW requirements, the NSW Environment Protection Authority's Noise Policy for Industry, and the Noise Control Manual.
- **Heritage**
 - A Heritage Impact Statement (HIS) is required as the site is located within the vicinity of the Haberfield Heritage Conservation Area (HCA) to the west, and 20-22 Foster Street, Leichhardt, a local heritage item. A HIS will also be required to consider any potential archaeology on the site.

7. Design Excellence

Supporting Documentation: Design Excellence Strategy, Design Review Report

- Under the planning proposal and development application processes, the proposal would have undergone a rigorous, independent design review, including referrals to Council's Architectural Design Excellence Review Panel and Local Planning Panel. Given this regular Council protocol will not be followed, commitment is required from DPHI that the proposal will be referred to State Design Review Panel (SDRP) or Regional Planning Panel for review and that the applicant will provide a Design Review Report which appropriately responds to the SDRP feedback.

8. Ecologically Sustainable Development (ESD)

Supporting documentation: Address in EIS, Concurrent Rezoning Report, Urban Design Report, Landscape Plan, Arboricultural Impact Assessment Report, impact assessment for identified species, Test of Significance

- The proposed development should be consistent with the proposed environmental sustainability controls (energy and water requirements) in Council's recently endorsed, Our Fairer Future Plan, [Appendix 3 – Draft Design Guides for Housing Investigation Areas](#), 2.5 Sustainability and Resilience.

Biodiversity and Tree Canopy

- As the subject site lies within a designated Biodiversity Habitat Corridor, the proposed development must demonstrate how it will strengthen the resilience of local biodiversity against climate change and related environmental stresses.
- The proposal has the potential to create and impact habitat that may support the Large and Small Bentwing Bats (vulnerable under FM & EPBC Acts), the Australasian Bittern (endangered) and Long-nosed Bandicoot (endangered under FM & EPBC Acts). The application should be accompanied by a Test of Significance, prepared by a suitably qualified person addressing how it may positively or negatively affect potential habitat for these species, and how these impacts could be managed.
- The application must include a comprehensive assessment of potential impacts on existing vegetation. This is to be supported by an Arboricultural Assessment Report, prepared by a qualified arborist holding a minimum AQF Level 5 certification, as well as an Environmental Impact Assessment. Where a Remnant and/or Regrowth Assessment Plan is required, it must specifically address the potential impacts on trees located both within and adjacent to the site.
- Additionally, the application must be accompanied by a detailed Landscape Plan, prepared by a qualified Landscape Architect or an AQF Level 5 Landscape Designer. This plan should demonstrate compliance with the canopy targets and tree planting requirements of Council's Our Fairer Future Plan (copied below and refer to Section 2.5 Sustainability and Resilience of the Design Guides), the NSW Government's Connected Corridors for Biodiversity, and the Leichhardt Development Control Plan 2013.

Development type	Site area	Minimum target
High density residential development	Greater than 3,000m ²	35% canopy cover - For every 300m² of site area or part thereof, at least one large or two medium trees are to be planted in the deep soil area - Basements should not extend beyond the building footprint

9. Traffic, Access and Parking

Supporting Documentation: EIS, Concurrent Rezoning Report, Traffic Assessment and Car Parking Report

- The proposal should minimise the amount of vehicular traffic generated from the proposed development and encourage mode shift towards sustainable transport modes including public transport and active transport.
- The development should be consistent with the proposed access and parking controls in Council's recently endorsed, Our Fairer Future Plan, as outlined below.

Car parking rates for residential units

Number of bedrooms	Maximum number of car parking spaces permitted
0 studio	0
1	0.3
2	0.7
3+	1

- Car share spaces should be provided at the rate of one space per 20 units that do not have a parking space. These spaces must be located on-site, always remain publicly available and accessible, and must not result in the maximum car parking rates being exceeded.

Car parking rates for non-residential uses

Use	Maximum number of car parking spaces permitted
Commercial premises	1 space per 150 sqm of GFA
Industries	1 space per 150 sqm of GFA
Office premises	1 space per 150 sqm of GFA
Restaurants	1 space per 50 sqm of GFA
Specialised retail premises	1 space per 50 sqm of GFA
Other retail premises	1 space per 100 sqm of GFA

- All car parking spaces should be provided as unbundled car parking meaning that where car spaces are sold or leased separately from residential units and commercial units. This would require car spaces to be identified as individual lots on separate strata subdivision plans.
- Developments that include adaptable dwellings (typically 20% of total units) must provide accessible parking spaces equal to 20% of the overall parking supply. Accessible



parking spaces are to be reserved exclusively for the adaptable dwellings to ensure equitable access for residents with mobility needs.

Minimum bicycle parking

Land Use	Resident/Worker	Visitor
Residential	1 space per dwelling	1 space per 10 dwellings
Commercial	1 space per 150 sqm of GFA	1 space per 400 sqm of GFA
Retail	1 space per 250 sqm of GFA	2 spaces + 1 per 100 sqm of GFA
Industrial	1 space per 250 sqm of GFA	1 space per 500 sqm of GFA

- Bicycle parking and end of trip facilities (worker facilities) should be included in the proposal at a rate consistent with or greater than Council's Guidelines.
- Bicycle parking should be provided in convenient and easily accessible locations, and in accordance with AS2890.3, to meet the needs of all future site occupants (residents, workers, visitors). All bicycle parking must be accommodated within the site (not in public domain), and the type and location of all bicycle parking facilities should be clearly detailed in the architectural drawings.
- The proposal should address all other car and bicycle parking requirements, including provisions for electric charging points, in accordance with Section 2.9 Access and Parking of [Appendix 3 – Draft Design Guides for Housing Investigation Areas](#) and the Leichhardt DCP 2013. Where there is an inconsistency, the provisions of the Design Guides should be given precedence.

Traffic Assessment

- A Traffic Impact Assessment (TIA) must be prepared to demonstrate that the local road network, including State Roads, can adequately accommodate the traffic movements generated by the proposed development. The assessment must identify any potential adverse impacts on the surrounding road network and recommend appropriate mitigation measures to address these impacts.
- All vehicle access arrangements must comply with the relevant provisions of Australian Standard AS 2890. Access from Marion Street is to be restricted to left-in/left-out movements only, and approval from Transport for NSW is required due to Marion Street's classification as a Regional Road.

Vehicle Access

- Vehicle access and parking must be designed in accordance with the relevant Australian Standards (AS 2890). All vehicles exiting the site must do so in a forward direction to ensure safe and efficient traffic movement. Light vehicle access from both Marion Street and Walter Street is considered acceptable. Any proposed basement parking areas must incorporate appropriate flood protection measures.
- Waste and heavy vehicle access via Walter Street is not supported due to the residential character of the surrounding area.

10. Waste Management

Supporting documentation: Waste Management Plan

- In accordance with the Leichhardt Development Control Plan 2013, all waste storage and collection areas must be located entirely within the property boundaries. The placement of bins on the footpath or within the public domain for collection purposes is not permitted.
- On-site waste collection must be designed to accommodate a 9.5-metre Council Waste Collection Vehicle, with ingress and egress in a forward direction. The use of vehicle turntables for manoeuvring is not supported.

11. Contamination

Supporting documentation: Preliminary Site Investigation, Detailed Site Investigation, Remediation Action Plan, Hazardous Materials Survey

Potential Contamination

- Given the site's historical industrial use and current zoning, there is a potential risk of land contamination. As such, a Preliminary Site Contamination Investigation must be undertaken as part of the development application. Any recommendations arising from this investigation – such as the need for a Detailed Site Investigation or the preparation of a Remediation Action Plan – must be implemented in full. All contamination-related reports must comply with the relevant guidelines issued by the NSW Environment Protection Authority, including the Guidelines for Consultants Reporting on Contaminated Sites.
- In addition, a Hazardous Materials Survey must be submitted, detailing the presence of any hazardous materials and providing recommendations for their safe removal prior to the demolition of existing structures.

12. Water Management

Supporting documentation: Flood Risk Impact Assessment Report

Flooding

- The site has been identified as a flood control lot and is subject to both overland and riverine flooding. A comprehensive Flood Impact and Risk Assessment (FIRA) must be undertaken in accordance the Leichhardt Development Control Plan 2013. This assessment should demonstrate that the proposed increase in development density has been appropriately considered and that all associated flood risks and hazards have been effectively addressed through the design of the proposal.

Stormwater Management

- Stormwater management should satisfy the requirements of the Leichhardt Development Control Plan 2013, inclusive of On-Site Detention/Retention, Stormwater Quality Improvement Devices, and Water Sensitive Urban Design.

13. Aboriginal Cultural Heritage Management

Supporting documentation: Aboriginal Heritage Impact Assessment

- The site is located within an area of potential aboriginal heritage sensitivity given its proximity to Hawthorne Canal. An Aboriginal Heritage Impact Assessment is required if excavation is proposed or works are proposed where sandstone rock is exposed.
- Council encourages the applicant to explore opportunities to incorporate connections to Country in the design of the proposal.

Conclusion

The above comments are intended to assist DPHI and the applicant in the preparation of a comprehensive EIS and concurrent Rezoning Proposal. Inner West Council requests that these matters, particularly those relating to strategic merit, be carefully considered and addressed. If you need any further information in relation to the above response, please contact Leah Chiswick on leah.chiswick@innerwest.nsw.gov.au or 02 9392 5232.

Yours faithfully,



Simone Plummer
Director Planning