

Scoping Report

245 Marion Street, Leichhardt

Submitted to the Department of Planning, Housing and Infrastructure
on behalf of P&C Consulting Pty Ltd



Prepared by Ethos Urban, a Colliers Company.
25 September 2025 | 2240911



'Gura Bulga'

Liz Belanjee Cameron

'Gura Bulga' – translates to Warm Green Country. Representing New South Wales.



'Dagura Buumarri'

Liz Belanjee Cameron

'Dagura Buumarri' – translates to Cold Brown Country. Representing Victoria.



'Gadalung Djarri'

Liz Belanjee Cameron

'Gadalung Djarri' – translates to Hot Red Country. Representing Queensland.

Ethos Urban acknowledges the Traditional Custodians of Country throughout Australia and recognises their continuing connection to land, waters and culture.

We pay our respects to their Elders past, present and emerging.

In supporting the Uluru Statement from the Heart, we walk with Aboriginal and Torres Strait Islander people in a movement of the Australian people for a better future.

In March 2025, Ethos Urban took a major step toward future growth by partnering with leading professional services firm, Colliers. While our name evolves, our commitment to delivering high-quality solutions remains unchanged—now strengthened by broader access to property and advisory services and expertise.

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1.0 Introduction

This Scoping Report has been prepared by Ethos Urban on behalf of P&C Consulting Pty Ltd (the applicant) for a State Significant Development Application (SSDA) to facilitate a mixed-use development (the proposal) on land at 245 Marion Street, Leichhardt (the site).

The purpose of this Scoping Report is to inform the Department of Planning, Housing and Infrastructure (DPHI) of the proposed development and request Project-Specific Secretary’s Environmental Assessment Requirements (SEARs) for the preparation of an Environmental Impact Statement (EIS) and concurrent Rezoning Proposal that will accompany a State Significant Development Application (SSDA).

The site is located at 245 Marion Street, Leichhardt and is approximately 5,200sqm in size and rectangular in shape. It is legally described as Lot 1 in DP 507525 and is owned by the Applicant. The site is located in the Inner West local government area (LGA).

The development application pathway for the project will consist of a singular SSDA pursuant to section 4.36(3) of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and a concurrent rezoning report. The site was nominated as State Significant Development (SSD) by a Ministerial Planning Order (State Significant Development Declaration Order 2025 (no 4) dated 3 April 2025), for development specified in the Housing Delivery Authority (HDA) expression of interest (EOI) application 235487. The pathway to enable its assessment will consist of:

- State Significant Development Application (SSDA).
- Concurrent Rezoning Proposal facilitating amendments to the *Inner West Local Environment Plan 2022* (Inner West LEP 2022).

As the site is situated adjacent to, and within walking distance of, Marion Light Rail Stop, it represents a rare opportunity to deliver a transport-oriented development. The proposal will increase the local area’s housing supply and diversity, whilst providing some capacity for non-residential uses. It also optimises the use of public transport infrastructure and nearby green links and spaces.

This Scoping Report is supported by an overview of the project, sets out the strategic and statutory context, and identifies the key likely environmental and planning issues associated with the proposal. This Scoping Report has been prepared in accordance with DPHI’s State Significant Development Guidelines (2022).

1.1 Applicant Details

The Applicant’s details are presented in **Table 1** below.

Table 1 *Applicant Details*

Applicant:	P&C Consulting Pty Ltd
Address:	60 Tillock Street, Haberfield NSW 2045
ABN:	33 001 800 004

1.2 Project Description

1.2.1 Objectives

The NSW Government has acknowledged the imperative to address the state’s growing population by enhancing housing supply and the delivery of affordable housing. To respond to this, this project seeks to provide additional housing in a highly accessible and amenity rich location, within an area undergoing transition. The objectives of the proposed rezoning and development are to:

- Demonstrate the Rezoning Proposal and development has both strategic and site-specific merit;
- Respond to the housing crisis facing Sydney through boosting the delivery of market and affordable housing in a highly accessible and amenity rich location;
- Establish a building height and density that is consistent with other infill renewal sites along the light rail corridor and is responsive to the site’s context;

- Create a transit-oriented development that is appropriate for its location, given its close access to Marion light rail station and high frequency bus routes, linking key destinations such as the Sydney CBD and nearby local centres;
- Provide housing within area that has great access to amenity and is buffered by the surrounding natural environment, including open space and the linear corridor of parklands along the Greenway;
- Deliver a vibrant mixed-use development that promotes an active street frontage along Marion Street; and
- Appropriately respond to neighbouring development and the public domain through a podium and tower built form with appropriate setbacks, height transitions and massing, protecting solar access and minimising environmental impacts.

1.3 Background

1.3.1 Housing Delivery Authority and Planning Pathway

The site was nominated as an SSD by the State Significant Development Declaration Order 2025 (No 4) for development specified in the HDA EOI application 235487. This was described as:

development for the purpose of shop top housing with provision of affordable housing.

The HDA aims to address the current housing crisis and meeting Housing Accord targets by facilitating a new streamlined SSD pathway with a concurrent rezoning process. To facilitate the development, the following planning pathway is identified to be undertaken:

- A project specific SSDA for a mixed-use development on the site; and
- A Concurrent Rezoning Proposal facilitating amendments to the IWLEP 2022.

2.0 The Site

2.1 Site Location and Context

The site is located at 245 Marion Street, Leichhardt and is situated immediately east of the L1 Dulwich Hill Light Rail Line and north of Marion Street. The site is located within the Inner West LGA, where the traditional custodians of the land are the Gadigal and Wangal people.

The site is located approximately 6.3km southwest of the Sydney CBD, between the Leichhardt, Haberfield and Summer Hill town centres. The site is adjacent to the Marion Street Light Rail Stop which connects the site to Central Station and Dulwich Hill. The Cooks River to Iron Cove Greenway also runs parallel to the light rail line, which provides a regional active transport link.

A context map is provided in **Figure 1** below.

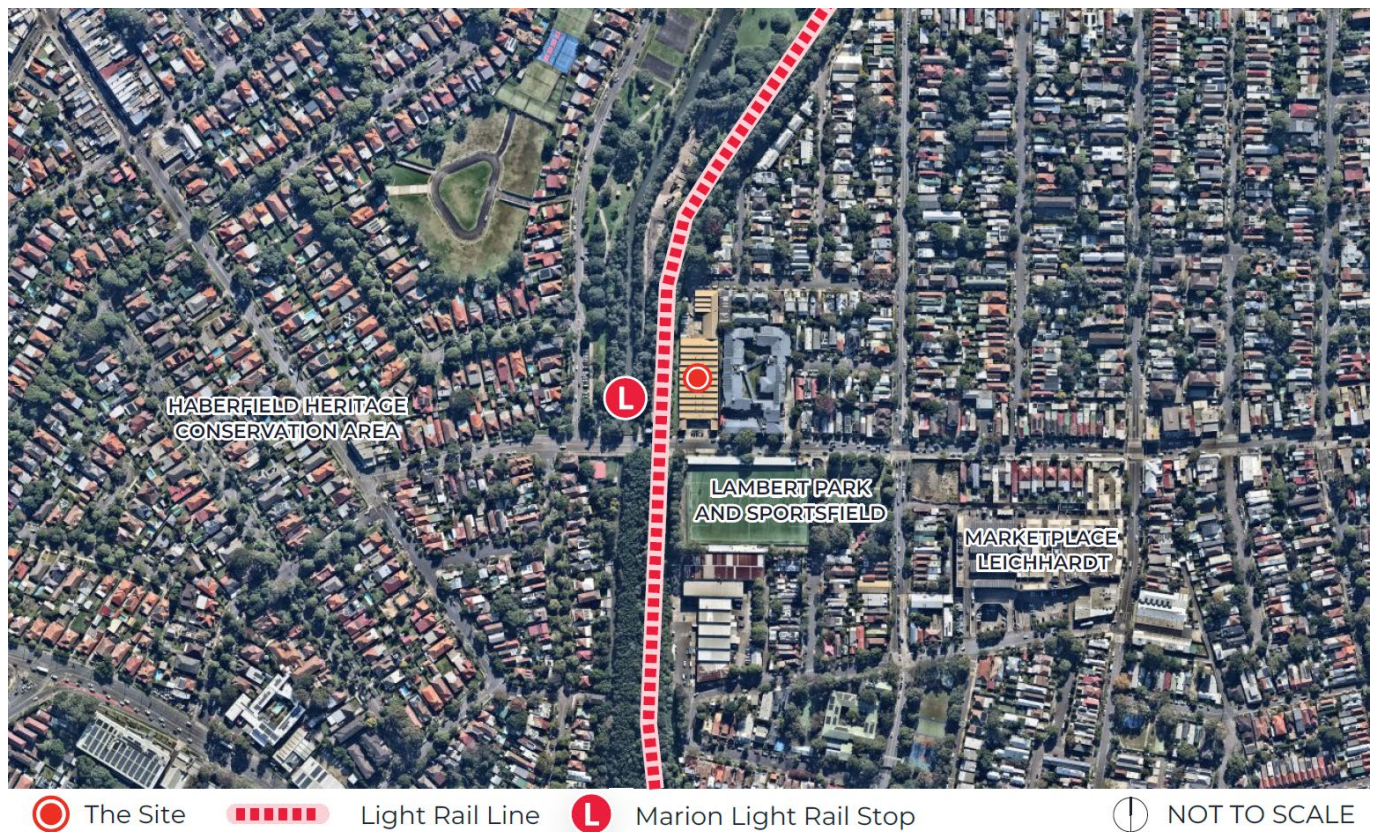


Figure 1 *Site Context Map*

Source: Nearmap, edits by Ethos Urban

2.2 Key features of Site and Surrounds

2.2.1 Site description

The site is rectangular in shape and has an approximate area of 5,200 sqm. The site is currently accessed from Marion Street and Walter Street, which have approximate street frontages of 40m and 35m, respectively. A site survey will provide further details regarding lot area and frontage width in the future SSDA. The site is legally described as Lot 1 in DP 507525. A site aerial is provided in **Figure 2** below.



Figure 2 Site Aerial

Source: Nearmap, edits by Ethos Urban

2.2.2 Existing development

The site is currently occupied by a single storey, light industrial building of brick and metal construction. It has previously been used for the purpose of a motor vehicle repairs business for over three decades, however, is now occupied by a furniture rental service business. The site is isolated from other industrial land and forms one of numerous fragmented industrial sites within Leichhardt.



Figure 3 View of existing development from Marion Street



Figure 4 View of existing development from Walter Street

Source: Google Maps

2.2.3 Surrounding development

The site is surrounded by a mix of residential and commercial uses, open space and transport infrastructure.

- **North:** To the north and north-east of the site is the residential area of Leichhardt. This area predominantly comprises one and two storey detached dwelling houses interspersed with medium to high density, development, including multi-dwelling housing and residential flat buildings. Further north, across the light rail line, is the Hawthorne Canal and Parramatta River.
- **South:** To the immediate south of the site is Lambert Park, which is a purpose-built football (soccer) stadium predominantly used by APIA Leichhardt FC. Adjoining the stadium, to the east, is a publicly accessible area of

passive open space that is also part of Lambert Park. Further south of the stadium is an isolated industrial precinct, and opposite Lords Road, is Kegworth Public School.

- **East:** To the immediate east of the site is a 2-3 storey seniors housing development on industrial zoned land at 237 Marion Street, Leichhardt. This seniors housing development maintains a frontage along Marion Street and its western boundary which form the interface of the subject site. This adjoining site was previously owned by the Applicant and sold to the Uniting Church for the purpose of seniors housing. Further east is a large shopping centre (Marketplace Leichhardt) and approximately 1km east of the site is the Leichhardt Town Centre which is predominantly based around Norton Street, comprising a range of local shops and services.
- **West:** Immediately west of the site is the Marion light rail stop on the Dulwich Hill Light Rail Line. The light rail stop sits approximately 5m higher than the ground level of the site. Further west, on the opposite side of the light rail stop is the Hawthorne Canal Reserve open space corridor. This corridor forms part of the Greenway which continues to be developed as a pedestrian/cycle link between Iron Cove to the Cooks River. Beyond this is the residential suburb of Haberfield and Haberfield Heritage Conservation Area (HCA).



Figure 5 View of residential development to the north/northeast of the site



Figure 6 View of Lambert Park Stadium to the immediate south of the site, opposite Marion St



Figure 7 View of seniors housing to the immediate east of the site



Figure 8 View of light rail stop to the west of the site

Source: Google Maps

2.2.4 Previous Planning Proposal and Rezoning Review

Planning Proposal (PP-2020-628) (IWC_PP_2019_01)

The site has been subject to a previous Planning Proposal (PP-2020-628) which was submitted to Inner West Council (Council) on 18 September 2019. The Planning Proposal sought the following amendments to the former Leichhardt Local Environmental Plan 2013:

- Increase the maximum floor space ratio from 1:1 to 3:1, of which a minimum of 1:1 will be restricted to employment generating floor space.
- Introduce a maximum height of building control of 30m.
- Introduce an 'Additional Local Provision' to Part 6 to allow the incorporation of residential uses as part of a mixed-use development.

Inner West Council resolved to not support the Planning Proposal on 10 December 2019.

Rezoning Review (RR-2020-16)

A request for a Rezoning Review (RR-2020-16) was submitted to the Department of Planning, Industry and Environment (DPIE) on 13 February 2020, following Council's recommendation to not support the Planning Proposal.

On 11 June 2020, the Sydney Eastern Planning Panel (SEPP) determined to not support the Planning Proposal. The SEPP were of the view the proposal lacked both strategic and site-specific merit. The issues raised by the Panel informing their decision comprised the following:

- *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.*
- *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 proposal maintains its position that it does not form part of a significant industrial land precinct, rather it is an isolated and underutilised, circa 5,200sqm site within a mixed use and residential area. Further, the site is like other, large landholdings, formerly used for industrial or employment located along the light rail line, and within the surrounds, that have recently transitioned to provide well-designed, high-density housing developments.

As part of the DPHI's Industrial Lands Action Plan released in January 2025, the NSW Government will deliver a statewide policy for industrial lands that aims to grade the importance and quality of industrial land holdings, in order to provide a more balanced and sophisticated approach to retention and management of these assets and allow opportunities for alternative uses in underutilised industrial lands. As part of the future SSDA, design refinements will be considered to address the site-specific matters raised by Council and the SECPP in the previous Planning Proposal, whilst balancing the underlying objective of providing additional housing that is within a highly accessible and amenity rich location.

3.0 Strategic Context

This section sets out the strategic context that is relevant to the project justification and evaluation. It is noted that these matters will be investigated in more detail in the EIS.

3.1 Project Justification

A summary of the key strategic plans that identify the strategic context of the project is provided in **Table 2**.

Table 2 Summary of Alignment with Key Strategic Plans

Strategic Plan / Strategy	Analysis
NSW Housing Strategy: Housing 2041	The NSW Housing Strategy supports the provision of new housing stock in NSW. Within the Strategy, in-fill affordable housing is identified as a housing typology to support the diversity and affordability of the rental market. This helps meet two of the four key pillars of the NSW housing system, demonstrated in Figure 9 below:



Figure 9 NSW Housing Strategy Key Pillars

Source: Housing 2041, NSW Government

National Housing Accord 2022	The Federal Government announced the National Housing Accord in October 2022, which committed to delivering 1.2 million houses in well-located areas in 5 years starting from July 2024. The Accord lays the groundwork to improving affordability by addressing Australia’s housing supply challenges and enabling the delivery of more social and affordable housing. The Housing Accord includes: • An initial, aspirational national target of delivering a total of one million new, well located homes over 5 years from 2024, and • Immediate and longer-term actions for all parties to support the delivery of more affordable homes. The proposed development is aligned with the National Housing Accord as it seeks to deliver additional housing in a well-served location.
NSW Housing Target	The NSW Government has recently released 5-year housing completion targets for 43 councils across Greater Sydney, Illawarra-Shoalhaven, Central Coast, Lower Hunter and Greater Newcastle and 1 target for regional NSW. These targets have been updated to reflect NSW’s commitment to deliver 377,000 new homes across the state by 2029 under the National Housing Accord. A 5-year target of 7,800 new dwellings has been identified for the Inner West LGA, the achievement of which will be assisted by this proposal.
Greater Sydney Region Plan – A Metropolis of Three Cities	The Greater Sydney Region Plan establishes a 40-year vision to 2056 for Greater Sydney to be a metropolis of three cities, enabling most people in Greater Sydney to get to their nearest strategic centre within 30 minutes by public transport. The Region Plan is supported by five district plans that guide the implementation of the Regional Plan at a district level and act as a bridge between regional and local planning. The site is located within the Eastern City District and is included in the Eastern City District Plan.

Eastern City District Plan

The District Plan contains the planning priorities and actions for implementing the Regional Plan at a district level. The Regional Plan sets the 20-year vision for the District through 22 'Planning Priorities' that are linked to the Region Plan. The purpose of the District Plan is to support councils in planning for growth and to align the Local Strategic Planning Statements (LSPS) with place-based outcomes. The strategic intent of the District plan is to provide for services, shops, cultural infrastructure, education and transport within close reach of residents.

To enable the sustainable growth of Leichhardt, relevant priorities will be targeted. These include:

- **Planning Priority E3:** Providing services and social infrastructure to meet people's changing needs.
- **Planning Priority E4:** Fostering healthy, creative, culturally rich and socially connected communities.
- **Planning Priority E5:** Providing housing supply, choice and affordability, with access to jobs, services and public transport.
- **Planning Priority E6:** Creating and renewing great places and local centres, and respecting the District's heritage
- **Planning Priority E10:** Delivering integrated land use and transport planning and a 30-minute city
- **Planning Priority E11:** Growing investment, business opportunities and jobs in strategic centres

Future Transport Strategy 2056

The Future Transport Strategy 2056 sets the vision and direction for NSW transport investment by providing a comprehensive plan that emphasises the creation of connected 30-minute cities and convenient 15-minute neighbourhoods. It includes a movement and place framework to ensure that transport supports the character of the place and community. The key guiding principles for future transport relevant to the site include:

- **Successful places:** The liveability, amenity and economic success of communities and places should be enhanced by transport.
- **Accessible services:** Transport should enable everyone to get the most out of live, wherever they live and wherever they age, ability or personal circumstances.

NSW Government Directions:

- **Retain and Manage Industrial Land Policy**
- **Industrial Lands Action Plan**

As part of the release of the Region Plan and District Plans in 2018, the Greater Cities Commission (GCC) adopted the 'Retain and Manage' Policy which sought to halt the rezoning of industrial zoned lands within Greater Sydney.

Since the adoption of this policy, the rezoning of industrial land for an alternate land use zone has been significantly limited, with many councils adhering to the policy without compromise.

In 2022, the GCC released its Industrial Lands 'Retain and Manage' Policy Review Findings Paper, which was intended to inform the next iteration of the Greater Sydney Region Plan. The policy review maintained the GCC's view on industrial lands to protect and ensure employment lands to ensure they are not easily transferable to alternate land uses.

In January of 2025, DPHI released the Industrial Lands Action Plan which outlines priorities to:

- **1.** Deliver a statewide policy for industrial lands based on the categorisation of areas and precincts as state significant, regionally significant, locally significant and other industrial lands.
- **2.** Investigate planning and policy interventions to support intensification of state and regionally significant industrial lands.
- **3.** Finalise and release a statewide approach for an industrial lands supply pipeline.
- **4.** Create an Employment Land Development Program to manage supply and coordinate infrastructure investment.

Upon completion and implementation of the new statewide policy, the existing Retain and Manage Policy would no longer apply.

Action 1 further defines criteria for the categorisation of industrial lands. The proposed site appears to align with the definition of a 'locally significant & other industrial lands' categorisation which could permit the site's transition to alternative non-industrial uses based on a strategic assessment. Given the site's proximity to high frequency, public transport infrastructure and being an isolated and fragmented industrial site, there is justification for the site to be rezoned to provide non-industrial uses such as residential.

Strategic Plan / Strategy	Analysis
Our Inner West Local Strategic Planning Statement 2020	The Local Strategic Planning Statement (LSPS) is a 20-year planning vision, emphasising land use, transport, and sustainability objectives to demonstrate how the Inner West Local Government Area will change to meet the community's needs over the next 20 years. The LSPS is made up of four themes, which mirror that of the Sydney Region Plan and the District Plan. The key Local Priorities within the LSPS include the following: • Planning Priority 6: Plan for high quality, accessible and sustainable housing growth in appropriate locations integrated with infrastructure provision and with respect for place, local character and heritage significance. • Planning Priority 7: Provide a rich diversity of functional, safe and enjoyable urban spaces connected with an enhanced by their surroundings.
Inner West Employment and Retail Lands Strategy	The Inner West Employment and Retail Lands Strategy provides a strategic approach for the management of land in the Inner West LGA including outlining priorities to maximise productivity, facilitate job growth, and contribute to the broader LGA's economic functioning. During a Council meeting on 21 May 2024, the Inner West Council has outlined an interest in reviewing the Strategy to consider a more up to date approach to employment land uses and reflect outcomes from recent changes to the strategic framework and policy settings. The strategy outlines four key principles. These largely revolve around the retention of current industrial zoned land such as the site of this proposal. However, the proposal shows strong strategic merit to provide housing and exhibits responsible intentions for the land which are compatible with the current and emerging character of the area.
Our Inner West Housing Strategy 2020	The Our Inner West Housing Strategy sets out Council's vision for housing in the Inner West LGA, aligning with visions for housing set by the community, local and state governments. The Strategy's 20-year vision to respect the character of the area, create well connected and diverse areas, and promote sustainability is informed by various existing documents and forms the following priorities relevant to the proposal: • Principle 3: Provide for a diverse mix of housing typologies, sizes and tenures that cater to the needs of people at all stages of their lives. • Principle 4: Start to close the affordability gap between housing need and provision for very low, low and moderate income households. • Principle 5: Locate the majority of new housing opportunities in areas that are within a 10-minute walk of centres, transport and services, supporting their vibrancy and aligning with infrastructure provision and growth. • Principle 6: Design quality housing and surrounding public spaces to maximise amenity, safety and security for residents and provide a positive contribution to its neighbourhood.

3.1.1 Ministerial Planning Directions

The rezoning will be required to address the applicable Ministerial Directions. The following points provide a summary response indicating how the Planning Proposal will address the relevant Ministerial Directions:

- **Direction 1.1** (Implementation of Regional Plans) – The proposal is consistent with the Greater Sydney Region Plan.
- **Direction 1.4** (Site Specific Provisions) – The proposal will not create unnecessarily restrictive or complicated planning controls.
- **Direction 4.1** (Flooding) – The proposal will consider the impacts of flooding on the development, and the impacts of the development on flooding events in the area. The SSDA and concurrent rezoning report will be informed and accompanied by flood management assessments.
- **Direction 4.4** (Remediation of Contaminated Land) – The proposal will undertake the necessary investigations to demonstrate the site, if contaminated, will be made suitable through remediation works (as necessary) for its intended use.
- **Direction 4.5** (Acid Sulfate Soils) – The proposal is located on acid sulfate soils and will avoid adverse environmental impacts through effective management of the land on which development will occur.
- **Direction 5.1** (Integrating Land Use and Transport) – The proposal improves access between housing and jobs by locating housing near transport, taking into consideration the proximity of the site to existing networks. Increasing density at this location also contributes towards a reduction in car dependency as alternative

transport modes are readily available, including the nearby Marion light rail stop, bus stops along Marion Street and active transport networks provided by the adjacent Greenway.

- **Direction 6.1** (Residential Zones) – The proposal provides for a diversity of housing types and makes efficient use of existing infrastructure by increasing density at a suitable location, where it can be accommodated without any significant environmental impacts.
- **Direction 7.1** (Employment Zones) – The proposed development intends to rezone E4 General Industrial to R4 High Density Residential. The Rezoning Proposal and development will retain a portion of employment land on the site through the introduction of an additional permitted use for 1,000sqm of non-residential uses (including employment). An Economic Study will be prepared to support the Rezoning Proposal and give consideration to the objective of this direction.

3.2 Cumulative Impacts

In accordance with the *Cumulative Impact Assessment Guidelines for State Significant Projects* document dated October 2022 by the DPHI, cumulative impacts can be caused by the compounding effects of multiple projects in an area.

The LGA's alternative approach to the TOD and LMR Programs intends to establish the applicable planning controls and desired character for the LGA once exhibition feedback has been considered.

It should be noted that there is limited development occurring to the west of the site due to the Haberfield HCA, which restricts the ability to develop meaningful quantities of additional housing within its boundaries.

An assessment of the cumulative impacts associated with these projects are considered under the relevant issues in **Section 7.0**. The nearby relevant and potential future projects are identified and summarised in **Table 3** below. A map highlighting the context of the projects is also provided below in **Figure 10**.

Table 3 Surrounding Future Projects

Development	Description	Address	Status
1 PP-2022-2790	A Planning Proposal submitted to facilitate redevelopment of the site through additional floor space, including non-residential uses at ground level and the provision of 5% of the residential floor space as affordable housing (10 dwellings out of 210 dwellings). The specific amendments to the IWLEP 2022 include: - rezone 67-73 Lords Road from E4 General Industrial to R3 Medium Density zone; - apply a maximum height of building of 30m; - increase the maximum FSR to 2.4:1 - rezone 75 Lords Road to RE1 Public Recreation zone; and - introduce a local provision that will permit several additional permitted uses including residential flat buildings and require affordable housing in perpetuity,	67-75 Lords Road, Leichhardt This project is located approximately 120m south of 245 Marion Street, opposite Marion St and directly south of Lambert Sportsfield.	Post exhibition (exhibition held from 19 March 2025 to 7 May 2025)
2 SSD-82714716	A state significant development for construction of a shop top housing development comprising ground floor commercial uses, build-to-rent units and one level of basement parking. The project comprises a concurrent state-led rezoning and detailed DA for the delivery of 220 built to rent apartments at the Camperdown WestConnex dive site. This process has occurred through the Accelerated Social and Affordable Housing Rezoning Pathway, applicable only to state housing agencies that deliver social and affordable housing.	160-186 Parramatta Road & 79-95 Pyrmont Bridge Road, Annandale This project is located approximately 2.7km southeast of 245 Marion Street.	Response to Submissions - SSDA Post-Exhibition – Concurrent Rezoning



Development	Description	Address	Status
			
3 SSD-84024470	A state significant development for the construction of an 18-22 storey building consisting of a 4 storey podium with non-residential floor space on ground and level 1. The development will provide a total of 162 dwellings with provision for affordable units, public domain upgrades and associated site works.	122-130 Pyrmont Bridge Road & 206 Parramatta Road, Annandale	Prepare EIS (declared SSD by Minister on 14 April 2025)
		This project is located approximately 2.6km southeast of the project.	
4 SSD-80704962 / HDA EOI 231670	An SSD for part demolition and part adaptive reuse of the existing building and construction of a residential flat building comprising approximately 200 apartments.	40-76 William Street, Leichhardt	Prepare EIS (declared SSD by Minister on 26 February 2025)
		This project is located approximately 950m northeast of 245 Marion Street.	
5 SSD-83721209 / HDA EOI 235005	An SSD for shop top housing consisting of 108 residential units including provision of affordable housing, ground floor retail premises, basement parking, associated site works and concurrent rezoning.	307-315 Parramatta Road, Leichhardt	Prepare EIS (declared SSD by Minister on 2 April 2025)
		This project is located approximately 1.45km southeast of 245 Marion Street.	
6 D/2018/577	Construction of two residential flat buildings up to 6 storeys in height including basement car parking, 46 residential units and communal roof terrace space.	159 Allen Street, Leichhardt	Approved by way of deferred commencement in July 2019 (consent was made operational in September 2019 and will lapse in September 2026)
		This project is located approximately 500m northeast of 245 Marion Street.	

Development	Description	Address	Status
7	D/2021/0110	194 Marion Street Leichhardt	Approved by Land and Environment Court on 23 August 2024, upheld with amended plans.



Figure 10 Cumulative Impacts Map

Source: Nearmap, edits by Ethos Urban

4.0 Project Description

As detailed above, the project comprises a concurrent Rezoning Proposal and SSDA. The Rezoning Proposal seeks to amend the planning controls under the Inner West LEP 2022 to facilitate the delivery of the proposed development sought under the SSDA. The following sections outline the details of each planning component.

4.1 Rezoning Proposal

The principal environmental planning instrument that applies to the site is the *Inner West Local Environmental Plan 2022* (IWLEP 2022), which currently zones the site as E4 General Industrial and prescribes a maximum FSR of 1:1. It is noted the site is not prescribed a maximum building height.

To facilitate the proposed development, a Rezoning Proposal will be prepared and 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 1,000sqm.
- Introduce a maximum building height of 33.5m
- Increase the maximum FSR from 1:1 to 3.2:1

4.1.1 Objectives and Intended Outcomes

The objective of this Planning Proposal is to facilitate the future renewal and revitalisation of the site into a vibrant mixed-use development that will deliver housing and employment opportunities to the local area.

The objectives and intended outcomes of the Rezoning Proposal will include:

- Facilitate transit-oriented development where homes are well-located within areas of high amenity including open space and employment.
- Significant increase of both market and affordable housing supply in a location that is in close proximity to public transport, open space and centres.
- Contribute to and enhance employment and economic opportunities by facilitating a diverse range of non-residential uses proximate to Marion light rail station, including light industrial and commercial.
- Ensure new planning controls will support desirable urban design outcomes, that stimulate urban renewal and a tailored, built-form response.

4.1.2 Strategic and Site-Specific Considerations

A range of strategic and site-specific considerations will form the assessment of the Rezoning Proposal, as described at various sections throughout this report. This includes assessment against various plans, policies and guidelines, the built form and density proposed for the site and its relationship to surrounding development. The assessment will also consider a range of technical assessments and justifications in support of the proposal.

In particular, the proposal will thoroughly consider the economic benefits and impacts of the proposed uplift at the site, which will provide additional housing choice and affordability and employment opportunities. In addition to this, the proposal will analyse the social impact and needs relating to the planning proposal at the site to ensure the proposal is able to adequately meet the needs of the growing population of the area.

Further analysis of the site-specific considerations such as urban design, flooding and transport are established below in **Section 7.0**.

4.2 Proposed Development

The proposed planning amendments outlined above will facilitate the following development, which will form part of a concurrent SSDA.

The proposal, which is currently in design development, will consist of a mixed-use development comprising the following:

- Site preparation works including demolition, remediation, excavation and enabling works;
- Construction of a 10-storey mixed use development comprising three building components that contain:

- Approximately 160 dwellings including the provision of 10% of GFA as affordable housing for a minimum of 10 years and to be managed by a registered Community Housing Provider (CHP);
- Approximately 1,000m² of non-residential floor space located at the ground level;
- Basement levels incorporating carparking;
- Creation of integrated communal and private open space and associated landscape embellishments.
- Utility and stormwater augmentation and connections.

Preliminary Concept Plans have been prepared by Choi Studio and are provided at **Appendix B**. A development footprint plan and indicative 3D massing of the proposed development is provided at **Figure 11** and **Figure 12** below.

Note: The built form massing will be subject to further design testing during the preparation of the future SSDA. This process may involve the redistribution of building bulk and scale across the site, which could result in localised increases and/or decreases in height. These refinements will seek to optimise built form outcomes, appropriate transitions to the surrounding context and ensure suitable amenity impacts. The massing will also be refined through the careful application of articulation and modulation strategies to improve the proposal's visual composition and contribute to the delivery of a sensitive interface to adjoining properties.

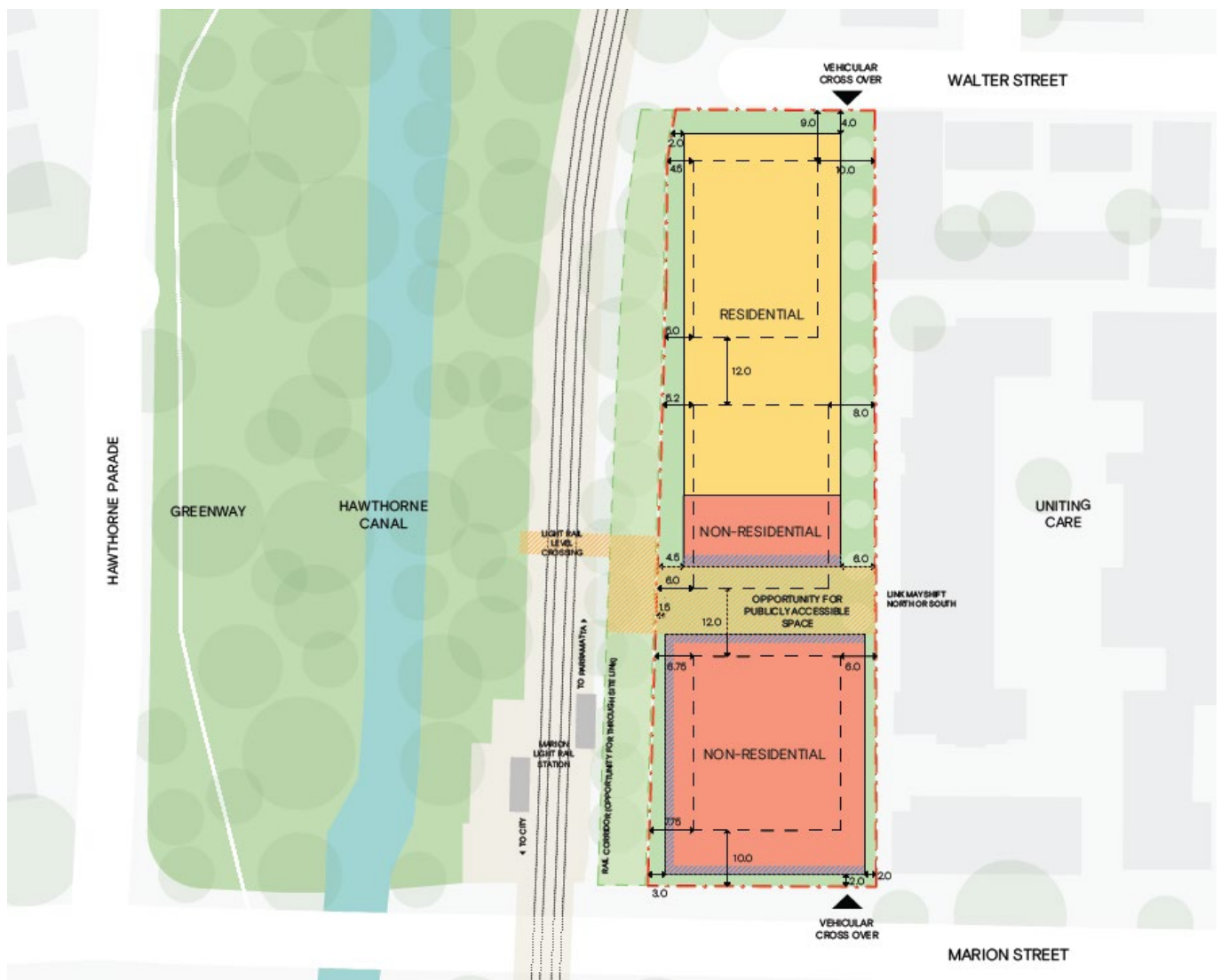


Figure 11 Indicative Ground Floor Plan

Source: CHOI Studio

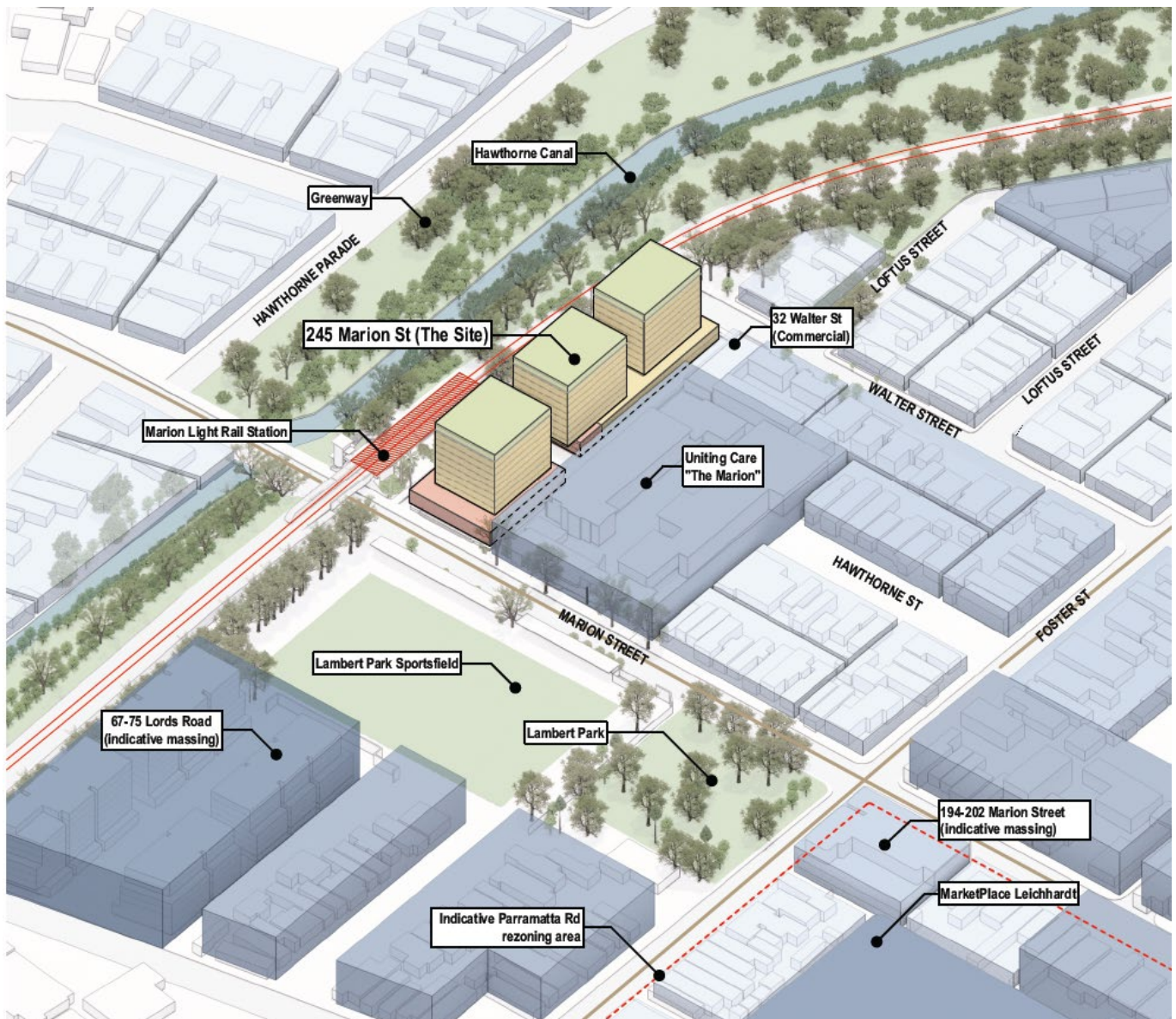


Figure 12 Indicative Massing Strategy

Source: CHOI Studio

4.3 Overview of Alternatives

In deciding whether the appropriate path for the proposed development, several options and alternatives were presented and considered. The development of the project was driven by the focus to provide the most appropriate design response to the environmental opportunities and constraints of the site.

An overview of alternatives considered is provided in **Table 4** below.

Table 4 Overview of Alternatives

Alternative	Consideration
'Do Nothing'	Leave the site as it currently exists, where the site, buildings and it's strategic positioning within the context are underutilised and do not contribute to the vitality of the area and will continue to detract from the public domain. This scenario would represent a failure to optimise the benefits provided by the site's location adjacent to the Marion light rail station and boost housing supply.
Delaying the Development	Considering the current demand for housing in areas close to centres and high frequency public transport, delaying the development is contrary to housing delivery objectives of the state and federal governments.
Re-develop the site with an industrial development	An economic study undertaken by Hill PDA as part of the previous planning proposal found it is unlikely that there would be a commercially viable option to redevelop the site

Alternative	Consideration
	for employment uses, as it is simply not financially viable to demolish the existing building and redevelop the site for a similar or other complying use to a FSR of only 1:1.
HDA SSDA and Rezoning (this proposal)	The proposed development represents the most suitable and appropriate pathway to achieve strategic objectives and statutory controls for the site. The proposal would result in better use of the site as it will deliver a transport-oriented development which increases its capacity for housing and diverse employment options, whilst optimising the use of this strategic public transport infrastructure.

5.0 Statutory Context

A summary of the relevant statutory requirements for the project are identified in **Table 5** below.

Table 5 Relevant Statutory Requirements

Matter	Consideration
Power to Grant Consent	Development consent will be sought under 'Division 4.7 - Stage Significant Development' of the EP&A Act. Section 4.36(2) of the EP&A Act states that: <i>The Minister may, by a Ministerial planning order, declare any development on specified land to be State significant development.</i> The Ministerial Planning Order State Significant Development Declaration Order 2025 (No 4) published 3 April 2025 lists development that is declared SSD. Part 2 Declaration of State Significant Development states: <i>(j) development specified in EOI application 235487 dated 31 January 2025 including development for the purpose of shop top housing with provision of affordable housing at 245 Marion Street, Leichhardt, being Lot 1/DP507525</i> As the proposed development is for the purposes of the relevant use, it is declared SSD. Before SSD can be determined, it is subject to a comprehensive assessment under the EP&A Act. Section 4.5 of the EP&A Act and Section 2.7 of <i>State Environmental Planning Policy (Planning Systems) 2021</i> stipulate that the consent authority is the Minister for Planning and Public Spaces (or the DPHI as their delegate) unless the development triggers the matter set out in Section 2.7(1) in which case the consent authority will be the Independent Planning Commission.
Permissibility	The proposed development will likely constitute the following uses as defined under the Standard Instrument: • Shop top housing • Residential flat building • Commercial premises • Light industry The site is zoned E4 General Industrial under the <i>Inner West Local Environmental Plan 2022</i>. The proposed land uses are not permissible under the current zoning (except for light industries). Section 4.38(5) of the EP&A Act states that: <i>A development application in respect of State significant development that is wholly or partly prohibited may be considered in accordance with Division 3.5 in conjunction with a proposed environmental planning instrument to permit the carrying out of the development. The Planning Secretary may (despite anything to the contrary in section 3.32) undertake the functions of the planning proposal authority under Part 3 for a proposed instrument if it is initiated for the purpose of permitting the carrying out of the development (whether or not it contains other provisions).</i> A Concurrent Rezoning Proposal (Section 4.1) facilitating amendments to the IWLEP 2022 will be undertaken under Division 3.5 of the EP&A Act to enable the permissibility of the proposed development at the site.
Other Approvals	Approvals not required for SSD, otherwise required • Fisheries Management Act 1994 – No • Heritage Act 1977 – No • National Parks and Wildlife Act 1974 – No • Rural Fires Act 1997 – No • Water Management Act 2000 – No EPBC Act Approval • The Project is not likely to impact a matter of National Environmental Significance. Therefore, the Project is not required to be referred to the Federal Department of the Environment to determine if it constitutes a controlled action and the bilateral agreement applies.
Pre-conditions to Exercise the Power to Grant Consent	The following sections of the relevant legislation are expected to be relevant to the assessment of the EIS: • <i>State Environmental Planning Policy (Housing) 2021</i> – Chapter 2, Chapter 4 • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> – Chapter 4 • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i>

Matter	Consideration
	• <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> – Section 2.48, Section 2.98, Section 2.99, Section 2.100,
Mandatory Matters for Consideration	The following mandatory matters for consideration are expected to be relevant to the assessment of the EIS: • <i>Environmental Planning & Assessment Act 1979</i> – Section 1.3, Section 4.15 • <i>Biodiversity Conservation Act 2016</i> – Section 7.9 • <i>State Environmental Planning Policy (Housing) 2021</i> – Chapter 2, Chapter 4. • <i>State Environmental Planning Policy (Sustainable Buildings) 2022</i> • <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> – Chapter 4

6.0 Community Engagement

Engagement is proposed to be carried out through the preparation of the EIS prior to submission in accordance with the DPHI's *Undertaking Engagement Guidelines for State Significant Development*. This includes adopting the following community participation objectives provided in the Guideline:

“Engagement is to be:

- *Open and inclusive,*
- *Easy to access,*
- *Relevant,*
- *Timely, and*
- *Meaningful.”*

The Applicant will engage with the following organisations and community members.

6.1 Aboriginal Community Consultation

The project team will engage Connecting with Country consultants to undertake formal engagement with locals and a Walk on Country. This activity will enrich the project team's knowledge on invaluable knowledge from the Gadigal and Wangal people who will use this information to inform the overall design. Consultation will continue to occur with locals and knowledge holders throughout the evolution of the project.

6.2 Other Agencies and Stakeholders

Consultation is anticipated with the following government and industry stakeholders (as well as the local community):

- Local community, including:
 - Immediate and wider neighbours,
 - Community Action Groups and Residents' Associations, and
 - Local businesses.
- Government agencies, including:
 - Government Architect NSW
 - Department of Planning, Housing and Infrastructure,
 - Inner West Council and elected officials,
 - Transport for NSW & Transdev,
 - Environment, Energy and Science Group, and
 - Service providers such as telecommunication (NBN), gas (Jemena), electricity (Ausgrid) and water (Sydney Water).
- Local Aboriginal Community, including:
 - Registered Aboriginal Parties,
 - Metropolitan Local Aboriginal Land Council,
 - Knowledge Holders and Elders.

The formal public exhibition process will provide further opportunity for agencies and members of the public to provide comment and submissions on the project.

6.3 Proposed Community Consultation Actions

Engagement will be undertaken to inform the preparation of the EIS and on an ongoing basis throughout the life of the project, and details of how issues raised have been responded to will be documented in the Consultation Outcomes Report, which will accompany the EIS.

The Proponent will continue to engage with community stakeholders following the determination of the DA to provide information and seek feedback on the design process and project delivery phases. The Outcome Report will also include details of strategies to monitor, review and adapt engagement methodologies over the course of the project. This engagement will be complementary to and independent of Department-led consultation during their assessment of the DA.

The engagement techniques adopted during the preparation of the EIS may include letterbox drops, agency and stakeholder briefings and the maintenance of a project email and phone number.

7.0 Proposed Assessment of Impacts

This section provides an overview of the key matters requiring and not requiring further assessment in the EIS and the proposed approach to assessing each of these matters. The purpose of considering these factors at this stage is to inform the preparation of the SEARs which will guide the preparation of the EIS.

The following sections should be read in conjunction with the Scoping Summary Table provided at **Appendix A**.

7.1 Matters Requiring Further Assessment in EIS

The following sections provides a high-level overview of the relevant matters and impacts which will be addressed in detail within the EIS. It outlines the matters and impacts of particular concern to the community and other stakeholders and will be supplemented in the detailed report to be submitted to DPHI.

7.1.1 Built Form and Urban Design

The EIS will include a design report and ADG assessment that outlines how the proposal will deliver an exemplary built form outcome that responds to the site, the public domain, and its surroundings in a manner that ensures high quality residential amenity for future occupants. The development will also demonstrate design excellence in accordance with the Inner West LEP 2022.

The potential off-site impacts of the proposal resulting from the built form will be comprehensively considered and assessed in detail in the EIS.

7.1.2 Affordable Housing

The project proposes to provide a 10% affordable housing contribution. The specific allocation of apartments designated for affordable housing, the period of which the affordable housing will be provided for, and the related management measures is subject to ongoing design development and engagement with potential future operators (Community Housing Providers (CHPs)).

7.1.3 Environmental Amenity

Due to the proposed development's height and scale, and its context within an area characterised by residential and public uses, considerations will need to be made for impacts to the surrounding environment and access to amenity on the surrounding locality. The proposed development must not have adverse impacts on environmental amenity for surrounding residential and other sensitive land uses in the form of wind, solar, overshadowing, lighting, and reflectivity impacts.

7.1.4 Transport

The proposed development will be required to consider the relationship between the proposed development and the surrounding transport infrastructure. Specifically, the site's location immediately adjacent to a light rail stop will be considered, as well as its location along Marion Street.

The EIS will be informed by a Transport Impact Assessment which will be carried out to demonstrate both construction and operational traffic on the existing and future road network, as well as the functionality of the site and the surrounding development.

7.1.5 Noise and Vibration

A Noise and Vibration Assessment will be prepared to assess the main noise and vibration generating sources during construction and their impacts upon any sensitive noise receivers, particularly adjacent and nearby residential receivers.

The site is located over 5km from Sydney International Airport and is located outside of the Sydney Airport ANEP zones. The assessment will evaluate and outline measures to minimise the potential noise impacts from the adjacent light rail infrastructure, specifically the L1 Dulwich Hill Line, which will require further consideration in terms of potential noise and vibration impacts. Attenuation measures will be investigated to ensure the appropriate mitigation of such impacts. Additionally, the assessment will consider operational noise impacts from the proposed non-residential uses and recommend measures to minimise impacts on the proposed residential dwellings and surrounding residential developments.

7.1.6 Flood Risk and Water Management

The proposed development will need to consider how drainage and storm water management will be effectively provisioned across the site with increased density and its location on flood prone land. Specifically, the EIS and accompanying technical reports will demonstrate the ability of the site to address flooding, drainage and stormwater requirements.

A previous flooding study was conducted and determined that the site is capable of being developed for the proposed mixed-use development with appropriate flood protection measures and no adverse flooding effects in downstream or upstream catchments.

7.1.7 Other Matters

The following matters will be addressed by project-specific SEARs requirements:

Table 6 Matters considered to be addressed within SEARs

Matter	Assessment	Anticipated Deliverable/s
Ground Conditions	The proposed development will be required to consider the relationship between the impacts of the development and soils, specifically consideration of the land's identification on acid sulfate soils.	• Geotechnical Assessment
Non-Indigenous Heritage	The site is not identified as a heritage item nor is it within a heritage conservation area. However, the site is proximate to heritage items and a Heritage Conservation Area. Consideration of effects of the development on the site will be made.	• Statement of Heritage Impacts
Indigenous Heritage	The development will require aboriginal heritage assessment to ensure that aboriginal heritage is protected if it exists on the site.	• ACHAR
Contamination	In accordance with Chapter 4 of the <i>State Environmental Planning Policy (Resilience and Hazards) 2021</i> , the proposed site must demonstrate it is suitable for the development by assessing and quantifying any soil and groundwater contamination. Due to the site's existing use as an industrial area there is potential for contamination.	• Preliminary Site Investigation Report • Detailed Site Investigation Report (if required). • Remedial Action Plan (if required)
Waste Management	Throughout the site's construction and operation, waste will be produced that will require appropriate measures to be managed, reused, and disposed of.	• Waste Management Plan
Aviation	The site is inside the Obstacle Limitation Surface (OLS), and sits between the 120m AHD and 130m AHD height planes. The proposed development's impacts on airport operations will be considered.	• Aviation Impact Assessment
Design Excellence	The project is committed to achieving design excellence. Review of the proposed development by the State Design Review Panel (SDRP) is welcomed to achieve this aim.	• Addressed in Design Report and EIS.
Visual Impact	The development may result in visual impacts to private and public spaces that will need to be considered. However, due to the changing nature of the area and the strategic directives to accommodate more housing, it is likely that the proposed development will be consistent with the future character of the area.	• Visual Impact Analysis
Commercial and Employment Potential	The proposal will involve rezoning existing employment land to a residential zone, an economic study will be prepared to understand the demand for employment land and justify the change in zoning. The proposal seeks to retain a small portion of employment opportunities on the site through the introduction of an additional permitted use limited to 1,000sqm.	• Economic Impact Assessment • QS Report

7.2 Matters not Requiring Further Assessment in the EIS

This section outlines the matters that are not relevant, do not require further assessment and site-specific considerations are considered necessary in the EIS. It is noted that the final deliverables will be confirmed pending the outcome of on-site investigations.

An assessment of the matters not requiring further assessment in the EIS is provided in **Table 7** below.

Table 7 *Matters not Requiring Further Assessment in the EIS*

Matter	Assessment	Anticipated Deliverable/s
Trees and Landscaping, Terrestrial Fauna and Flora	The development is unlikely to require the removal existing trees or a large amount of vegetation. Due to the nature of the site as an existing industrial precinct, it is highly unlikely that there are any significant trees on the site nor trees that require retention.	• N/A
Bush Fire Risk	The site is not affected by bushfire prone land.	• N/A
Biodiversity	The site is not identified on the state's Biodiversity Values Map nor is there any listing of biodiversity maps in the SEPP.	• BDAR Waiver

8.0 Conclusion

This Scoping Report has been prepared by Ethos Urban on behalf of P&C Consulting in support of the proposed development located at 245 Marion Street, Leichhardt. It seeks to inform the DPHI to enable the preparation of project-specific SEARs to enable the preparation of an EIS and concurrent rezoning report that will accompany a SSDA. It has outlined preliminary information regarding the project including the site, the proposed development, the relevant strategic and statutory context and planned stakeholder engagement. The scoping of the proposed assessment of impacts within the EIS for the proposal will enable the DPHI with input from other government agencies to prepare and issue project-specific SEARs for the project.