



PLATINO
PROPERTIES

24 October 2018

General Manager
Inner West Council
PO Box 14
Petersham NSW 2049

Attention: Collette Goodwin

Dear Collette,

Planning Proposal for 67 -75 Lords Road, Leichhardt - Response to Council Letter, 17 October 2018

Thank you for your letter of the above date, and the time and effort taken to review our pre-lodgment documents submitted to Council on 8th August 2018.

Since then we have undertaken significant additional consultation and modified the Proposal accordingly. We have also incorporated comments from the pre-lodgment meeting held on 28th September 2018 and the matters in your letter of 17th October 2018.

This letter summarises the changes and our response to issues raised.

1. COMMUNITY CONSULTATION

Our amended proposal further takes into account the views of Council and community, including the APIA Club and its members, the Kegworth Public School, local residents and local businesses. The current proposal has been informed by commentary received from Council, the previous proposal and ongoing consultation on the current planning proposal.

1.1 Apia Club

Apia Club concerns relate to potential land use conflicts with Lambert Park and the prospect of objections from new residents to Council relating to Club operations. The measures we have taken are the result of discussions with representatives of the Club:

- The wall alongside the boundary with Lambert Park will be retained, without any openings;
- The proposal now restricts the building adjoining Lambert Park to non-residential uses;
- All residential buildings will be set back over 20m from Lambert Park;
- The design will include special measures to reduce the impact to sound on residents, such as winter-gardens;
- We have offered (as part of a VPA) to provide new directional LED lighting to eliminate light spill; and
- We have offered (as part of a VPA) to provide a 500m2 multi-purpose room for the community, which could be used by the APIA club if Council agrees.

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1.2 Resident Concerns

Most resident concerns focus on increased height and scale and resulting impact and above all, traffic and parking. Some residents are concerned about the retention of local services.

The Proposal has attempted to respond to these concerns as follows.

- The design concentrates development in locations where it has minimal impact on its surroundings;
- Lower scale dwellings face Davies Lane to provide a sensitive transition in height;
- The height is predominantly well below the PRCUTS height limit and mitigates any possible impacts on adjoining properties;
- The non-residential areas proposed greatly exceed the amount of space used by existing tenants which service the local area. It is noted that the majority of space in the existing buildings is leased to warehouse operators servicing the whole of the metropolitan area;
- The quantum and type of non-residential uses has been determined to ensure that the traffic generated will be much lower than the current traffic generation; and
- Parking is provided in accordance with Council's DCP – which in association with the Green Travel Plan and convenient location will result in minimal effect on parking.

Some of the objections expressed by Haberfield residents are not, in our view, well founded. Haberfield will be minimally affected by the Proposal, as it is separated by an 8m high railway embankment planted with 18m high trees. The rear boundaries of residents in Hawthorne Parade are over 80m away on the other side of the embankment. The issues raised with respect to traffic, strain on the light rail system, bike paths and congestion around the school and loss of privacy and sunlight are dealt with in Planning Proposal.

However, it is also acknowledged that many of the residents' concerns cannot be satisfied by the Proposal. Change and growth are inevitable and possibly desirable, but the destruction of communities' character is not. The Proposal balances competing interests so as to minimise disruption and adverse effects on surrounding areas, retain the character of the community, and provide floor space for to accommodate businesses which service for the community as well as provide employment, while providing much needed housing close to Sydney's major employment areas.

2. TRAFFIC

2.1 Community Consultation, Residents & Kegworth Primary School

Community consultation identified that traffic and parking is a major concern to all stakeholders, in particular to the Kegworth Primary School.

In response to concerns the mix of employment and residential uses has been balanced to ensure that traffic generated by the Proposal is reduced by more than 50% when compared to the traffic potential of the existing site.

The safety of children at Kegworth Primary School will be much improved because peak traffic generation will not coincide with school drop off and pick up times and there will far fewer deliveries by trucks and heavy vehicles.

Further, in response to community concerns, the Proposal proposes parking in accordance with Council's DCP which will, in association with the location and the Green Travel Plan, eliminate parking overflow onto Lords Road.

2.2 Precinct Wide Traffic Study

We note that the Precinct Wide Traffic Study being undertaken by the Department of Planning and Environment, with Council, is not yet complete and the PRCUTS Implementation Plan states that this traffic study is required to be completed “prior to any rezoning commencing.” We are advised that the consideration of a planning proposal and its progression to Gateway is not the commencement of rezoning within the precinct. Rezoning within the precinct commences when the first amendment to the LEP is made, which results in the rezoning of a particular portion.

In any event, as the Traffic Report demonstrates that the Proposal will not result in any pressure on the surrounding roading network which would impact upon the outcomes of any Precinct Wide Traffic Study, nor road improvements and upgrades that would be required in the Taverners Hill Precinct.

3 EMPLOYMENT ISSUES & LOSS OF INDUSTRIAL LAND

3.1 Loss of Industrial Land

Council’s letter states that the proposal needs to address the Industrial Lands Study (2014) Leichhardt Industrial Precinct Study (2016) both prepared by SGS Economics.

Subsequent to those studies, UrbanGrowth undertook a suite of technical studies to inform the preparation of PRCUTS, including preparing of a Commercial and Retail Demand Study. PRCUTS is supported by a s9.1 Ministerial Direction which gives it statutory force. The Greater Sydney Region Plan and Eastern City District Plan which came into effect in March 2018 acknowledge that PRCUTS and the Implementation Tool Kit have been subject to an extensive planning process (satisfying the requirements of the s9.1 Ministerial Direction) and state that lands within PRCUTS are not subject to any local industrial and employment land strategies and actions of these Plans.

Whilst the proposal does not address employment uses in the manner preferred by Council’s Policy, it does comply with the higher order Greater Sydney Region Plan, District Plan and PRCUTS. It is expected that the outcomes of the Inner West industrial lands review would not affect the land subject of the proposal.

3.2 Provision of non-residential uses.

Notwithstanding that the provisions of PRCUTS do not require any non-residential uses on the site, we acknowledge that some residents, Council and the Sydney Central Planning Panel have expressed a desire for creative employment and community uses. To address this:

- The proposal provides space for 3,000m² of community, creative and employment uses, resulting in a similar number of employees as existing; and
- The proponent agrees to an arrangement whereby the Art Est school could return to the site on completion of the development, if approved and reside under the same commercial arrangements that presently exist, should Art Est choose to.

4 URBAN DESIGN & PRCUTS

Council has stated that *“the Urban Design Study relies on the built form controls prescribed in PRCUTS rather than demonstrating independent merit”*. This is not correct. A strong urban design methodology and supporting principles have been developed after a comprehensive site analysis and consideration of the PRCUTS provisions were undertaken. Elements of the urban design have been sensitively tailored to suit the surroundings of the site including the present and proposed future urban form.

The Urban Design study now includes a basement car park plan as requested by Council to demonstrate that the design can comply with the deep soil area requirement of the proposed DCP. The overall height is generally well below the PRCUTS height limit and sensitive transitions mitigate

any impacts on adjoining properties. In many areas the proposal exceeds the requirements of PRCUTS including;

- A 5-star green star sustainability commitment;
- The provision of public open space on site;
- Affordable Housing at 8.5% of GFA (equivalent to 35 dwellings, or 15%, of the proposed dwellings) compared to 5% recommended by the PRCUTS;
- Community Benefit (including new LED lights for Lambert Park, the provision of the multipurpose room); and
- The provision of 3,000m² of creative employment and community space, not required by PRCUTS or the Eastern City District Plan.

As recognised by the PRCUTS, the site is very well served by infrastructure and as such represents a “least cost solution” to meeting housing demand in a Sydney metropolitan context. A report by Hill PDA included in the Planning Proposal quantifies the benefits of transit orientated infill developments such as this proposal (Appendix R).

Infrastructure currently servicing the site includes:

- 2 light rail stations within 400m;
- 2 heavy rail stations within 800m;
- 20 schools within 2km;
- Direct access to the wonderful Greenway;
- Numerous parks and recreation areas;
- Multiple child care centres;
- A major shopping centre within 250metres; and
- Many council halls and meeting rooms.

In summary, the proposal comprises an urban design scheme for the site that is generally consistent with the PRCUTS, which includes:

- a total of 26,158 sqm of floor space (2.4:1 FSR plus 500sqm bonus for provision of community space) comprising:
 - 23,158 sqm of residential floor space delivering approximately 235 dwellings, and
 - at least 3,000 sqm of non-residential floor space on the ground floor which could adapt to demands over time and support a range of uses such as community uses, light industrial and urban services, creative industries, health facilities, education uses, gymnasium, restaurants/cafes and local service business;
- five buildings located around the perimeter of the site ranging from three to nine stories with a maximum height of RL35m;
- a central publicly accessible open space of approximately 1,650sqm;
- public through site links and a GreenWay connection to the Marion light rail stop, and
- 35 affordable rental dwellings.

5 OUT OF SEQUENCE CHECKLIST

The Out of Sequence Checklist aims to ensure that changes to the land use zone or development controls do not occur without meeting the underlying Principles and Strategic Actions of the Strategy, such as the necessary transport, services and social infrastructure to service a new population. It will also ensure the established benchmarks for the quality of development and public domain outcomes desired for the Corridor are achieved.

It is relevant to note that there has to date, been no uptake in the area of Taverners Hill identified for 2016-2023 release.

The Economic Impact Assessment prepared by AEC (Appendix H) demonstrates that the large portions of the 2016-2023 Taverners Hill Precinct Release Area are unlikely to be developed in the timeframe envisaged. Many of the sites are small, (45% are less than 300sqm in site area) and a modest FSR of 1.4:1 applies to most of the properties. Therefore development of these sites is not likely to be financially viable in the short term. Analysis of the feasibility of densities proposed in the precinct indicate the PRCUTS vision will struggle to be realised in the short term.

Accordingly, it is considered likely that the transport infrastructure identified in PRCUTS to support growth to 2023 would be able to accommodate growth out of sequence, including the Lords Road site.

Notwithstanding the foregoing, consideration of the planning proposal and development application, and lead-in time to mobilisation, the Proposal is not expected to be delivered and completed prior to 2023.

The site therefore represents a valuable opportunity to achieve the objectives of the PRCUTS vision for the precinct, and contribute to the provision of infrastructure, in a timely manner

The Proposal additionally envisages contribution of various infrastructure items to assist with realisation of PRCUTS vision.

The issues associated with the Out of Sequence Checklist are dealt with in detail in the Planning Proposal report.

6 CONCLUSION

In addition to the above we have compiled a comprehensive response to Council's pre-planning proposal advice and revised the Planning Proposal and associated reports. We have also completed a detailed revision of all our documents, including our Out of Sequence Checklist and have prepared a separate Integrated Infrastructure Delivery Plan ("IIDP").

While the Proposal has attempted to address all the issues raised in Council's latest letter, it is our view that a significant proportion of these issues are matters of detail, which would normally be addressed after Gateway Determination, or in future Development Applications.

We would hope that, given our comprehensive response and the merit of the proposal we can look forward to Council's support.

Finally, Council's Letter refers to its new fee structure for planning proposals, whereby Council intends to recover all costs associated with "additional studies, peer reviews, costs of referring planning proposals to the Inner West Planning Panel and Architectural Excellence Panel and Public meetings". We request that prior to incurring any expenditure that Council intends to recover from the proponent, Council provide an estimate of costs and seek the proponent's consent before incurring any such expenditure.

Please do not hesitate to contact the undersigned or our planner Michael File on 0433 458 984 if you would like to discuss this matter. We are also available to meet and discuss the proposal as required.

Yours Sincerely

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke at the end.

Richard McLachlan
0408 675 973

cc Steve Murray, NSW Dept of Planning

Attachments Response to Council Pre-Planning Proposal Advice.

Response to Council Pre-Planning Proposal Advice – To be completed with a comprehensive response

Issue	Consideration
Loss of Industrial Land	<p>The PRCUTS is State Government Policy and is enforced by a Ministerial Direction. Further, the Greater Sydney Region Plan released in March 2018 confirms that the Parramatta Road Corridor is not subject of the industrial land protection policies set out within that plan.</p> <p>The recommended land use in PRCUTS for the site is residential, with an FSR of 2.4:1 and a height of 30m. The applicant has suggested the incorporation of employment uses as a result of the recommendations of the Sydney Central Planning Plan and after considering the views of Council and the community.</p> <p>The proposed 3,000sqm of non-residential floor space will provide significant employment on the site, supporting approximately 97 to 128 jobs.</p>
Economic Impact	<p>The proposed 3,000sqm of non-residential floor space will provide affordable commercial / light industrial space on the site, compatible with the proposed residential use. Also, the applicant is negotiating with several key tenants to see if they would like to return to the site on completion of the proposal (if approved), in a commercial arrangement that is similar to their current situation.</p> <p>The applicant understands that any “queries” Council has with regard to the “selected catchment area” and “analysis area” will be considered by Council in greater detail once the Planning Proposal is lodged.</p>
Functionality of Mixed Use	<p>The applicant considers that the proposed mixed development can be extremely functional. Approximate ceiling heights, and the extent of the employment areas, are clearly shown in the Urban Design report. Further, the draft DCP includes provisions to ensure the successful integration of residential and non-residential uses, including requirements for design and acoustic measures to maintain residential amenity and the separation of access, car parking and loading.</p>
Prematurity of a Planning Proposal	<p>The applicant does not believe that the proposal is premature, and indeed, such “Out of Sequence” proposals are foreshadowed in the PRCUTS. The issues raised by Council with regard to the checklist prepared are provided below.</p> <p>Criteria 1</p> <p>Whilst raising many issues that require further assessment and consideration, Council also notes that the proposal has merit. The applicant understands Council will undertake further assessment once the Planning Proposal is lodged.</p> <p>A Social Impact Assessment has been prepared which outlines the how the key community benefits proposed to be accommodated on site respond to community need.</p> <p>The applicant cannot comment on the “incongruity” of the PRCUTS Planning controls, however it is noted that the PRCUTS Planning and Design Guidelines states that a 32 metre height control is recommended for land on Lords Road that is close to the Marion Light Rail stop and other nearby facilities and services such as Kegworth Public School and Leichhardt Marketplace.</p> <p>Further consideration has been given to the design excellence provisions of the PRCUTS and details provided of the proposed design excellence strategy.</p> <p>Criteria 2</p>

Issue	Consideration
	<p>A separate IIDP has been prepared by Northrop to support the Planning proposal.</p> <p>Criteria 3</p> <p>The applicant has undertaken extensive consultation, and this has continued since the pre-lodgement, including further meetings with some residents and Kegworth Public School. An updated Consultation report has been prepared which includes all details requested by Council.</p> <p>Criteria 4</p> <p>The applicant is of the view that committing to achieve a 5-star green star Design and As Built accreditation will more than achieve the PRCUTS sustainability aspirations.</p> <p>Criteria 5</p> <p>Feasibility advice has been provided by Cushman and Wakefield confirming that the project is feasible having regard to the contributions identified in the Integrated Infrastructure Delivery Plan.</p> <p>Criteria 6</p> <p>The applicant has prepared an affordable housing report and economic assessment which both note the critical shortage of market and affordable housing in the Inner West. Further, both the former National Housing Supply Council, and the NSW Department of Planning, have noted the broad undersupply of affordable and available housing in the Sydney Housing market, particularly in areas close to amenities and employment, such as Lords Road. The site is close to schools, 2 light rail stations, 2 heavy rail stations, bus routes and shops. It is an appropriate infill location for the proposal.</p>
Urban Design	<p>As the PRCUTS is adopted government policy, and has been developed after years of extensive research and investigation by the state government and its agencies, and is now subject to Ministerial Directions. Accordingly, the applicant believes it is reasonable to undertake the proposal with PRCUTS as the starting point.</p> <p>As PRCUTS recommends the whole Taverners Hill Precinct to undertake significant change over the coming years the applicant has taken into account the proposed zonings, heights and FSRs for the whole precinct. Nevertheless, the applicant has not “relied on” the PRCUTS, and the proposal exceeds the PRCUTS requirements in many areas including sustainability, public open space, affordable housing, community benefit, and employment.</p> <p>Further, the urban design study has considered the appropriate distribution of built form across the site to maintain existing amenity and provide consistency with the desired future character of the area.</p> <p>The urban design study has also been updated to include a basement plan and better illustrate the maximum height of buildings.</p>
Affordable Housing	<p>The applicant is proposing to deliver 35 apartments, to be managed by Bridge Housing, for a minimum of 10 years, as Affordable Housing. This equates to 15% of the total dwellings. The Affordable Housing Study notes this is “one of the highest affordable housing percentages the Consultant is aware has been achieved to date in Australia”.</p>
Open Space and Public Domain	<p>The PRCUTS does not identify the need to provide new public open space within the subject site. Notwithstanding, publicly accessible open space has been identified on site which will complement the proposed ground floor non-residential uses and benefit the local community. An open space options analysis has been included in the revised proposal.</p> <p>With regard to pedestrian improvements along Lords Rd, the applicant is yet to meet with Council to discuss these matters. The appropriate pedestrian upgrades can be further discussed with Council following a Gateway decision.</p>

Issue	Consideration
Community Strategic Plan	Our Inner West 2036 has been considered and addressed in Section Error! Reference source not found..
Traffic and Transport	Additional transport advice has been provided which addresses the issues raised by Council which is included at Appendix I.
Site Specific DCP	This fee is noted.
Social Impact Statement	Noted. A Social Impact Assessment has been prepared in accordance with Council requirements.
Flood Study	A flood study has been prepared to support the proposal, which has been informed by an updated flood certificate. The applicant's flood consultant advises that an overland flow path is not located along the western boundary of the site, due to a raised area at the western end of Lambert Park.
Heritage Impact Assessment	A Heritage Impact Assessment has been prepared to form part of the Planning Proposal (Appendix W).
Contamination	A Remediation Action Plan (Appendix L) has been prepared which outlines measures to make the site suitable for the proposed future use.
Acid Sulphate Soil Study	An acid sulphates soils study will be provided following a gateway decision as per the Remediation Action Plan (Appendix L)
Voluntary Planning Agreement	A letter of offer to enter into a Voluntary Planning Agreement with Council has been included with the Planning Proposal (Appendix G).