

ATTACHMENT 3 - PRCUTS IMPLEMENTATION PLAN OUT OF SEQUENCE ASSESSMENT TABLE
67-75 Lords Road, Leichhardt

Ministerial Direction 1.5 - Parramatta Road Corridor Urban Transformation Strategy gives statutory force to the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November 2016) and the Parramatta Road Corridor Urban Transformation Strategy Implementation Update 2021 (July 2021). The 2021 update supplements the original implementation plan with additional actions. The latter applies if there is conflict between the implementation plans.

The planning proposal relates to an individual site is outside the 2016-2023 release area under the PRCUTS Implementation Plan 2016-2023 and thus for the planning proposal to be supported it must be able to:

- satisfy the requirements of the 'Out of Sequence Checklist' in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November 2016), or
- clearly demonstrate that it delivers a better outcome, or
- be of minor significance.

An 'Out of Sequence Checklist' was provided in Appendix C of the submission package and is assessed by Council in Table 1 and 2 below.

Table – 1 PRCUTS Implementation Update 2021 Assessment

Implementation Update 2021 Actions		Planning Proposal Response	Council Assessment
Timing of Release			
1.	<p>From the date of the Implementation Update, the progression of planning proposals in the 2016-2023 Release Area or planning proposals for whole precincts can progress to a Gateway determination notwithstanding the status of any precinct wide traffic study.</p> <p>Planning proposals on individual sites and in Frame Areas can still be considered for progression using part 5(a) or 5(b) of the Direction.</p>	<p>The Implementation Update supports the progression of Planning Proposals to a Gateway determination in the areas identified for release post 2023. It is also important to note that, if the Planning Proposal proceeds to public exhibition, rezoning of the site would not occur until 2023, and any development would be delivered beyond 2023 as envisaged under the Implementation Plan. The Planning Proposal is therefore no longer out of sequence. Notwithstanding the proposal can comply with the PRCUTS out of sequence checklist.</p>	<p>Consistent.</p> <p>The Planning Proposal is not located within the 2016-2023 Release Area or intended to be for a whole precinct.</p> <p>Council is of the view the that an Out of Sequence checklist is required as per the Implementation Update 2021 and the Ministerial Directions.</p> <p>A merit-based assessment of the Planning Proposal's Out of Sequence Checklist is required to justify consistency the timing of release actions.</p> <p>The Planning Proposal includes an Out of Sequence Checklist response (Appendix C) and is therefore consistent with this action.</p>

Implementation Update 2021 Actions		Planning Proposal Response	Council Assessment
Public Transport			
1.	Planning proposals must have regard to any relevant published plans by Transport for NSW for improved public transport in the corridor. DPE may require a planning proposal be amended to align with a plan published by Transport for NSW.	No response.	<p>Inconsistent.</p> <p>The Parramatta Road Corridor Precinct-wide traffic study was completed in March 2022 (the Study). Transport for NSW are preparing a strategic business case for mass transit improvements along Parramatta Road.</p> <p>Of relevance, the Study includes a public transport network action A-AT6 <i>provide access to Taverners Hill LRS and Marion LRS from the east.</i></p> <p>The Planning Proposal does not acknowledge this action. Further, no discussions with Council/DPE/TfNSW on the implementation of the Study relevant to the Planning Proposal have taken place.</p>
2.	DPE may also require a planning proposal to be amended to align with a future planning, transport or infrastructure plan developed by councils and NSW Government in response to Sydney Metro West.	N/A	<p>N/A.</p> <p>This is subject to DPE review at the Gateway Determination stage.</p>
Active Transport			
1.	Planning proposals must have regard to any relevant published plans by Transport for NSW or Council endorsed local plans for active transport. DPE may require a proposal to be amended to align with these plans.	No response.	<p>Inconsistent.</p> <p>The Parramatta Road Corridor Precinct-wide Traffic and Transport Study (the Study) was completed in March 2022. Of relevance, the Study outlines the following active transport recommendations:</p> <ul style="list-style-type: none"> - Active Transport Action (A-AT6) – to provide access to Taverners Hill LRS and Marion LRS from the east.

	Implementation Update 2021 Actions	Planning Proposal Response	Council Assessment
			<ul style="list-style-type: none"> - Future pedestrian infrastructure actions – to include the provision of a 2.5m wide double-sided footpath to Lords Rd and 3m wide Shared path to Hawthorn pedestrian link. - Future cycling infrastructure actions – to include the provision of an on-road mixed traffic route. <p>The Planning Proposal and supporting Traffic and Parking Assessment Plan (Traffic Report) (Appendix H) acknowledge the Study and its findings. However, no response to address the recommendations has been made. It is also noted that the proposed Green Travel Plan framework and Urban Design Masterplan do not consider the recommendations of the Study.</p> <p>Local infrastructure recommendations from the Study such as the footpaths, sharepaths and cycleways (as above) are excluded from the Inner West Local Infrastructure Contributions Plan (adopted 6 December 2022). The Study and the recommended local infrastructure items have not been considered as part of the Integrated Infrastructure Delivery Plan provided (Appendix P). These infrastructure items are to be considered as part of a Planning Agreement mechanism subject to negotiations with Council. It is noted that the Planning Proposal is not supported with a Letter of Offer or Planning Agreement.</p> <p>In sum, the Planning Proposal and supporting documents do not have adequate regard or consideration to improve active transport in the corridor as identified in the Study and is therefore inconsistent with this action.</p>
2	DPE may also require a planning proposal to be supported by additional or alternative active transport	No response.	Inconsistent.

Implementation Update 2021 Actions	Planning Proposal Response	Council Assessment
<p>solutions if the proposed rezoning is inconsistent with the PRCUTS Planning and Design Guideline.</p>		<p>The Planning Proposal is inconsistent with the land zoning recommendations in the PRCUTS Planning and Design Guidelines.</p> <p>75 Lords Rd is proposed for rezoning to R3 Medium Density Residential which is inconsistent with the RE1 Public Recreation zone recommended in PRCUTS.</p> <p>If the Planning Proposal was to be amended to propose the RE1 zone instead of R3 zone, this would provide an opportunity to provide a wider share path and more landscaping.</p> <p>This is action is subject to DPE review at the Gateway Determination stage.</p>
Open Space		
<p>1. Planning proposals must have regard to any relevant open space plans published by NSW Government or endorsed by council. DPE may require a planning proposal to be amended to align with these plans.</p>	<p>A provision of 1,000sqm of publicly accessible open space fronting Lords Road is proposed.</p> <p>Additionally, the proposal will improve access to open space areas to the north by providing for a future secondary GreenWay link along the western boundary of the site.</p> <p>Access to the existing GreenWay shared path on the western side of the light rail will also be enhanced through pedestrian improvements along Lords Road to the pedestrian underpass.</p>	<p>Partially consistent.</p> <p>The Planning Proposal considers:</p> <ul style="list-style-type: none"> - GANSW Draft Greener Places (2020) - IWC GreenWay Masterplan (2018) - IWC Recreational Needs Study – A Healthier Inner West (2018) - IWC Recreational Needs Study Update (2021) <p>There is existing open active space (Lambert Park) within 400m safe walking distance from the site.</p> <p>As noted above, the Planning Proposal is inconsistent with the RE1 zone proposed in PRCUTS for the 75 Lords Road portion of the site. If the Planning Proposal was to be amended to propose the RE1 zone instead of R3 zone, this would provide an opportunity for a wider share path along with more landscaping to enhance the biodiversity of the corridor. Despite this, the subject site is not identified as an area for new public open space in Councils Recreational Needs</p>

Implementation Update 2021 Actions	Planning Proposal Response	Council Assessment
		<p>Study 2018 or the Recreational Needs Study Update 2021.</p> <p>The proposal includes the potential to have a secondary Greenway Link to support the wider green grid network. This link could connect Lords Road through to Marion Street and was considered an option in the GreenWay Master Plan (2018). In principle this could be supported. However, the concept plan only provides a 6m setback on the ground level to the western side boundary of the site. A greater setback would be required to provide the green corridor along the Greenway.</p>
Road Improvements and Upgrades		
<p>1. Planning proposals must have regard to the necessary road improvements and upgrades identified in completed precinct-wide traffic studies. DPE may require a planning proposal to be amended to address recommendations of completed traffic studies, including but not limited to setbacks to support active, public or private transport improvements, or controls to manage traffic and parking impacts.</p>	<p>A Traffic and Parking Assessment has been prepared which concludes that the proposed development on its own, would have a negligible impact on the road network.</p> <p>The <i>Parramatta Road Corridor Precinct-Wide Traffic and Transport Study</i> recommends several upgrades along the Parramatta corridor which would have a domino effect of improving conditions at Tebbutt Street. These upgrades have not yet been endorsed by TfNSW and it is understood that further precinct wide analysis may be undertaken by government. Such upgrades will be funded through Regional Infrastructure Contributions ensuring effectiveness of the road network can be maintained.</p>	<p>Inconsistent.</p> <p>The Parramatta Road Corridor Precinct-wide Traffic and Transport Study (the Study) was completed in March 2022. The Study outlines the following matters relevant to the proposal:</p> <ul style="list-style-type: none"> - Existing Tebbutt St/Lords Rd and Tebbutt St/Hathern St intersections will perform at Level of Service (LOS) E in 2036, i.e. the intersection would be at capacity and traffic flow is unstable. - Road network upgrades are required to improve the intersection performance and network efficiency in 2036. - Changes to intersections need to be considered not just in terms of the vehicle movements but also active transport, public transport and place outcomes. - Funding mechanisms for road upgrades/infrastructure contributions will need to be agreed by Council and DPE.

Implementation Update 2021 Actions		Planning Proposal Response	Council Assessment
			<p>The Planning Proposal and supporting Traffic and Parking Assessment Plan (Traffic Report) (Appendix H) acknowledge the Study and its findings. However, no response to address these road improvements and upgrade recommendations has been made.</p> <p>Discussions with Council on the implementation of the Study relevant to the Planning Proposal have not been undertaken.</p> <p>State infrastructure items should be discussed and negotiated with DPE and TfNSW.</p>
2.	If Gateway is granted prior to the completion of a precinct-wide traffic study, DPE may impose a condition requiring the planning proposal to be updated prior to finalisation to address the recommendations of the completed traffic study.	N/A	<p>N/A.</p> <p>The Parramatta Road Corridor Precinct-wide traffic study was completed in March 2022.</p> <p>As noted above, the Planning Proposal and supporting Traffic and Parking Assessment Plan (Traffic Report) (Appendix H) acknowledge the Study and its findings. However, no response to address these recommendations has been made.</p>
3.	No planning proposal is to be finalised until the relevant precinct-wide traffic study is complete or alternate traffic study approved by the Minister for Planning and Public Spaces or his delegate.	N/A	<p>N/A.</p> <p>The Parramatta Road Corridor Precinct-wide traffic study was completed in March 2022.</p> <p>As noted above, the Planning Proposal and supporting Traffic and Parking Assessment Plan (Traffic Report) (Appendix H) acknowledge the Study and its findings. However, no response to address these recommendations has been made.</p>
Funding Framework or satisfactory arrangements			

Implementation Update 2021 Actions		Planning Proposal Response	Council Assessment
1.	DPE may impose a Gateway condition or otherwise amend a planning proposal to address State infrastructure requirements.	N/A	N/A. This is action is subject to DPE review at the Gateway Determination stage.

Table – 2 PRCUTS Implementation Plan 2016-2023 Out of Sequence Checklist Assessment

Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
Criteria 1 Strategic objectives, land use and development:		
<p>1. The planning proposal can demonstrate significant delivery or contribution towards the Strategy's Corridor wide and Precinct specific vision.</p>	<p>The proposal supports the Strategy's vision by</p> <ul style="list-style-type: none"> • Renewing the site for residential and non-residential uses • Enhance walking and cycling connections • Adhering to the Zoning, HOB and FSR of PRCUTS • Supports TOD due to close proximity to transport • Scale and mixed-use of development with ~2000sqm of non-residential floor space • Highly articulated built form will transition from large grain to surrounding fine grain, enhancing the fine grain character. • Appropriate transitions to surrounding uses like schools and parks • Minimal impact on Haberfield HCA • Potential active transport links to Marion Street, and a secondary GreenWay path between light rail stops • Supports permeability and pedestrian activity by activating Lords Rd ground floor uses and creating publicly accessible open space • Not directly affected by through traffic roads • Aircraft noise mitigated through envelope treatments. 	<p>Inconsistent. The Vision for the Parramatta Road Corridor is: <i>A high quality multi-use corridor with improved transport choices, better amenity and balanced growth of housing and jobs.</i></p> <p>The Vision for Taverners Hill is: <i>Taverners Hill will be an urban village with walking and cycling links via the Greenway, access to many public transport modes and many neighbourhood parks, squares and leafy streets</i></p> <p>For numerous reasons the Planning Proposal is inconsistent with the Corridor wide and Precinct specific vision. These inconsistencies are discussed in detail below.</p>
<p>2. The planning proposal satisfies the Strategy's seven land use and transport planning principles and fulfils the relevant Strategic Actions for each Principle.</p>	<p>The PRCUTS establishes principles and strategic actions to support the corridor wide vision. The proposal's consistency with the principles and strategic actions is set out at Appendix B of the Planning Proposal.</p>	<p>Partially consistent. The Planning Proposal addresses each of the individual principles comprising housing choice and affordability, diverse and resilient economy, accessible and connected, vibrant community places, green spaces and links, suitability and resilience and delivery. However, several inconsistencies with the principles and actions are identified and are discussed below:</p>

Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
		<p><u>Principle 1: Housing Choice and Affordability</u></p> <p>Diversity</p> <ul style="list-style-type: none"> - The proposal will contribute towards housing choice and diversity as it proposes a residential development with a mix of 1-, 2- and 3-bedroom dwellings. However, no specific LEP or DCP provisions have been proposed to provide 'diverse housing' as required under the PRCUTS. Further, seniors living accommodation is not considered in PRCUTS actions for housing diversity. <p>Affordable Housing</p> <ul style="list-style-type: none"> - The Planning Proposal does not adequately contribute towards the provision of permanent affordable housing. PRCUTS requires a minimum provision of 5% new housing as affordable housing or in line with Government policy of the day. The Eastern City District Plan and Greater Sydney Regional Plan nominate a target of 5-10% of new floorspace to be delivered as affordable housing subject to viability. Further, the Eastern City District Plan also recognises that higher affordable rental housing targets may be warranted depending on the type of land rezoned and the value uplift generated. It is noted that Council's Affordable Housing Policy (AHP) nominates 15% residential floor space to be dedicated for affordable housing accommodation subject to feasibility. - A minimum 5% floorspace as affordable housing is proposed, however no Affordable Housing Contributions Scheme or Planning Agreement was proposed as part of the Planning Proposal and consequently there is no mechanism to deliver affordable housing. - The proposed affordable housing model identified in the Integrated Infrastructure Delivery Plan (Appendix P) is a shared equity scheme. This is

Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
		<p>inconsistent with Council's AHP and the definition of Affordable Housing under <i>Environmental Planning and Assessment Act 1979</i>.</p> <p><u>Principle 2: Diverse and Resilient Economy</u></p> <ul style="list-style-type: none"> - The usability of the proposed 2,000sqm of non-residential floor space is highly questionable. The draft Site Specific DCP does not address potential land-use conflicts to ensure that residential and industrial uses can be co-located on the site, e.g. noise, access and servicing, tenancy size, floor to ceiling heights etc. <p><u>Principle 3: Accessible and Connected</u></p> <ul style="list-style-type: none"> - The proposed car parking rates exceed the maximum car parking rates recommended in PRCUTS. The excessive provision of car parking on site could discourage use of sustainable travel options. <p><u>Principle 3: Vibrant Community Places</u></p> <ul style="list-style-type: none"> - The Planning Proposal is broadly consistent with this principle. Inconsistencies with the proposed streetwall heights and setbacks in the concept plan have been identified. Further details can be found in the CM+ Urban Design Peer Review (Attachment 4) <p><u>Principle 5: Green Spaces and Links</u></p> <ul style="list-style-type: none"> - As mentioned elsewhere in this assessment, PRCUTS recommends the land at 75 Lords Road to be rezoned to RE1 Public Recreation. This recommendation was likely intended to complement the strategic action: <i>Strategically rezone parts of the Corridor for open space purposes, with a view to allocating land to create a high-quality interconnected network of publicly</i>

Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
		<p><i>accessible open space throughout the Corridor.</i> The proposal is inconsistent with this action.</p> <p><u>Principle 6: Sustainability and Resilience</u></p> <ul style="list-style-type: none"> - The proposed BASIX energy targets outlined in the draft Site Specific DCP (Appendix C) are less than the PRCUTS requirement for apartments 2-3 storeys and apartments 4-5 storeys. Specifically, Building C in the proposed concept plan would be non-compliant with the PRCUTS energy targets in its current form. Nonetheless, the energy targets mandated under the BASIX SEPP would take precedence. - Car parking provision adopts higher targets in LDCP 2013 compared with the maximum car parking rates specified in PRCUTS. - The Planning Proposal and supporting documents do not include controls to achieve a minimum 60% tree canopy cover target over all pedestrian spaces. (footpaths, trafficable pedestrian areas) - The draft Site Specific DCP includes Sustainability objectives and controls that would contribute to some environmental benefits for the site. However, further enhancements to address the PRCUTS sustainability targets is required. - The Sustainability Strategy (Appendix K) supporting the Planning Proposal provides a myriad of sustainability initiatives with no supplementary implementation plan. Further, the strategy does not clearly demonstrate how future development can ensure the long-term achievement of: <ul style="list-style-type: none"> o >20% reduction in greenhouse gas emissions o Renewable energy installation o 30% reduction in peak electricity demand o >30% reduction in water consumption

	Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
			<ul style="list-style-type: none"> ○ >15% of water delivered by non-potable sources, including rainwater or recycled water ○ 30% reduction in car use ○ 10-15% car share take up rate <p><u>Principle 7: Delivery</u></p> <ul style="list-style-type: none"> - Refer to other sections of this assessment relating to inconsistencies with the PRCUTS Implementation Plan 2016-2023 and the PRCUTS Implementation Update 2021. - The Integrated Infrastructure Delivery Plan (IIDP) (Appendix P) does not consider the recommendations of the Parramatta Road Precinct Wide Transport and Traffic Study. Local infrastructure recommendations from the Study such as the footpaths, sharepaths and cycleways (refer to Table 1 above) are excluded from the Section 7.11 Inner West Local Infrastructure Contributions Plan (Adopted 6 December 2022). These infrastructure items are to be considered as part of a Planning Agreement funding mechanism subject to negotiations with Council. It is noted that the Planning Proposal is not supported with a Letter of Offer or Planning Agreement. - The IIDP makes reference to Regional Infrastructure Contributions (RIC) as a mechanism to fund state infrastructure. This mechanism has been abandoned as part of the Infrastructure Contributions Reforms. State infrastructure items are now to be discussed and negotiated with DPE and TfNSW.
3.	The planning proposal can demonstrate significant net community, economic and environmental benefits for the Corridor and the Precinct or Frame Area within which the site is located.	Community benefits include; <ul style="list-style-type: none"> ● 1000sqm publicly accessible open space ● 160 dwellings and 60 seniors housing units ● Mixed-use development ● 5% AH in perpetuity 	Inconsistent. The Planning Proposal has not adequately provided public benefits that would serve to benefit the broader community. With the exception of the affordable housing provision, the other deliverables are not considered 'public benefits'. The provision of non-residential floor space or

Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
	<ul style="list-style-type: none"> • 2000sqm non-residential floor space • Publicly accessible east west through link • Secondary GreenWay path, connecting to Marion St Light rail • Footpath on Davies Lane • Net social benefit according to SIA <p>Economic benefits</p> <ul style="list-style-type: none"> • 105 jobs compared to base case of 147, a net loss of 42 jobs. • \$3,82.2m economic activity from construction • Providing jobs closer to home reducing need to travel, reducing pressure on infrastructure, and conforming to the GSC 30-minute City direction. • Address undersupply of seniors housing in LGA • EIA concludes there would be a net economic benefit compared to retention of existing zone <p>Environmental benefits</p> <ul style="list-style-type: none"> • Designing to a 5 star Green Star V1 standard • 15% canopy coverage within 10 years and increase in areas for deep soil planting • Vegetation, green roofs, and materials with a high solar reflectance index • Increased BASIX targets of Energy 40 and BASIX water 50 • Preparation of a Green Travel Plan • Charging stations for electric vehicles to be provided for 10% of non-residential car spaces and all residential car spaces 	<p>other types of housing are not explicit benefits to the public as these uses are still income-generating uses for the proponents. Additionally, the publicly accessible open space of the development would solely benefit the residents and the proposed ground level commercial and community users of the site. It would not benefit the broader community, as it is unlikely to be used by the wider community or bring broader environmental benefits. The Planning Proposal intends to rezone IN2 Light Industrial land to R3 Medium Density Residential. The supporting Economic Impact Assessment (EIA) (Appendix N) nominates that this will result in a net loss of approximately 42 jobs. The employment generating assumptions include 24 jobs attributing to seniors housing and 12 jobs for work from home staff. These numbers are considered to be inaccurate for the intended outcome of future redevelopment. Insufficient detail is provided to ascertain whether the economic benefits stated can be realised.</p> <p>The draft DCP includes Sustainability objectives and controls that would contribute to some environmental benefits for the site. However, further enhancements to increased BASIX energy targets, tree canopy targets and refine the Green Travel Plan is required. Refer to below sections regarding compliance with PRCUTS sustainability targets.</p>

	Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
		<ul style="list-style-type: none"> Requirements for bike parking, end of trip facilities and car share facilities. 	
4.	<p>The planning proposal is consistent with the recommended land uses, heights, densities, open space, active transport and built form plans for the relevant Precinct or Frame Area.</p>	<p>The planning proposal is consistent with the PRCUTS Planning and Design Guideline recommendations of</p> <ul style="list-style-type: none"> Zoning: R3 Medium Density Max HOB: 30m FSR: 2.4:1 	<p>Inconsistent.</p> <p>The Planning Proposal is inconsistent with the land zoning recommendations in the PRCUTS Planning and Design Guidelines for the 75 Lords Rd (Lot 1 DP 550604) portion of the subject site. The Planning Proposal proposes rezoning to R3 Medium Density Residential which is inconsistent with the RE1 Public Recreation zone recommended in PRCUTS. Further there is no HOB or FSR planning controls recommended for this allotment in PRCUTS.</p> <p>The remainder of the site (67-73 Lords Rd) aligns with the planning control recommendations under PRCUTS.</p>
5.	<p>The planning proposal demonstrably achieves outcomes aligned to the desired future character and growth projections identified in the Strategy.</p>	<p>The planning proposal addresses the key aspects of the desired future character by;</p> <ul style="list-style-type: none"> Being consistent with PRCUTS vision for residential zoning and providing mixed use to accommodate local services and businesses. Creative industries will be supported by the provision of 2,000sqm of floorspace Supporting a village character on Lords Rd by establishing active frontages Creating appropriate built form transitions and scale to support the preservation of local fine grain and historic character. Streetscape transition towards Kegworth Public School to ensure no overshadowing or overlooking. Providing a secondary GreenWay path, consistent with the GreenWay Master Plan and also enhancing east-west links. Contributing to the PRCUTS indicative floor space mix and growth projections by with 25,480sqm of floor space comprising approximately 23,480sqm of residential 	<p>Partially consistent.</p> <p>The Planning Proposal and supporting documents are partially consistent with the desired future character described in PRCUTS. The vision for Taverners Hill outlines, <i>“Taverners Hill will be an urban village with walking and cycling links via the GreenWay, access to many public transport modes and many neighbourhood parks, squares and leafy streets.”</i></p> <p>For example, the proposed north-south link along the western boundary could potentially connect to Marion Light Rail Station and serve as a secondary Greenway link. The proposed east-west pedestrian link would the improve the site’s permeability, from and to the GreenWay corridor.</p> <p>However, there are several inconsistencies:</p> <ul style="list-style-type: none"> The proposed car parking rates exceed the maximum car parking rates recommended in PRCUTS. The excessive provision of car parking on site could discourage use of active and public transport options.

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	<p>floor space (220 dwellings) and at least 2,000sqm of employment floor space (approximately 105 jobs).</p>	<ul style="list-style-type: none"> - The Urban Design concept plan proposes a 6m street setback to Building A on the ground level only with upper floors cantilevered over the setback zone. This arrangement eliminates the tree planting opportunity along this section of Lords Road and will contribute to the building bulk when viewed from Kegworth Street. - The Planning Proposal proposes a site-specific provision requiring a minimum of 2,000sqm of non-residential floor space for the following additional permitted uses: <ul style="list-style-type: none"> o Recreation facility (indoor) o Office premises o Business premises o Light industry o Creative industry o Industrial retail outlet o Restaurant or café <p>The approach to include a broad range of additional permitted uses including higher intensity economic activities such as business or office premises, may detract from other proximate centres in Leichhardt (e.g. Leichhardt Marketplace). Further, may discourage future development of creative industries as desired in PRCUTS.</p> <ul style="list-style-type: none"> - The PRCUTS proposed growth projections for the Taverners Hill Precinct is seen below. <p>Proposed Growth Projections</p> <table border="1" data-bbox="1435 1150 2123 1342"> <thead> <tr> <th></th> <th>2023</th> <th>2050</th> </tr> </thead> <tbody> <tr> <td>Population</td> <td>900</td> <td>3,265</td> </tr> <tr> <td>Dwellings</td> <td>451</td> <td>1,350</td> </tr> <tr> <td>Jobs</td> <td>3,720</td> <td>4,110</td> </tr> </tbody> </table>		2023	2050	Population	900	3,265	Dwellings	451	1,350	Jobs	3,720	4,110
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Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
		<p>The Planning Proposal asserts that it has the potential to provide up to 220 additional dwellings and has a net loss of at least 42 jobs as it would rezone the site from Industrial to Residential. Notwithstanding, it is partially consistent with the proposed land use recommended under the PRCUTS with the exception of 75 Lords Rd which is inconsistent with the recommended RE1 zoning in PRCUTS. Further consideration of employment retention should be undertaken to contribute to the proposed growth projections for the Taverners Hill Precinct.</p>
<p>6. The planning proposal demonstrates design excellence can be achieved, consistent with councils adopted design excellence strategy or the design excellence provisions provided in the Parramatta Road Corridor Planning and Design Guidelines.</p>	<p>The planning proposal demonstrates commitment to design excellence through</p> <ul style="list-style-type: none"> • Engagement of SJB architects to complete Urban Design Report and undertake a peer review of previous scheme • Previous planning proposal on site was subject to peer-review by CM+ on behalf of council and these recommendations have been considered in the updated urban design scheme. 	<p>Partially inconsistent.</p> <p>Council engaged Conybeare Morrison International (CM+) to undertake a peer review of the SJB Urban Design Study 2022 (Appendix D).</p> <p>The review identified several urban design issues with the proposed concept plan including, streetwall heights, setbacks, access and pedestrian circulation and residential amenity. This included several non-compliances with the PRCUTS Planning and Design Guidelines and the ADG. The Urban Design Peer Review can be seen at Attachment 4.</p>
<p>Criteria 2 Integrated Infrastructure Delivery Plan</p>		
<p>An Integrated Infrastructure Delivery Plan, which identifies advanced infrastructure provision and cost recovery for the local and regional infrastructure identified in the Infrastructure Schedule, must support the planning proposal. The Integrated Infrastructure Delivery Plan must demonstrate a cost offset to council and agency costs for a set period that aligns with the anticipated timing for land development identified in the Implementation Plan 2016 – 2023 and Implementation Update 2021. Infrastructure to be considered includes:</p> <ul style="list-style-type: none"> • Public transport • Active transport 	<ul style="list-style-type: none"> • Payments in accordance with the Draft Inner West Infrastructure Plan of \$4,002,372 are recommended over the PRCTUS Infrastructure Schedule • Integrated Infrastructure Delivery Plan recommends payment of regional infrastructure contributions in accordance with the rates outlined in the draft Regional Infrastructure Contributions SEPP. This would amount to \$2,247,080. • SIA demonstrates the proposal would not generate demand for local infrastructure items 	<p>Inconsistent.</p> <p>As mentioned in the assessment response above, the IIDP (Appendix P) does not consider the Parramatta Road Precinct-Wide Transport and Traffic Study and the associated local infrastructure active transport recommendations relating to footpaths, sharepaths and cycleways. No funding mechanism is proposed to ensure that these upgrades can be delivered.</p> <p>The IIDP proposes a minimum 5% floorspace as affordable housing, however no Affordable Housing Contributions Scheme or Planning Agreement was provided in support of the Planning Proposal. Therefore,</p>

Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
<ul style="list-style-type: none"> Road upgrades and intersection improvements Open space and public domain improvements Community infrastructure, utilities and services. 	<ul style="list-style-type: none"> Traffic and Car Parking Assessment confirms no new local upgrades required 	<p>there is no mechanism to deliver affordable housing. The affordable housing model indicated in IIDP is a shared equity scheme. This is inconsistent with Council's Affordable Housing Policy and the definition of Affordable Housing under <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>Further, the IIDP incorrectly analyses the uplift and inaccurately draws conclusions as to what the appropriate Section 7.11 infrastructure contributions should be.</p> <p>As the RIC mechanism has now been abandoned, there is also no state infrastructure funding mechanism for the Parramatta Road Corridor Precinct.</p> <p>The IIDP should be revised to address the above matters.</p>
Criteria 3 Stakeholder engagement		
<p>1. Consultation and engagement with relevant stakeholders (council, government agencies, business, community, adjoining properties and user or interest groups, where relevant) have been undertaken, including any relevant pre-planning proposal engagement processes required by local council.</p>	<ul style="list-style-type: none"> Consultation was undertaken with a range of stakeholders in the previous planning proposal which informed the current proposal Further consultation will occur through the formal exhibition process following Gateway 	<p>Inconsistent.</p> <p>No pre-planning proposal processes were undertaken prior to lodging the Planning Proposal submission in August 2022. Additionally, Council, and other relevant stakeholders were not engaged at the pre-lodgement stage as recommended in the DPE <i>Local Environmental Plan Making Guidelines 2022</i> and required in the <i>Inner West Guidelines for Preparing Planning Proposals 2021</i>.</p> <p>The Planning Proposal states that a meeting was held with Inner West Council on 9 May 2022. It is noted that this meeting was informal in nature and no planning advice was provided by Council.</p> <p>No consultation has been undertaken in relation to the 2022 Planning Proposal to respond to current stakeholder perspectives and issues. This approach is inconsistent with the requirements of the out of sequence checklist.</p>

Out of Sequence checklist criteria		Planning Proposal Response	Council Assessment
2.	An appropriate level of support or agreement is documented.	<ul style="list-style-type: none"> The issues raised through the consultation have been addressed through the proposal as outlined in the Planning Proposal report. The level of support for the proposal will be further tested through the formal public exhibition of the proposal following a Gateway decision. 	<p>Inconsistent.</p> <p>As above, no information was provided to Council prior to lodging the Planning Proposal. Council acknowledges Chapter 10, 11 and 12 of the Planning Proposal which outlines the previous consultation undertaken and consideration of previous LPP and Council decisions on the 2018 proposal. However, no Council support or agreement on the Proponent's response has been provided.</p>
3.	Provision of documentary evidence outlining the level of planning or project readiness in terms of the extent of planning or business case development for key infrastructure projects.	<ul style="list-style-type: none"> TFNSW regularly reviews patronage, demand and anticipated growth of the Inner West Light Rail and would increase services as needed. Development is well below the maximum residential floor space envisaged under PRCUTS to 2023 due to the site being outside of the 2016-23 release area The Parramatta Road Corridor Precinct-Wide Traffic and Transport Study recommends several upgrades along the Parramatta corridor which would improve traffic conditions within the precinct including at Tebbutt Street near the site. 	<p>Inconsistent.</p> <p>The PRCUTS Implementation Update 2021 provides new and amended implementation actions that replace the previous timing of release considerations outlined in the PRCUTS Implementation Plan 2016-2023.</p> <p>The Parramatta Road Corridor Precinct-wide Traffic and Transport Study (the Study) was completed in March 2022 and is now a key consideration for Planning Proposals to address in relation to public transport, active transport and road improvement and upgrades.</p> <p>As identified in Table 1 above, the Planning Proposal does not have adequate regard to the Study and is therefore inconsistent with this criterion.</p>
Criteria 4: Sustainability			
	The planning proposal achieves or exceeds the sustainability targets identified in this Strategy.	<p>The planning proposal responds to the sustainability targets by providing;</p> <ul style="list-style-type: none"> Car parking in line with relevant rates from the Leichhardt DCP Bike parking and end of trip facilities EV Charging stations for 10% of non-residential car spaces and 1 per residential unit. Increase canopy cover to at least 15% Stormwater management will be designed in accordance with Inner West Council requirements 	<p>Inconsistent.</p> <p>Refer to assessment response provided for criteria 1(2) Principle 6: Sustainability & Resilience above.</p> <p>Updates to BASIX Higher Standards under the Sustainable Buildings SEPP 2022 comes into effect in October 2023. It is noted that the new BASIX energy standard requirements (Schedule 1 of the SEPP) will be higher than PRCUTS. Notwithstanding, the requirements under the Sustainable Buildings SEPP 2022 would prevail over PRCUTS or a DCP.</p>

Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
	<ul style="list-style-type: none"> Increased BASIX targets as included in the draft DCP controls 	
Criteria 5: Feasibility		
<p>The planning proposal presents a land use and development scenario that demonstrates economic feasibility with regard to the likely costs of infrastructure and the proposed funding arrangements available for the Precinct or Frame Area.</p>	<p>Charter Keck Cramer have provided market research advice that concluded that the project is economically viable and provides investment returns commensurate with other similar such projects. This research included consideration of;</p> <ul style="list-style-type: none"> The planning proposal Market norms and conditions State and local contributions 5% of residential floorspace as AH in perpetuity 	<p>Inconsistent.</p> <p>The Planning Proposal was accompanied with a supporting Market Research Advice letter prepared by Charter Keck Cramer (Appendix Q). The letter lacked sufficient detail on the assumed development outputs and infrastructure costs and subsequently did not provide evidence to confirm economic feasibility. This approach is inadequate for the purposes of satisfying this criterion.</p> <p>Additionally, the Planning Proposal and supporting documents do not provide adequate justification to determine the proposed quantum of affordable housing that could be feasibly delivered on the site.</p> <p>The PRCUTS Implementation Update 2021 requires Councils to progress strategic planning proposals to implement PRCUTS including: <i>(b) incorporating local affordable housing target schemes</i>. It is noted that there is no existing Affordable Housing Contribution Scheme (AHCS) for the Taverners Hill Precinct. The Planning Proposal does not include a proposed AHCS or letter of offer to enter into a planning agreement to deliver the proposed affordable housing.</p> <p>It is noted that the areas tested for feasibility as part of Council's LEP Phase 2A Planning Proposal was analysing the rezoning of low density residential land to medium density residential in the Leichhardt Precinct only. Further, the subject site is outside the LEP Phase 2A Planning Proposal area. Therefore, no feasibility testing has been undertaken for IN2 Light Industrial being rezoned to R3 Medium Density Residential zoned land. Uplift from IN2</p>

Out of Sequence checklist criteria	Planning Proposal Response	Council Assessment
		<p>Light Industrial land to R3 medium Density Residential is likely to result in value uplift that would result in a greater feasibility to deliver a greater apportionment of affordable housing.</p> <p>Council engaged SGS Economics and Planning to undertake an economics review of the Planning Proposal (Attachment 5 Economic Directions for PP at 67-75 Lords Road Leichhardt). High level feasibility modelling indicated that a higher quantum of affordable housing can be provided without compromising the project's feasibility. To establish that quantum a detailed Feasibility Report is required justifying the proposed provision of affordable housing.</p>
Criteria 6: Market viability		
<p>The planning proposal demonstrates a land use and development scenario that aligns with and responds to market conditions for the delivery of housing and employment for 2016 to 2023. Viability should not be used as a justification for poor planning or built form outcomes.</p>	<p>Charter Keck Cramer have provided Market Research Advice and concluded that the site comprises a well-located development site asset and if rezoned for mixed-use purposes will be commensurate with the local market. The advice highlights that:</p> <ul style="list-style-type: none"> • The housing including seniors housing supply shortfalls which have been identified in the Economic Impact Assessment prepared by Hadron Group • The Economic Impact Assessment illustrates that the proposed non-residential floor space aligns with the anticipated local demand noting that aside from population-serving industries, the strongest projected employment growth contribution comes from the professional, scientific, and technical services sector. 	<p>Partially inconsistent.</p> <p>The Market Demand letter prepared by Charter Keck Cramer (Appendix R) provides insufficient evidence to demonstrate whether future development arising from the planning proposal would be viable. Further, no analysis has been undertaken to demonstrate the viability of non-residential uses inclusive of the additional permitted uses proposed in the Planning Proposal (recreation facility (indoor), office premises, business premises, light industry, creative industry, industrial retail outlet, restaurant or café).</p>