



ASSESSMENT CHECKLIST

PLANNING PROPOSAL APPLICATION No. PPAP/2022/0001

67-75 Lords Road, Leichhardt

1. Planning Proposal (LEP Amendment Request) Application Details

Application Details	
Planning Proposal Application Number:	PPAP/2022/0001
Property Address:	67-75 Lords Road, Leichhardt
Legal Description:	Lot 1 DP 940543 & LOT 1 DP 550608
Date of Lodgement:	Lodged on DPE Portal 3/8/2022, fees paid 31/8/2022
Type of Planning Proposal (Minor/ Major/ Complex):	Complex
Fees Paid:	\$159,509.80
Pre-Planning Proposal meeting Minutes (If attended):	Nil
Proponent:	Platino Properties Pty Ltd
Owner/s of the property Notification (Written and signed):	Lord Sixty Seven Pty Ltd
Current zoning:	IN2 Light Industrial
Description of Proposal:	<p>Amend the Inner West Local Environmental Plan (IWLEP) 2022 for the site to:</p> <ul style="list-style-type: none"> • Rezone the site from IN2 Light Industrial to R3 Medium Density Residential • Introduce a maximum height of building (HOB) of 30m equivalent to 8 storeys • Increase the Floor Space Ratio (FSR) to 2.4:1 • Introduce additional permitted uses on the site, being business premises, industrial retail outlets, light industries, creative industries, office premises, restaurant or café, recreational facilities (indoor)

Application Details	
	<ul style="list-style-type: none"> • Include a local provision requiring a minimum of 2,000 square metres of non-residential floor space • Include a local provision requiring a minimum 5% of residential floor space to be delivered as affordable housing
Does it propose to reclassify public land?	No
Description of all existing uses and existing development on the land:	The site has a range of light industrial and commercial uses including warehousing/storage facilities, small scale manufacturing, joinery and furniture restoration business and private recreation facilities.

Table 1: Application Details

1.1. History of subject site

Two previous planning proposal applications have been made for this site, in 2014 and 2018.

PP_2016_LEICH_002_00 (lodged with Council 21 May 2014 and determined by Sydney Central Planning Panel 31 August 2017):

This planning proposal (PP) was lodged prior to the adoption of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) 2016, and Council resolved to not support the planning proposal. It was determined following a Pre-Gateway review process on 31 August 2017 by the Sydney Central Planning Panel, after PRCUTS had commenced.

The PP was not supported by Leichhardt Council in 2014 for the following reasons (C263/14):

- Loss of industrial land
- Inconsistent with Ministerial Direction 1.1 – Business and Industrial Zones
- Not supported by net Community Benefit Test and Social Impact Assessment
- Net loss of jobs and diversity in economy, community activities and employment opportunity
- Proposed density/height inconsistent with R3 Medium Density Residential zoning
- Unacceptable amenity impacts from proposed built form

- Insufficient proposed supply of affordable housing
- Traffic impacts not adequately addressed
- Potential contamination not adequately addressed
- Uncertainty associated with West Connex and Parramatta Road Urban Renewal

IWC_PP_2018_4 67-75 Lords Road, Leichhardt (lodged 25 October 2018):

This PP was lodged in 2018 and was not supported by the Inner West Local Planning Panel or Council. The PP was discontinued.

- Did not meet strategic merit of PRCUTS and the Eastern City District Plan
- Loss of industrial land
- Inconsistent with PRCUTS recommended planning controls
- Not compliant with the PRCUTS out of sequence checklist
- PRCUTS dwelling target can be achieved without this site
- Inconsistent with Ministerial Directions 1.1, 7.1 and 7.3
- Strategic planning matters such as flooding, heritage, land contamination, traffic impacts, loss of employment lands, sustainability targets were not adequately addressed
- Inadequate design quality
- Exceeded PRCUTS proposed FSR controls

1.1.1. Any former Council resolutions

- PP_2016_LEICH_002_00 (lodged 21 May 2014) - 26 August 2014 - Not supported (C263/14)
- IWC_PP_2018_4 (lodged 2018) - 19 February 2019 – Not supported (C0219(2))

1.1.2. Related projects or similar Planning Proposals

The site is located in the Taverners Hill Precinct within the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) 2016.

A draft Planning Proposal has been prepared by Council for Stage 1 of the Parramatta Road Corridor (Stage – 1 LEP Phase 2A) and a Gateway Determination issued by DPE. The site of this planning proposal at 67-75 Lords Road was not part of the Council PP.

The land subject to the Stage – 1 LEP Phase 2A draft planning proposal is shown in green below.



Figure 1: Subject Site in PRCUTS context

Taverners Hill Precinct - Land Use (Parramatta Road Corridor Urban Transformation Planning and Design Guidelines)

The Parramatta Road Corridor Urban Transformation Planning and Design Guidelines explain the priorities and principles that will guide future development in that area. The document also contains planning and development controls specific to the Precincts along the corridor, including Taverners Hill, to assist designers and planners apply 'better practice'.

Taverners Hill Precinct of PRCUTS proposes the following:

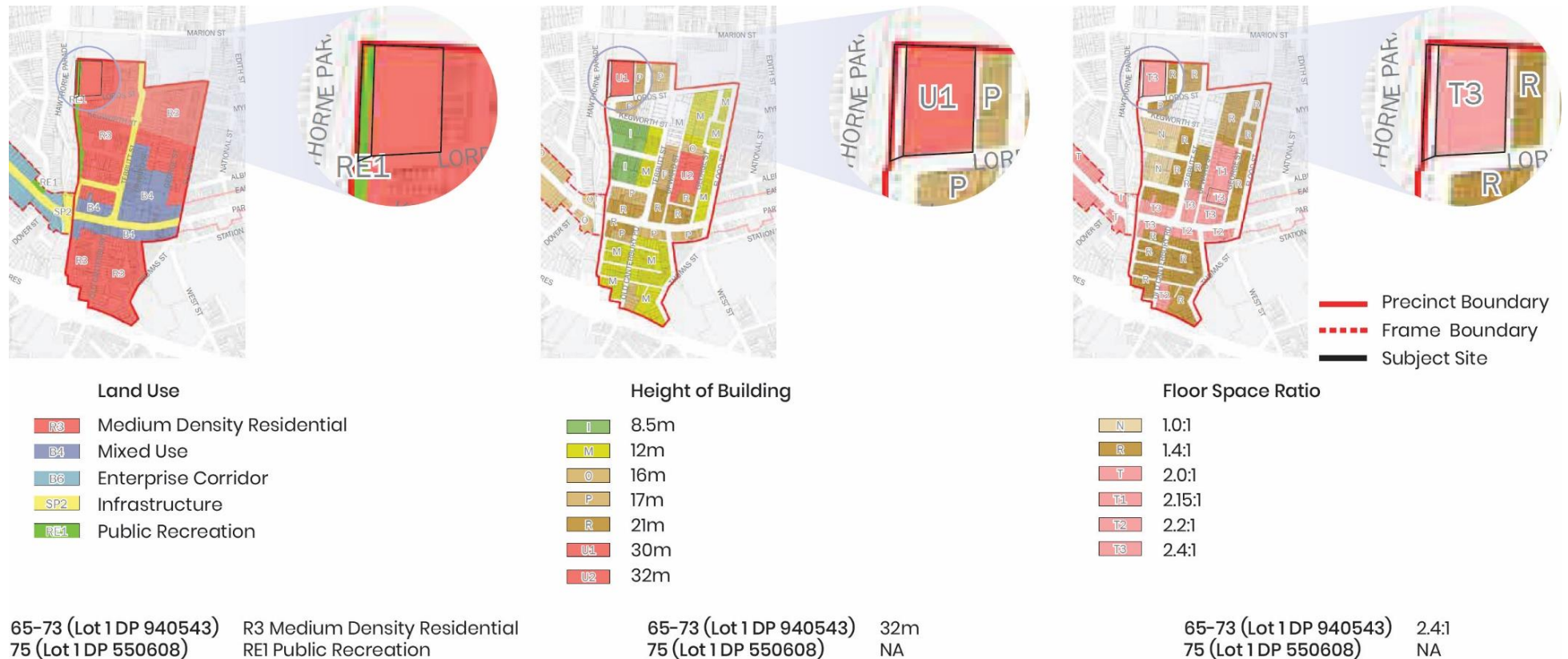


Figure 2: PRCUTS Recommended Planning Controls (Land Use, Height of Building and Floor Space Ratio)

1.1.3. Site Description/Context

Site visit undertaken: 1 November 2022

67-75 Lords Road, Leichhardt is a regular shaped lot 10,691sqm in area.

The site has a 77m frontage to Lords Road along the southern boundary and 76m northern boundary to Lambert Park.

The eastern and western side boundaries comprise 111.3m and 133.24m respectively. The site comprises two allotments, being Lot 1 DP 940543 and Lot 1 DP 550608 and is located on the northern side of Lords Road, with public open space, public roads and railway land adjoining the site on all boundaries.

The site contains two (2) brick warehouse style buildings of a maximum height of 11.5 meters. A smaller detached single storey brick and building is located on the front eastern corner of the site, facing Lords Road and Davies Lane. Vehicle access is currently obtained from two driveways fronting Lords Road.

The site currently accommodates a range of light industrial and commercial uses including warehousing/storage, small scale manufacturing including furniture and joinery businesses and private recreation facilities.

The site is zoned IN2 Light Industrial and the maximum FSR for the site is 1:1 under the Inner West Local Environmental Plan 2022 (IWLEP 2022). The IWLEP 2022 does not stipulate a height control for the site.

- B1 Neighbourhood Centre
- B2 Local Centre
- B4 Mixed Use
- B5 Business Development
- B6 Enterprise Corridor
- B7 Business Park
- IN1 General Industrial
- IN2 Light Industrial
- R1 General Residential
- R2 Low Density Residential
- R3 Medium Density Residential
- R4 High Density Residential
- RE1 Public Recreation
- RE2 Private Recreation
- SP1 Special Activities
- SP2 Infrastructure

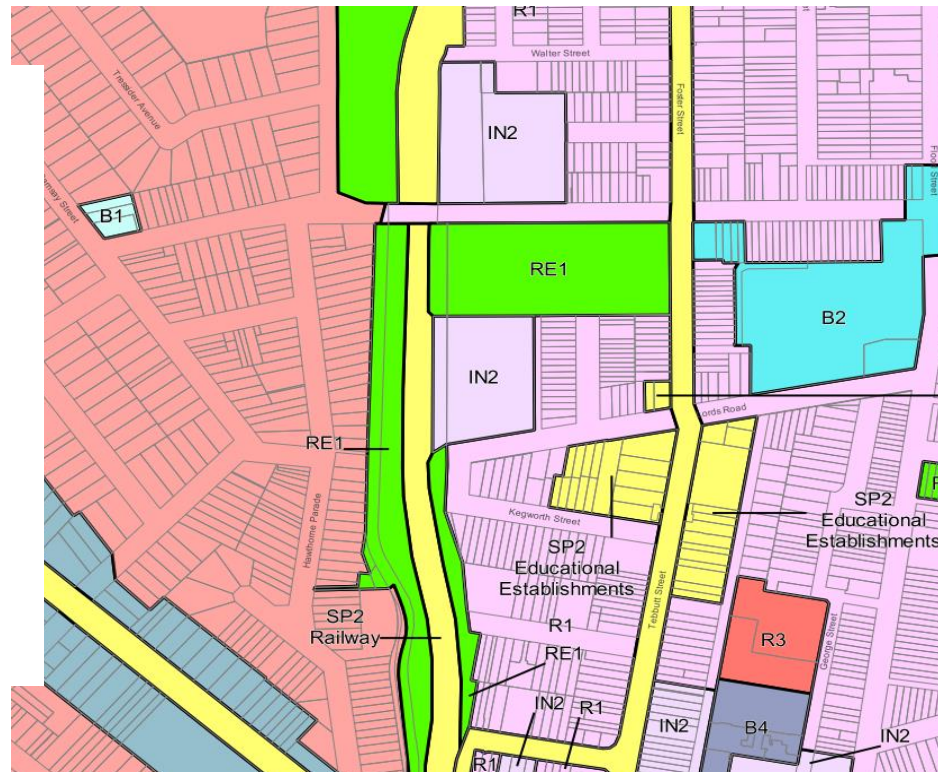


Figure 3: Land Zoning IWLEP 2022



Figure 4: Aerial Photograph with key views

1.1.4. Site photos



1. Davies Lane



2. 75 Lords Road looking north



3. State Rail land looking south towards boundary with 75 Lords Road



4. Lambert Park looking south from Marion Street

Figure 5: Key Views

1.2. Site Affectations (affecting whole or part of the site)

Site Affectations	Comments
Is the site a Heritage Item? If so, insert Item Number(s).	No
Is the site a Draft Heritage Item?	No
Is the site Listed on the State Heritage Register?	No
Is the site subject to an Interim Heritage Order?	No
Is the site Listed as a Heritage Item in a State Environmental Planning Policy?	No
Is the site located within Conservation Area? If so, insert name of the conservation area.	No. The site is not located in a Heritage Conservation Area but is located in proximity to the Haberfield Conservation Area C54 – a nominated area of State significance.
Is the site in the vicinity of any Heritage Items? If so, insert Heritage Item Number(s) and descriptions.	<p>Yes. Heritage items in the vicinity of the site include:</p> <ul style="list-style-type: none"> • I1152 Kegworth Primary School (including interiors) at 60 Tebbutt Street, Leichhardt • I1118 Former House including interiors at 20-22 Foster Street, Leichhardt House– in Lambert Park (now a childcare centre)
What Acid Sulfate Soils Class(es) affects the site?	Yes. Class 5 area with Class 3 adjoining to the west (Hawthorne Canal)
Is the site Flood affected? (This includes tidal inundation)?	Yes. The site is a flood control lot affected by a 1 in 100 year level and the PMF.
Is the site located within the foreshore area (Foreshore building line)?	No
Is the site reserved for a public purpose?	No
What Australian Noise Exposure Forecast contour located within?	Yes. The site is within the 15-20 ANEF contour.
Is the site affected by any road widening or realignment?	No

Is the site or any part of the site reserved for acquisition?	No
Is there an order under the Tree (Disputes Between Neighbours) Act 2006?	No
Is there a site compatibility certificate (Seniors Housing, Infrastructure, Affordable Rental Housing)?	No
Is the site a Boarding House?	No
Does Council have information on the subject land relating to contamination and/or is the site identified on Council's Intramaps? If so provide details.	Yes. Council has advice suggesting 67-73 Lords Road is potentially contaminated.
Is the site located within close proximity to Port or Railway Land or any other land uses that could have adverse impacts upon the amenity of the site?	Yes. The Inner West light rail line zoned SP2 Railway, adjoins the site to the west. Issues of noise and vibration can be considered in detail at DA stage.
Is there any site-specific provisions (additional permitted uses) applying to the site?	No

Table 2: Site Affectations of 65-75 Lords Road

1.2.1. Development Applications

Are there any recent or contentious development applications for the site?

No

1.2.2. Outstanding Notices

Are there any outstanding notices and orders applying to the subject site? Contact Rates.

No

1.2.3. Caveats or other property restrictions

Are there any caveats or other property restrictions affecting the site?

Lot 1 DP 550608 is burdened by easements – ‘Easement for Electricity Supply’ and ‘Easement for Drainage and Access for Maintenance 6 Wide’. This affects the southwestern portion of the site. There is a storm water pipe under the southwestern corner of the site.

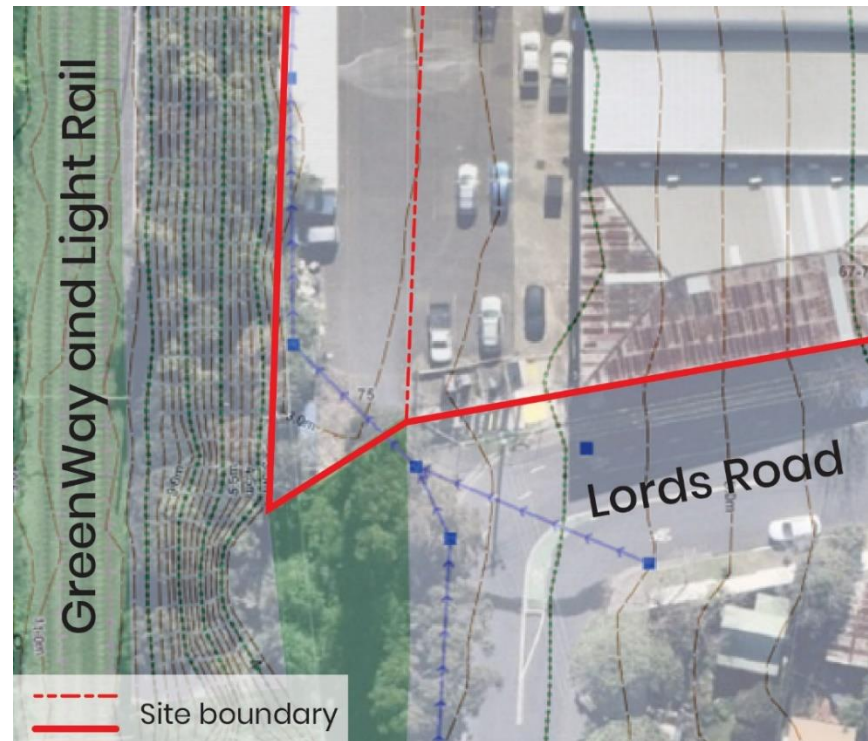


Figure 66: Map showing approximate location of stormwater pipe

1.2.4. Section 7.11 Contribution Plan – Identify applicable plans

Inner West Local Infrastructure Contribution Plan (Adopted 6 December 2022 and is due to come into effect February 2023). This plan considered growth from PRCUTS in its development.

1.3. Department of Planning and Environment's Guide to Preparing Planning Proposals Information Checklist

REQUIREMENTS FOR ALL PLANNING PROPOSALS –

A Local Environmental Plan Making Guidelines

Division 3.4 Environmental Planning Instruments of the EP&A Act

Part 1 - Objectives and Intended Outcomes

This section must provide a clear and concise description of the planning proposal and be written in plain English, so it is easily understood by the community.

Comment: To amend the Inner West LEP 2022 to rezone the site from IN2 Light Industrial to R3 Medium Density Residential. The proposal includes provision for a minimum of 2000sqm of non-residential floor space, to accommodate a range of additional permitted uses such as business premises, industrial retail outlets, light industries, creative industries, office premises, restaurant or café or recreational facilities (indoor).

Reference to Leichhardt LEP 2013 in the PP to be replaced by Inner West LEP 2022

Part 2 - Explanation of Provisions

This section must provide a detailed statement of how the objectives or intended outcomes will be achieved by amending an existing LEP.

Comment:

Intended Provisions

- Rezone the site from IN2 Light Industrial to R3 Medium Density Residential
- Introduce a maximum height of building of 30m (equivalent to 8 storeys)
- Increase the Floor Space Ratio (FSR) to 2.4:1 from 1:1
- Introduce additional permitted uses on the site, being:
 - business premises
 - industrial retail outlets
 - light industries

- creative industries
- office premises
- restaurant or café
- recreational facilities (indoor)
- Include a local provision requiring a minimum of 2,000 square metres of non-residential floor space
- Include a local provision requiring a minimum 5% of residential floor space to be delivered as affordable housing

Part 3 – Justification of strategic and site-specific merit

This section must provide a detailed assessment of the proposal’s strategic and site-specific merit to determine whether the planning proposal should be supported – Refer to Sections A to E below.

Section A – Need for the planning proposal

Q1. Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?

Comment: The PP for 67-75 Lords Road, Leichhardt seeks to support the implementation of the Parramatta Road Corridor Urban Transformation Strategy 2016 (PRCUTS), a state government endorsed strategy.

The subject site is located in the Taverners Hill Precinct but outside the release area in the PRCUTS Implementation Plan 2016-2023.

However, the PRCUTS Implementation Update 2021 states “planning proposals on **individual sites** and in Frame Areas can still be considered for progression using part 5(a) or Part 5(b) of the Direction”. That is they can still be considered if:

- a) The proposal is consistent with the Implementation Plan 2016 – 2023; or
- b) The proposal is consistent with the Out of Sequence checklist in the Implementation Plan 2016 – 2023.

The proponent has included an Out of Sequence Checklist to address this requirement, and this assessment is included as **Attachment 2**.

Q2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Comment:

This planning proposal is inconsistent with PRCUTS and has insufficient strategic and site specific merit. A more detailed planning proposal that addresses the matters raised in this report is a better way of achieving the objectives of PRCUTS.

Section B – Relationship to the strategic planning framework

Q3. Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Comment: Assessment against the Greater Cities Commissions 2018 *The Greater Sydney Region Plan – A Metropolis of Three Cities* Objectives and the objectives of the *Eastern City District Plan* which the Inner West area and this site is a part of.

Region Plan Objectives	Eastern City District Plan Objectives	Assessment
Infrastructure and Collaboration		
<p>Objective 1: Infrastructure supports the three cities</p> <p>Objective 2: Infrastructure aligns with forecast growth – growth infrastructure pact</p> <p>Objective 4: Infrastructure use is optimised</p>	<p>E1: A city supported by infrastructure</p> <p>E2: Working through collaboration</p>	<p>Inconsistent.</p> <p>The PP proposes to utilise existing infrastructure to support the development, being located in close proximity to public transport, being Marion Light Rail stop, frequent bus services, within 800m walking distance the Summer Hill Train Station, cycle paths. The site is also located close to a range of open spaces and community facilities.</p> <p>The PRCUTS Implementation Plan 2016 - 2023 and PRCUTS Implementation Update 2021 identifies the need for State and Local Infrastructure to support PPs. The PRCUTS Implementation Update 2021 includes additional matters PP must consider, including any published plans or studies relating to active transport, open space, and road improvements and upgrades.</p> <p>The Integrated Infrastructure Delivery Plan (IIDP) (Appendix P) does not consider the recommendations of the Parramatta Road Precinct Wide Transport and Traffic Study.</p> <p>Local infrastructure recommendations from the Study include footpaths, share paths and cycleways (refer to the Out of Sequence Checklist Attachment 2) are excluded from Section 7.11 Inner West Local Infrastructure Contributions Plan (adopted 6 December 2022). These items are excluded from the Section 7.11 plan as they are to be considered and provided for as part of a Planning Agreement funding mechanism subject to negotiations with Council. It is noted that the Planning Proposal is not supported by a Letter of Offer or Planning Agreement.</p>
<p>Objective 5: benefits of</p>		<p>N/A</p>

<p>growth realised by collaboration of government, community and businesses</p>		<p>The PRCUTS, initially developed by UrbanGrowth NSW, is described in the Plan as being a collaboration between councils implementing the Strategy and supported by the Commission.</p> <p>Taverners Hill Precinct is not in a Collaboration Area.</p>
<p>Liveability</p>		
<p>Objective 6: Services and infrastructure meet communities changing needs</p>	<p>E3: Providing services and social infrastructure to meet people's changing needs</p>	<p>Partially Consistent.</p> <p>A Social Impact Assessment accompanied the PP and the social infrastructure needs were assessed, including playgrounds, parks, sports grounds and recreation facilities, community facilities, childcare/pre-school facilities and schools and concluded that the site is relatively well serviced by existing facilities.</p> <p>Local infrastructure demands, as a consequence of PRCUTS, were also considered in the development of the IW Local Infrastructure Contributions Plan 2022 and provision of additional local infrastructure would be met through s7.11 contributions to be provided for as part of any future approved development application for the site. This Contributions Plan will come into effect February 2023.</p> <p>The PRCUTS Implementation Plan 2016 - 2023 and PRCUTS Implementation Update 2021 identifies the need for State and Local Infrastructure to support PPs. The PRCUTS Implementation Update 2021 includes additional matters PP must consider, including any published plans or studies relating to active transport, open space, and road improvements and upgrades.</p> <p>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, share paths and cycleways (refer to the Out of Sequence Checklist) are excluded from 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.</p> <p>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. Should the PP proceed to Gateway Stage, the Proposal should include a provision seeking satisfactory arrangement provisions for State contributions.</p>

<p>Objective 7: Communities are healthy, resilient and socially connected</p> <p>Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> <p>Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation</p>	<p>E4: Fostering healthy, creativity, culturally rich and socially connected communities</p>	<p>Consistent.</p> <p>The PP would result in a residential development located close to existing public transport, recreation and community facilities and this PP is considered to be largely consistent with the various actions under this Direction.</p> <p>However, the PP could be considered inconsistent with the following Action if there is a loss of light industrial zoned land.</p> <p>Action 14: Facilitate opportunities for creative and artistic expression and participation, wherever feasible with a minimum regulatory burden, including:</p> <ul style="list-style-type: none"> a) <i>arts enterprises and facilities, and creative industries</i> b) <i>interim and temporary uses</i> c) <i>appropriate development of the night-time economy.</i> <p>While the PP suggests that such uses could be retained under the amended planning framework, the proposed additional permitted uses (APUs) do not guarantee these uses, with the highest use for the proposed non-residential floors space being café and business uses. However, PRCUTS takes precedent, and therefore any loss of floor space for creative uses is consistent with Eastern City District Plan (ECDP). The PP does propose to retain light industrial uses on site and therefore there is still the potential for creative industries to locate on the site, with creative industries being a type of light industry.</p> <p>Therefore, the proposed APUs of <i>Business premises</i> and <i>Office premises</i> are not supported. Refer to <i>Employment and Retail Lands Strategy</i> of this assessment for more detail on the proposed uses on site and discussion on the Employment and Retail Land Strategy.</p>
<p>Objective 10: Greater housing supply</p> <p>Objective 11: Housing is more diverse and affordable</p>	<p>E5: Providing housing supply, choice and affordability with access to jobs and services</p>	<p>Partially consistent.</p> <p><u>Housing supply</u></p> <p>The PP will deliver increased housing supply in close proximity to jobs, services and public transport.</p> <p>The proposed growth projections for Taverners Hill are shown in the Table below. The short-term dwelling target is 438 dwellings (2022-2026). The medium to long term potential is up to 1321 dwellings (2026-2050).</p>

The Implementation Plan Update 2021 recognises changes to the strategic context of Parramatta Road since the PRCUTS was released in 2016 and PPs may now be lodged for areas outside the 2016-2023 release areas. Proposed dwellings from this proposal would contribute to the medium to long term dwelling target.

Proposed Growth Projections

	2023	2050
Population	900	3,265
Dwellings	451	1,350
Jobs	3,720	4,110

Table 3.1: Proposed Growth projections for Taverners Hill Precinct (Source: PRCUTS Planning and Design Guidelines (2016))

Note: PRCUTS Implementation Plan proposes 451 new dwellings and 3750 new jobs in Taverners Hill in the short term 2016 – 2023. Part of this has already been achieved through redevelopment of Kolotex and Labelcraft sites. PRCUTS assumed a household size of approximately 2 people per dwelling which has been used to determine short-term population projections.

Affordable housing

The PP proposes a minimum 5% affordable housing (Appendix O: Social Impact Assessment). The PP justification for a “*minimum of 5% of residential floor space to be delivered as affordable housing*” is based on the recommended affordable housing targets contained in PRCUTS (minimum 5%) and the Eastern City District Plan (5-10%).

However, 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 also relevant to consider the Greater Cities Commission’s Discussion Paper on the Six Cities Region in preparation for the new Region Plan to be delivered in 2023. The discussion paper included a 10% affordable housing target for new rezonings.

Council’s Affordable Housing Policy (AHP) sets 15% of residential floor space to be dedicated to very low, low, and moderate income households where the site is located outside Affordable Housing Contribution

	<p>Schemes (AHCS) and that the “feasibility of imposing affordable housing contributions must be investigated in all PPs and rezoning requests that are located in areas not covered by an existing AHCS”.</p> <p>Where the 15% target is not feasible, the land value uplift will be calculated on a case-by-case basis in accordance with Council’s VPA Policy, as will the proportion of value uplift allocated to affordable housing.</p> <p>There is no Affordable Housing Contributions Scheme included in the draft LEP2A Planning Proposal for the Taverners Hill Precinct as the areas tested for feasibility only included low density residential sites forming part of the 2016-2023 release area. The subject site is outside this release area and consequently no feasibility testing was undertaken for IN2 Light Industrial land being rezoned to R3 Medium Density Residential.</p> <p>Detailed feasibility modelling should be undertaken by the proponent that demonstrates the development considerations, cost and revenue assumptions and testing of different levels of affordable housing. This should test higher levels of affordable housing than is currently being proposed. The Inner West AHP sets Council’s requirements for affordable housing which should be considered</p> <p>In relation to the affordable housing model, Section 7 of <i>Appendix P: Integrated Infrastructure Delivery Plan</i> (Delivery Plan) states that a minimum of 5% of residential floorspace will be contributed as affordable housing, with ownership transferred to a Community Housing Provider, namely Project Independence. This is a Tier 2, registered Community Housing Provider, with the ACT recorded as its primary jurisdiction (National Register for Community Housing Providers).</p> <p>The model of affordable housing preferred by Project Independence, referred to as the PI model, is outlined on Project Independence’s website and elaborated in a report by KPMG entitled <i>Project Independence: Return on Investment Analysis, October 2020</i>. The PI model is geared, in particular, to accommodating Individuals with an intellectual disability (ID). Project Independence’s website describes the PI model as follows:</p> <p>Project Independence is a social housing development for people with an intellectual disability. It represents a new model of home ownership. The project provides people with an intellectual disability the opportunity to acquire equity in a property, as well as the ability to live as independently as possible. The new social housing model is based on up to ten residents living in three separate homes, with accommodation for a live in Resident Coordinator to support residents.</p> <p>KPMG’s report describes the apparent benefits of the PI model for ID residents in the following terms:</p>
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		<p>Project Independence (PI), which is a form of community housing, provides an alternative housing model for individuals with an ID. It is designed as a pathway towards successful home ownership. For residents, the key benefit stems from the ability to save and contribute to build home equity throughout their tenure at PI. This enables residents to access the capital gains associated with home ownership not available under other housing options, while also being provided with opportunities to develop independent living skills useful for eventual home ownership. (p. 4)</p> <p>It should also be noted that entry to Project Independence's home equity model requires residents to initially fund a 10% deposit.</p> <p>The main criticism of the application of Project Independence's home equity model to the subject site is that the PI model is not strictly a form of affordable housing.</p> <p>Housing is generally considered to be 'affordable' when households that are renting or purchasing can meet their housing costs and still have sufficient income to pay for other basic needs such as food, clothing, transport, medical care and education.</p> <p>'Affordable housing' has a statutory definition under the NSW <i>Environmental Planning and Assessment Act 1979</i>, as being housing for very low income households, low income households or moderate income households.</p> <p>'Very low-income' households are defined as those on less than 50% of median household income, 'low-income' households as those on 50-80% of median household income, and 'moderate-income' households as those on 80-120% of median household income for Sydney Statistical Division.</p> <p>With respect to the management of affordable rental housing, as distinct from community rental housing, registered Community Housing Providers are obliged to abide by the NSW Affordable Housing Ministerial Guidelines.</p> <p>Based upon the above observations and assessment, it is considered the affordable housing contribution, in the form of the PI home equity model, is not consistent with Council's AHP.</p> <p>The PP proposes a provision in the LEP to require affordable housing and a requirement in the DCP. However, without an AHC scheme or a Letter of Offer to enter into an agreement with Council there is no mechanism to guarantee affordable housing will be provided within any new development on the site.</p>
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		Should the PP progress, the PP affordable housing offer should be consistent with Council's Affordable Housing Policy.
<p>Objective 12: Great places that bring people together</p> <p>Objective 13: Environmental heritage is identified, conserved and enhanced</p>	<p>E6: Creating and renewing great places and local centres and respecting the District's heritage</p>	<p>Consistent.</p> <p>The site is not located within a Heritage Conservation Area, nor does it contain a heritage item. However, heritage items and a heritage conservation area are located in the vicinity.</p> <p>For more detailed discussion refer to <i>Planning Priority 6</i> in <i>Our Place Inner West – Local Strategic Planning Statement</i> of this assessment.</p> <p>A Statement of Heritage Impact (SHI) (Appendix F: Statement of Heritage Impact) has been provided with the PP which concludes that there will be minimal to no adverse impacts on these items and HCA. Refer to <i>Planning Priority 6</i> in <i>Our Place Inner West – Local Strategic Planning Statement</i> of this report for more detailed information.</p>
Productivity		
<p>Objective 14: A Metropolis of Three Cities – integrated land use and transport creates walkable and 30-minute cities</p>	<p>E10: Delivering integrated land use and transport planning and a 30-minute city</p>	<p>Consistent</p> <p>The proposal will result in a residential development which is close to public transport facilities, parks, services and open spaces and can potentially contribute to the creation of a walkable place.</p>
<p>Objective 23: Industrial and urban services land is planned, retained and managed</p>	<p>E12: Protecting industrial and urban services land</p>	<p>Consistent</p> <p>The proposal intends to rezone IN2 Light Industrial lands to R3 Medium Density Residential with additional permitted uses being business premises, industrial retail outlets, light industries, creative industries, office premises, restaurant or café, and recreational facilities (indoor). The PP also includes a local provision requiring a minimum of 2,000sqm of non-residential uses.</p>

		<p>The Inner West Employment and Retail Rands Strategy (ERLS) adopted by Council 2020 has a strategic direction to protect and manage industrial and urban services land and that an additional 68,000sqm of industrial floor space will be required by 2036. There is consistent demand for industrial floor space in the Inner West LGA as demonstrated, with the commenced construction of a new industrial development at 231-233 Catherine Street Leichhardt, providing evidence there is demand for industrial floor space (SGS Peer Review 2022).</p> <p>However, the letter of endorsement of the ERLS by DPE (September 2022) identified the ERLS was inconsistent with PRCUTS, as it identified an alternative approach to industrial land identified for land use change. The Eastern City District Plan also prioritises PRCUTS over this Direction.</p> <p>Section 9.1 Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy also states PRCUTS is to prevail to the extent of any inconsistency with the approach identified in relation to PRCUTS and ERLS.</p> <p>Therefore, the PP is inconsistent with the Council’s ERLS but consistent with Eastern City District Plan on this matter.</p>
Sustainability		
<p>Objective 25: The coast and waterways are protected and healthier</p>	<p>E14: Protecting and improving the health and enjoyment of Sydney Harbour, and the District's waterways</p>	<p>Partially consistent.</p> <p>The PP site is in proximity to the Hawthorne Canal which is an identified waterway in the Eastern City District Plan. Action 58 of the District Plan states, protect environmentally sensitive areas of waterways and the coastal environmental area.</p> <p>The Planning Proposal and proposed draft DCP include reference to the provision of water management measures which will minimise adverse impact to the waterway.</p> <p>This includes:</p> <ul style="list-style-type: none"> • references to the flood, stormwater, and water quality requirements of Part E – Water of Leichhardt DCP 2013 (consistent with PRCUTS standards for water quality), • deep soil planting to encourage tree canopy, and • integration of water sensitive urban design solutions into the landscape strategy.

		<p>However, <i>Appendix G – Flood Risk and Impact Assessment</i> incorrectly states that onsite detention (OSD) is not required as part of the development, as the existing site cover is fully impermeable.</p>
<p>Objective 30: Urban tree canopy cover is increased</p> <p>Objective 31: Public open space is accessible, protected and enhanced</p> <p>Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths</p>	<p>E17: Increasing urban tree canopy cover and delivering Green Grid connections</p> <p>E18: Delivering high quality open space</p>	<p>Partially Consistent.</p> <p>The site is located near Hawthorne Canal and the Greenway is part of the Green Grid network with the strategic importance as a north south connection from the Cooks River to Sydney Harbour. It has an important strategic role in the active transport and open space network along with ecological and hydrological values (Sydney Green Grid Spatial Framework and Project Opportunities, Office of the Government Architect).</p> <p>The proposed building setback of 6m to the western boundary is considered to be insufficient to accommodate medium to large size trees and vegetation and to augment the Greenway. This setback is considered essential to provide soft landscaping and deep soil planting in order to enhance the environmental value of biodiversity corridor and public domain and to reduce the impact of the hardscape built form on the surrounding area.</p> <p>As noted elsewhere in this assessment report, 75 Lords Road is identified in the PRCUT Planning and Design Guidelines for a RE1 Public Recreation zone. It would appear the intent was to connect RE1 zoned land to the north and south of the subject site located adjacent to the light rail line. Principle 5 of the Parramatta Road Corridor Urban Transformation Strategy has an Action:</p> <p>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 accessible open space throughout the Corridor.</p> <p>A RE1 Public Recreation zone would deliver a corridor width of 12m with greater opportunities to increase canopy cover and potentially better mitigate the flood impacts on the site. No justification has been provided in the PP demonstrating why an R3 Medium Density zone delivers a better outcome than the proposed RE1 Public Recreation zone.</p> <p>The PP does propose the provision of a potential through site link along the site's western edge as part of a secondary Greenway link with possible connection to the Marion Light Rail stop. This option was identified in the Greenway Masterplan Route Options Assessment Report (IWC 2018).</p> <p>The concept plan only provides a 6m setback on the ground level to the western side boundary of the site. However, greater setbacks are required to provide the green corridor along the Greenway.</p>

		The PP is only partially consistent, with a wider through north-south site link significantly increasing opportunities for increased tree canopy cover and would align with the RE1 zone.
<p>Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change</p> <p>Objective 34: Energy and water flows are captured, used and re-used</p> <p>Objective 35: More waste is re-used and recycled to support the development of a circular economy</p>	<p>E19: Reducing carbon emissions and managing energy, water and waste efficiently</p>	<p>Partially Consistent.</p> <p>The <i>Sustainability Strategy</i> (Appendix K) supporting the Planning Proposal provides a myriad of sustainability initiatives to support this objective. While the initiatives are supported in principle, there is no supplementary implementation plan to ensure that the desired energy, water and waste targets and desired outcomes are achieved. Further assessment would be required at the DA stage.</p> <p>The <i>Draft Site Specific DCP</i> (Appendix E) includes sustainability objectives and controls that, if implemented, would contribute to this objective.</p> <p>For example, DCP controls are proposed to require development to be designed to a 5 Star Green Star Buildings v1 rating equivalent to an Australian Excellence standard. As Green Star is a holistic green rating tool that incorporates sustainable building design requirements across nine themes (responsible, healthy, resilient, positive, places, people, nature, and leadership), it is assumed that future development would positively contribute to the reduction of carbon emissions and managing energy, water and waste efficiently.</p> <p>Notwithstanding, assessment as to the adequacy of this approach is to be undertaken at detailed development design stage.</p>
<p>Objective 36: People and places adapt to climate change and future shocks and stresses</p>	<p>E20: Adapting to the impacts of urban and natural hazards and</p>	<p>Inconsistent.</p> <p><u>Urban heat island</u></p> <p>In relation to minimising urban heat island effects, the supporting DCP (Appendix E – Draft Site Specific Development Controls) includes controls for a 15% canopy cover target, though it is noted <i>Appendix D: 67-75 Lords Road Masterplan: Urban Design Report</i> makes reference to at least 22% canopy cover.</p>

<p>Objective 37: Exposure to natural and urban hazards is reduced</p> <p>Objective 38: Heatwaves and extreme heat are managed</p>	<p>climate change</p>	<p>This is inconsistent with the <i>Inner West Tree Management DCP</i> which has a requirement for 25% tree cover as the site is proposed to be zoned R3 Medium Density Residential and is over 1500sqm in size. This same quantum is included in the draft LEP2A planning proposal and supporting draft DCPs. In addition, the <i>Greener Neighbourhoods Guide</i> sets a target for any site greater than 3000sqm to have 25% deep soil planting. The current design would have to reduce the basement footprint of the building to accommodate 25% deep soil planting and therefore does not meet this target.</p> <p>Additionally, the following controls from the councils <i>Tree Management DCP</i> related to tree retention and removals on development sites are not met:</p> <ul style="list-style-type: none"> • C12 All development proposals must be designed to maintain or improve the urban forest values of the site by minimising the impact on tree/s and planting compensatory tree/s for tree/s that are proposed for removal. This requirement applies to Council owned trees and trees on private or other property and adjoining land. • C13 The design of buildings or alterations and additions to buildings must provide sufficient distance from existing trees (whether on the site or on adjoining land), in accordance with AS4970—Protection of trees on development sites, to ensure the tree/s’ practical retention. • C14 Trees on public land must be protected during demolition, excavation, the erection of hoarding and construction works <p>The arborist report for the planning proposal, (<i>Appendix J: Aboricultural Assessment Report</i>), recommends that all 15 trees onsite require removal and one street tree be removed, despite identifying 9 of these as having medium to high retention value and medium to long-term Useful Life Expectancy (ULE). This is inconsistent with the <i>IW Tree Management DCP</i> controls outlined above, as it does not minimise the impact on existing trees (C12), the design of the buildings does not provide sufficient distance from existing trees (C13) and trees on public land are not protected as a result of building works (C14). The planning proposal indicates it will retain and protect two trees in <i>Appendix J</i>, however both are outside the site boundary, thus removing every tree onsite, and one outside of its boundary.</p> <p>The planning proposal does not meet relevant council targets, controls and strategy and ECDP.</p> <p><u>Flooding</u></p> <p>The site is affected by flood storage along the western boundary in the 100 year ARI storm event. This area also serves as a floodway through to Marion Street in the PMF event (6.8m AHD) as water levels exceed the</p>
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existing embankment levels of Lambert Park (approximately 4.5m AHD) and overtop the embankment before continuing to flow downstream.

Appendix G – Flood Risk Assessment does not include pre or post development flood modelling.

The area of flooding along the western boundary of the site is currently occupied by an open carpark and for the most part free of any buildings as shown below in Figure 7.



Figure 77: Site area showing building location

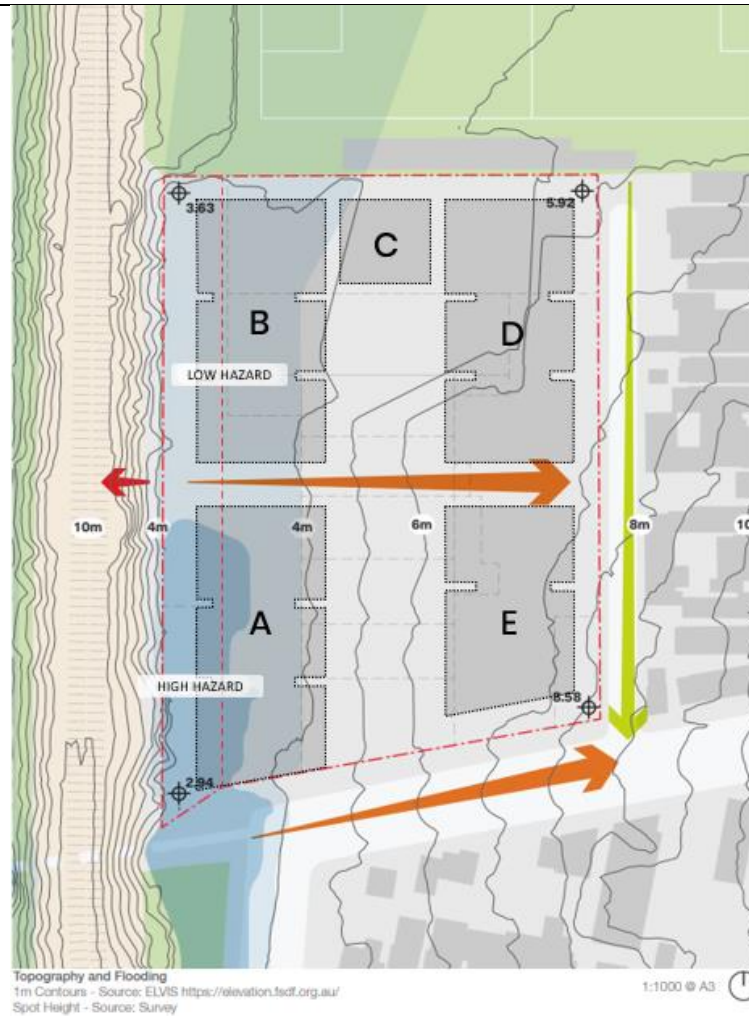


Figure 88: Topography and flooding with proposed building footprint overlay

As can be seen in the above Figure 8, the proposed building footprints of buildings A and B are almost entirely within the flood area. Part of building A is contained within the High Hazard Flood Zone. Building footprints substantially impact on the flood storage on the site during a 100 year flood and the overland flow path during a PMF event.

	<p>Any proposed building footprint must be supported by additional flood modelling (Pre and Post Development) demonstrating no adverse impact to flood levels, flood hazard or velocities within Lords Road, against the railway embankment, and through Lambert Park during both the 100 year ARI and PMF events.</p> <p>As noted elsewhere in this report, 75 Lords Road is identified in the <i>PRCUTS Planning and Design Guidelines</i> as having an RE1 Public Recreation zone, not an R3 Medium Density Residential zone. An open space corridor could better align with the need to consider flood ways and flood storage.</p> <p><u>Is the site located in the Hawkesbury-Nepean River catchment</u></p> <p>The site is not located in the Hawkesbury-Nepean River catchment.</p> <p><u>Potential Contamination</u></p> <p>A detailed site investigation has been provided in <i>Appendix L: Detailed Site Investigation</i> by Foundation Earth Sciences, dated July 2022. The report concluded the site could be made suitable for the proposed use. Further assessment under SEPP 55 would be required as part of the DA process to determine the extent of contamination in fill material. This will involve the completion of a RAP that is required to accompany any future DA for the site.</p> <p><u>Acid Sulfate Soils</u></p> <p>A preliminary Acid Sulphate Soil Assessment has been provided by Foundation Earth Sciences (Appendix M: Preliminary Acid Sulphate Soil Assessment).</p> <p>Samples were taken from four boreholes across the site. the report concluded that the site was impacted by Acid Sulphate Soils within the location of BH1.</p> <p>A detailed Acid Sulphate Soil assessment will be required as part of the DA process, with particular focus to the soil around the location of BH1. An Acid Sulphate Soil Management Plan will be required for the site.</p>
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Table 33: Assessment against state Strategic Plans

Q4. Is the PP consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?

a) Our Place Inner West – Local Strategic Planning Statement

The Local Strategic Planning Statement (LSPS) is a document to guide land use planning and development for the Inner West local government area to 2036. Council's LSPS, sets the vision for land use and planning in the area to 2036 and outlines the actions that will be taken to achieve this vision. It provides the land-use planning framework for the Inner West, providing a link between the Greater Sydney Commission's Eastern City District Plan and the priorities of Our Inner West 2036 – A Community Strategic Plan for the Inner West Community.

Theme 1 – An ecologically sustainable Inner West

Planning Priority 1: Adapt to Climate change

Action 1.1 Plan for resilience to climate change, urban hazards and failure due to shocks and stresses.

Action 1.2 Mitigate the impacts of Urban Heat Island Effect in both the private and public domain

Comment:

Inconsistent.

The site is affected by flood storage along the western boundary in the 100 year ARI storm event. This area also serves as a floodway through to Marion Street in the PMF event (6.8m AHD) as water levels exceed the existing embankment levels of Lambert Park (approximately 4.5m AHD) and overtop the embankment before continuing to flow downstream.

The PP has not adequately addressed flooding with no pre or post development modelling.

To minimise urban heat island effect the PP proposes tree canopy cover of 15%. This is insufficient. Consistent with the Inner West Tree Management DCP there is a requirement for 25% tree cover as the site is proposed to be zoned R3 Medium Density and is over 1500sqm in size

This same quantum is included in the draft LEP2A planning proposal and supporting DCPs.

A 25% tree canopy cover is required to be consistent with Council's Tree Management DCP and is to be included in a DCP for the site.

Planning Priority 2: Inner West is a zero emissions community

Action 2.3 Update planning controls to improve the overall environmental performance of new buildings and precincts

Comment:

Partially Consistent.

The Sustainability Strategy (Appendix K) supporting the PP provides a myriad of sustainability initiatives to support this objective. While the initiatives are supported in principle, there is no supplementary implementation plan to ensure that improved environmental performance of new buildings can be achieved.

The Draft Site Specific DCP includes Sustainability objectives and controls that would contribute to some environmental benefits for the site to address this objective. For example, controls are proposed to require development to be designed to a 5 Star Green Star Buildings v1 standard and achieve full electrification for residential development which would support a reduction of carbon emissions. These controls will contribute to improved environmental performance of new buildings.

It is noted that updates to BASIX Higher Standards under the Sustainable Buildings SEPP 2022 comes into effect in October 2023. New BASIX energy standard requirements (Schedule 1 of the SEPP) will be higher than PRCUTS and those proposed in the draft Site Specific DCP. Notwithstanding, the requirements under the Sustainable Buildings SEPP 2022 would prevail over PRCUTS or a DCP.

Planning Priority 3: A diverse and increasing urban forest that connects habitats of flora and fauna

Action 3.1 Maintain and increase the urban forest of the Inner West and enhance biodiversity corridors

Action 3.2 Advocate to State Government to increase minimum requirements for deep soil zones under the Apartment Design Guidelines and increase minimum requirements for deep soil zones in the DCP, dependent on development type.

Action 3.3 Develop a Blue/Green Grid Strategy to protect and increase habitat and the urban forest, embed water sensitive urban design principles and prioritise the routes based on function and connectivity

Comment:

Inconsistent.

The proposal will increase landscape opportunities and tree canopy cover on the site. However, as noted the tree canopy target of 15% is insufficient and does not comply with Council's Tree Management DCP.

The proposal includes the potential to have a secondary Greenway Link supporting the wider blue-green grid network across the Inner West. This link could connect Lords Road through to Marion Street and was considered as an option in the Green Way Master Plan Options Report. In principle this could be supported as it would provide an opportunity for a wider share path along with more landscaping to enhance the biodiversity of the corridor.

However, the PP has also not considered the RE1 Public Recreation zoning proposed by the Parramatta Road Corridor Planning and Design Guidelines for 75 Lords Road. This would result in a corridor width of 12m on the western edge of the site which has the potential to significantly increase opportunities for tree canopy cover and enhancing a biodiversity corridor.

The proposal would result in 15% deep soil planting which is consistent with the Apartment Design Guidelines (ADG). However, 75 Lords Road is identified for a RE1 Public Recreation zone under PRCUTS. If the proposal had considered this zoning as part of the PP, there would be increased opportunities to provide deep soil zones within the proposal.

Planning Priority 4: Inner West is a water sensitive city with clean waterways

Action 4.1 Incorporate a Water Sensitive Cities approach to inform objectives and controls into the Inner West LEP, DCP and capital works programs

Comment:

Partially Consistent.

Appendix K Sustainability Planning Report indicates it will comply with the PRCUTS stormwater management requirements and meet the Pollution Reduction Targets. The report outlines recommendations to reduce water consumption on site including use of water efficient fixtures, rainwater harvesting and storage, recirculation of sprinkler tester water etc. WSUD measures such as rain garden, subsurface stormwater detention and bioswales are suggested.

While the initiatives are supported in principle, there is no supplementary implementation plan to ensure that the future development can achieve the desired outcomes outlined in this planning priority in the LSPS or demonstrate compliance with PRCUTS water and urban heat requirements.

The proposed Site-Specific DCP includes controls that would support this planning priority, including:

- *Flood hazard, stormwater and water quality managed in accordance with Part E – Water of Leichhardt DCP*
- *Development to be designed to a 5 star Green Star Buildings v1 standard*
- *At least 15% canopy coverage and 15% deep soil across the site*
- *Integration of green roofs as a component of the landscape and built form design*
- *Incorporation of permeable surfaces, rain gardens, and other water sensitive measures in landscape treatments*
- *Requirement of a Landscaping Strategy that includes:*
 - *Water sensitive design solutions*
 - *Trees and supporting vegetation*

- *Greening opportunities*
- *50% native species*

However, as discussed above the proposed flood management, OSD and tree canopy targets are inconsistent with the LDCP 2013.

Planning Priority 5: Inner West is a zero-waste community

Action 5.1 Review Council’s waste services and planning controls to maximise resource recovery

Comment:

Inconsistent.

The Planning Proposal suggests that the management of waste streams during the construction and operational phase will be addressed at DA Stage in accordance with Council requirements. Subsequently, the zero-waste communities planning priority, its objectives and corresponding Zero Waste Strategy (Adopted 2021) is not considered in the proposal.

Theme 2 – Unique, liveable, networked neighbourhoods

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

Action 6.1 Implement the Local Housing Strategy

Action 6.2 Continue to protect the heritage and character values of the Inner West by: Ensuring significant existing or desired future character is identified and protected through LEP and DCP provisions

Comment:

Partially Consistent.

The Inner West Local Housing Strategy (LHS) adopted by Council March 2020 excluded industrial lands from being rezoned for residential purposes. However, the endorsement of the LHS by DPE was subject to the PRCUTS taking precedence and that industrial lands in the corridor could be rezoned for residential uses where identified. This site is in the PRCUTS corridor and identified for rezoning from IN2 Light industrial to R3 Medium Density and RE1 Public Recreation.

Therefore, whilst inconsistent with the Inner West LHS it is consistent with PRCUTS other than for 75 Lords Road which is identified to be zoned RE1 Public Recreation.

The protection of local character and heritage has been considered. It is acknowledged that PRCUTS does envisage change will occur within the Taverners Hill Precinct, yet there is still a need to consider the relationship with heritage items and for the built form controls to transition to

the lower scale development along Davies Street and Lords Road. In the immediate vicinity there are two heritage items – Kegworth Public School at 60 Tebbutt Street, Leichhardt and 20-22 Foster Street, Leichhardt. There is also a proposed heritage item located at 51-55 Lords Road, Leichhardt. To the west of the light rail line, Greenway and Hawthorne Canal is the Haberfield Heritage Conservation Area (HCA). Maps, images and descriptions of each are provided below.

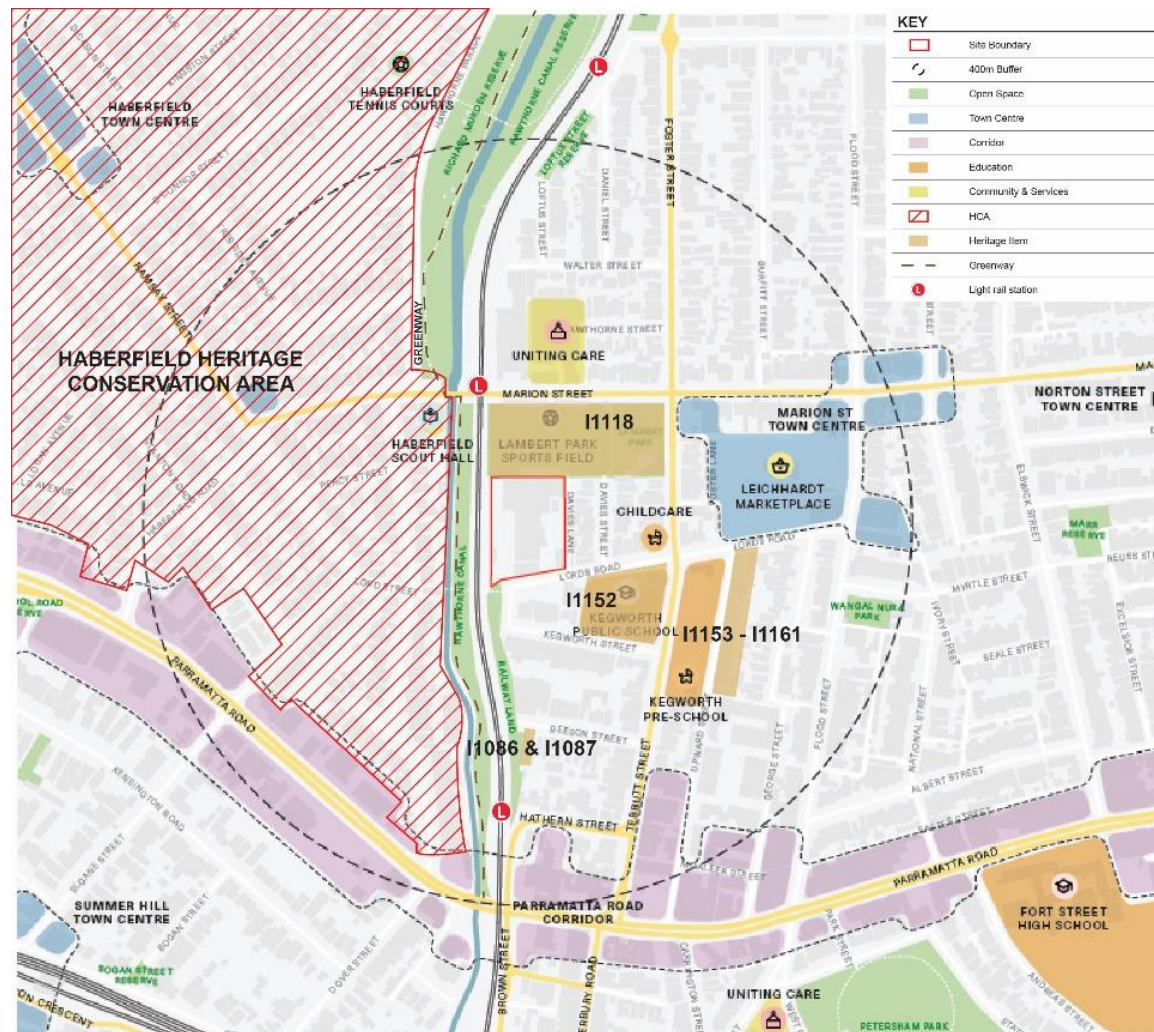


Figure 99: Map of wider context and heritage



LEGEND

- | | | | |
|---|------------------------|---|-------------------------------|
|  | Site boundary |  | 1 20-22 Foster Street |
|  | Heritage Item |  | 2 Kegworth School |
|  | Proposed Heritage Item | | 3 Leichhardt Community Church |



Figure 1010: Aerial View and locations of Heritage Items



Figure 1112: School looking west from Lords Road/Flood Street



Figure 1213: 20—22 Foster St



Figure 1311: Community Church looking west from Lord/Flood St intersection

Kegworth Public School

The school sits on a prominent ridgeline higher than the subject site and will continue to visually dominate the scale and character of its surrounding context. The Statement of Heritage Impact (SHI) considers there will be no detrimental impact to the more significant views of the school from Tebbutt Street.

Lambert Park

Lambert Park comprises two components, comprising:

- the sports field and Lambert Park open space and
- the former house at 20-22 Foster Street.

The SHI considers there will be no detrimental impact from the park and house on Foster Street due to the screening effect of existing substantial trees and established perimeter shrub plantings in the park and around the house.

The playing fields are considered to have less visual significance and a greater social significance due their dedication to recreational uses in 1923 and long association with sporting and community groups and the home ground of the APIA Leichhardt Tigers Football Club since the 1950s. The SHI considers the development will not have an adverse heritage impact, with a two-storey brick factory wall being removed and replaced with a new landscape buffer, setback to the boundary of 6m, upper storeys proposed to be set back a further 3m and buildings proposed to have a 22m separation.

51-55 Lords Road, Leichhardt

Opposite Kegworth Public School located at the corners of Lords Road and Foster Street is a potential heritage item - Leichhardt Community Church, as identified in a heritage study undertaken for draft LEP 2A. This inter-war Church is of historic and aesthetic significance, retaining many original exterior features, such as its stained-glass windows, exemplifying the Arts and Crafts church gothic style.

Other significant details include the brick façade and gable roof containing gothic elements and the low brick walls fronting the street. The entrance porch is roofed in metal that is slightly rusted. The Neighbouring Hall also appears to be in its original condition.

Though it hasn't been researched, it is likely that this church holds social significance to its congregation and to members of the community.

The SHI did not address this property. The draft LEP2A planning proposal includes this property as a potential heritage item. However, this proposal has not yet been placed on public exhibition.

Haberfield HCA

To the west of the light rail line, Greenway and Hawthorne Canal is the Haberfield Heritage Conservation Area (HCA). The site is separated by a dense landscape buffer that will substantially screen the proposed development from view, in places is great than 100m in width. The SHI (Appendix F: Statement of Heritage Impact) considers there could be a potential impact on the heritage significance, but argues:

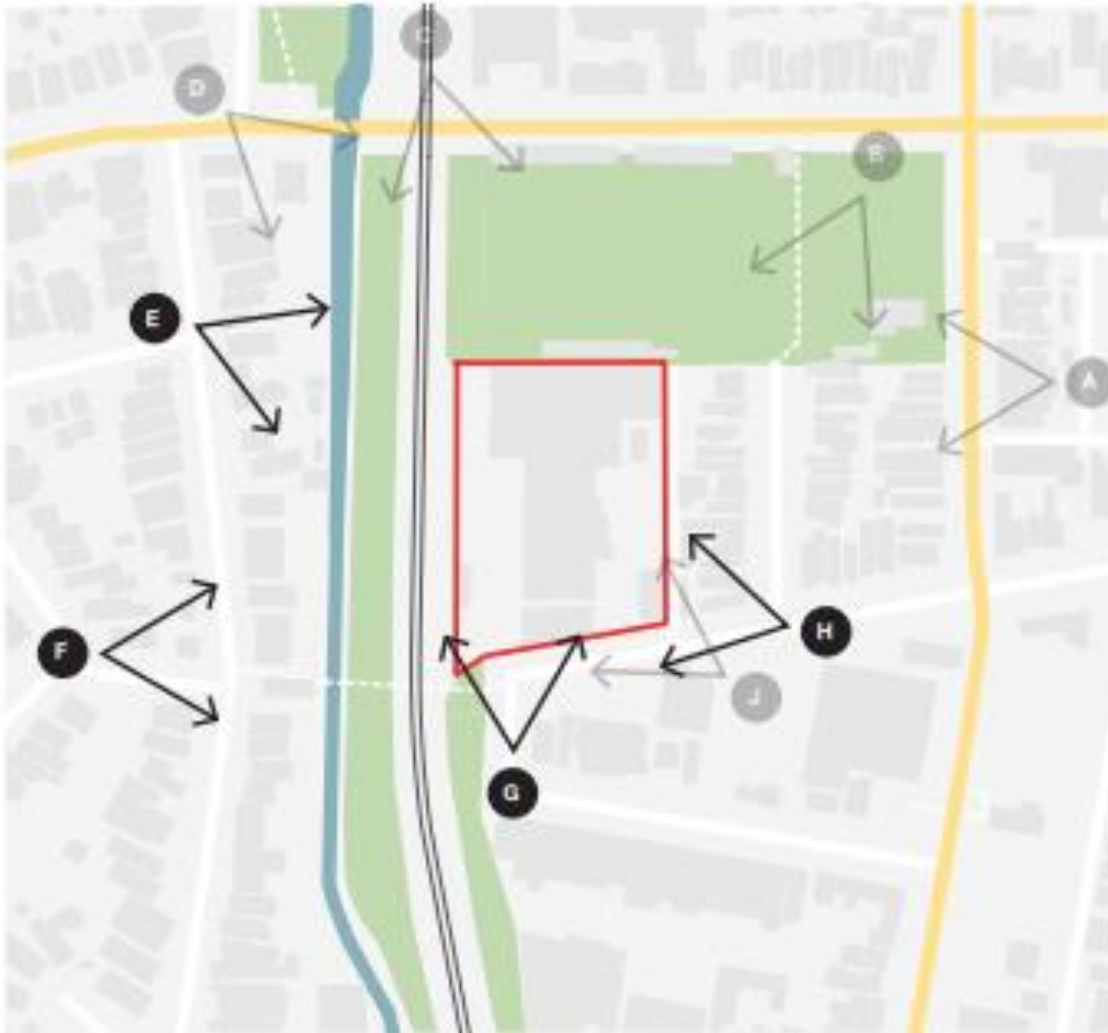
- Visibility will be confined to back drop views to a small area south of Marion Street where the land slopes down to Hawthorne Canal
- The light rail and Hawthorne Canal reserve provides a dense landscaped buffer such that only tops of buildings will be visible above the trees
- The visibility of the buildings will be remote and filtered so will not dominate views from the HCA
- The building forms are proposed to be divided and stepped to provide articulation that will minimise visual impact

Refer to extracts from the View Impact Analysis below.

The SHI recommends that selected colours and materials palette be neutral, with a mid to darker tone to be visually recessive.

The urban design study takes into account the heritage values and local character of the areas. The supporting draft DCP includes objectives for development to respond to the surrounding local character and heritage values. It also includes specific heritage controls relating to the Haberfield HCA.

Appendix D: 67-75 Lords Road Masterplan: Urban Design Report includes a View Impact Analysis with extracts shown in Figure 14.



67-76 Lords Road View Impact Analysis



View E – Corner Hawthorne/Percy Street



View F – Corner Lord Street/Ramsay Street

Figure 1414: Appendix D: 67-75 Lords Road Masterplan: Urban Design Report includes a View Impact Analysis with extracts
(Source: Extracts from View Impact Analysis (Appendix D: 67-75 Lords Road Masterplan: Urban Design Report))

Planning Priority 7: provide for a rich diversity of functional, safe and enjoyable urban spaces connected with and enhanced by their surroundings

Action 7.1 Develop DCP controls that provide for a rich diversity of functional, safe and connected urban spaces

Comment:

Consistent.

The PP has provided an urban design concept which includes publicly accessible open space, through site links and footpath upgrades to Davies Lane and Lords Road.

The PP proposes the provision of a potential through site link along the site's western edge as part of a secondary Greenway link with possible connection to the Marion Light Rail stop. This option was identified in the GreenWay Masterplan Route Options Assessment Report (IWC 2018). Refer also to Q1 of this assessment.

Theme 3 – Sustainable Transport

Planning Priority 8: provide improved and accessible sustainable transport infrastructure

Action 8.1 - Implement the Integrated Transport Strategy (when approved)

Comment:

Consistent.

The PP supporting documentation includes a potential secondary GreenWay north south through site link on the western boundary. This link has the potential to improve access to the Marion Light Rail stop with improved passive surveillance. Also refer to the Integrated Transport Strategy Section of this assessment.

The site is located on the Lords Road Cycle route, with Lords Road also identified in the PRCUTS Fine Grained Study as a Prioritised Walking Link.

More information is provided in the Integrated Transport Strategy Section of this report.

Theme 4 – Creative Communities and a Strong Economy

Planning Priority 9: A thriving local economy

Action 9.1 Implement the Employment and Retail Lands Strategy (when approved)

Comment:

Inconsistent.

Council's ERLS adopted by Council 2020 has a strategic direction to protect and manage industrial and urban services land. However, the letter of endorsement of the strategy by DPE (September 2022) identified the ERLS was inconsistent with PRCUTS, as it identified an alternative approach to industrial land identified for land use change within the Parramatta Road Corridor. As required by the Section 9.1 Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy, PRCUTS is to prevail to the extent of any inconsistency with the approach identified in relation to PRCUTS and ERLS.

The proposal is inconsistent with the LSPS and ERLS but consistent with PRCUTS.

Theme 5 – Caring, happy, healthy communities

Planning Priority 10: Recognise and sustain Aboriginal and Torres Strait islander cultures and histories

Comment:

N/A.

Planning Priority 11: provide accessible facilities and spaces that support active, healthy communities

Action 11.1 Develop controls, contribution plans and strategies to provide a range of dynamic and flexible open spaces and community facilities that support community health and well-being as outlined in Inner West Open Space and Recreation Strategy (under development, based on the Open Space and Recreation Needs Study: A Healthier Inner West and the future Inner West Community Needs Study, Healthy Ageing Strategy' (under development) and the 'Inner West Inclusion Action Plan)

Action 11.2 Work collaboratively across Council and with governments and other stakeholders to ensure efficient use of facilities

Comment:

Partially Consistent.

The Inner West Local Infrastructure Contributions Plan adopted 6 December 2022 and due to come into effect February 2023, considered the implementation of the PRCUTS in its preparation.

The PRCUTS Implementation Update 2021 includes additional matters the PP must consider, including any published plans or studies relating to active transport, open space, and road improvements and upgrades.

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, share paths and cycleways (refer to

the Out of Sequence Checklist) are excluded from 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.

Theme 6 – Progressive Local leadership

Planning Priority 12: Inner West involves and listens to the community

Action 12.1 Update Council’s Community Engagement Framework so that it clearly sets out how people can engage in the planning system, and meets the requirements of the Environmental Planning and Assessment Act regarding Community Participation Plans

Comment:

Consistent.

Consultation has not been undertaken for this PP. Should a gateway determination be issued the draft PP will be placed on public exhibition.

Planning Priority 13: develop diverse and strong stakeholder relationships through collaboration with government, community and business to deliver positive planning outcomes and realise the benefits of growth

Action 13.7 Collaboration with Parramatta Road Corridor Councils: to ensure planning for Parramatta Road is integrated across LGA boundaries will be undertaken post-gateway should the PP progress to exhibition.

Comment:

Consistent.

No community consultation has been undertaken for this PP. It is noted that the proponent undertook community consultation for the preparation of the 2018 PP application. The community, government agencies and businesses will be consulted.

Planning Priority 14: Deliver visionary long term planning and responsible decision making reflective of our Community strategic plan

Comment:

N/A.

b) Inner West Local Housing Strategy

The Inner West Local Housing Strategy (LHS) was adopted in March 2020 and informs and aligns with Council’s long term strategic planning vision as outlined in the LSPS. It reflects the requirements of the Eastern City District Plan and shows how future housing can be delivered in the Inner West over the short to long term in line with the District housing targets.

Respecting our history, culture and character

Principle 1: Ensure the cultural, historical and spiritual significance of landscapes, sites, waterways, customs and traditions that Aboriginal communities wish to conserve are protected and maintained when planning for housing development.

Comment:

Consistent.

The PP will not adversely impact the cultural, historical and spiritual significance of landscapes, sites, waterways, customs and traditions that Aboriginal communities wish to conserve.

Principle 2: Accommodate housing growth through a range of sensitive infill compatible with heritage values and local character – enabling areas to evolve with respect over time

Comment:

Consistent.

The urban design study takes into account the heritage values and local character of the areas. The supporting draft DCP includes objectives for development to respond to the surrounding local character and heritage values. It also includes specific heritage controls relating to the Haberfield HCA.

Refer to the *Ensuring high quality housing design* section of this assessment for a more detailed assessment of the urban design issues, which details inconsistencies.

Retaining inclusive communities and fair access to housing

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

Comment:

Partially Consistent.

The urban design study recommends a range of building typologies which will encourage diversity in dwelling types. This includes one, two and three bedroom apartments, Seniors Independent Living units and affordable housing. The dwelling mix is shown below:

Studio – 8.3%

1 bed – 26.1%

2 bed – 29.8%

43

3 bed – 35.8%

It is noted the above proposed dwelling mix has been based on an analysis of census data for household size and number of bedrooms (Appendix O: Social Impact Assessment). This analysis did not consider what is the demand/preferred dwelling size for Seniors independent living units which will comprise 60 of the 220 proposed dwelling numbers. It is also noted that IWLEP 2022 clause 6.14 Diverse Housing applies to this site and the maximum number of 3 bedroom units is set at 30%.

The PP has not considered how this provision would be applied in the draft DCP nor is there any consideration of how IWLEP 2022 clause 6.14 would apply

Further consideration on the dwelling mix should be undertaken and an implementation mechanism further considered should the PP be progressed.

Principle 4: start to close the affordability gap between housing need and provision for very low, low and moderate income households

Comment:

Inconsistent.

The PP proposes a minimum 5% affordable housing. This is inconsistent with Council's AHP which requires 15% subject to feasibility. No feasibility analysis accompanied the PP. The PRCUTS Implementation Plan Update 2021 in **Next Steps 4** requires Councils to progress strategic PPs to implement PRCUTS including: (b) incorporating local affordable housing target schemes.

The PP does not include a proposed AHCS and there is no letter of offer to enter into a planning agreement to deliver the affordable housing.

The proposed affordable housing contribution model also is considered inconsistent with Councils AHP, being a shared equity scheme that does not meet the above observations and assessment, it is considered the affordable housing contribution, in the form of the PI home equity model, is not consistent with Council's AHP.

Housing is generally considered to be 'affordable' when households that are renting or purchasing can meet their housing costs and still have sufficient income to pay for other basic needs such as food, clothing, transport, medical care and education.

'Affordable housing' has a statutory definition under the NSW Environmental Planning and Assessment Act 1979, as being housing for very low-income households, low-income households or moderate-income households.

'Very low-income' households are defined as those on less than 50% of median household income, 'low-income' households' as those on 50-80% of median household income, and 'moderate-income' households as those on 80-120% of median household income for Sydney Statistical Division.

With respect to the management of affordable rental housing, as distinct from community rental housing, registered Community Housing Providers are obliged to abide by the NSW Affordable Housing Ministerial Guidelines.

Based upon the above observations and assessment, it is considered the affordable housing contribution, in the form of the PI home equity model, is not consistent with Council's AHP.

This site was not included in the feasibility testing for Taverners Hill Precinct for draft LEP2A as it was outside the 2016-2023 Release Area. High level feasibility modelling by SGS Economics and Planning (Economic Directions for PP at 67-75 Lords Road Leichhardt) indicated that a higher quantum of affordable housing can be provided without compromising the project's feasibility. To establish that quantum a Feasibility Report is required. Feasibility testing has not been undertaken.

Providing connected neighbourhoods

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

Comment:

Partially Consistent.

The proposed new housing is within a 10-minute walk of a light rail station and bus routes. The PP also relies on future improvements to public transport along Parramatta Road to further support vibrancy and ensure alignment of land use with infrastructure provision.

Ensuring high quality housing design

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

Comment:

Inconsistent.

Council engaged urban design consultants Conybeare Morrison International Pty Ltd to undertake a Peer Review of Planning Proposal: 65-75 Lords Road, Leichhardt and Appendix D: 67-75 Lords Road Masterplan: Urban Design Report, Appendix E: Draft Site-Specific Development Controls, Appendix F: Statement of Heritage Impact and Appendix G: Flood Risk and Impact Assessment. Their assessment 67-75 Lords Road, Leichhardt Urban Design Peer Review (CM+, 2022) is provided at **Attachment 3** and is a more detailed analysis of the planning proposal and supporting documentation and the key issue are summarised below:

- The Urban Design Scheme has not addressed the PRCUTS Planning and Design Guidelines proposed zoning (RE1 and R3 and the associated FSR and HOB) and may require a reconsideration of the proposed urban design.

- The street wall heights only partially comply with the PRCUTS recommendations.
- Public and private open spaces and the residential and non-residential uses are not adequately separated.
- The quantum of communal open space provided does not comply with the ADG
- The Urban Design Scheme has not adequately addressed flood issues and Council flood study requirements
- There is a need to strengthen the sense of address by improving legibility of the residential pedestrian circulation 'street' within the site.
- The draft DCP does not address the spatial needs of light industrial uses as well a detailed design considerations such as floor to ceiling height, loading docks and vehicle access parking, waste disposal, storage and service areas.
- The built form envelopes need work together with the proposed development controls
- Misaligned information requires to be amended and additional information required
- ADG separation distances and built form envelopes inconsistent
- There is a need to strengthen the sense of address by improving legibility of residential pedestrian circulation 'street' within the site
- Ensure the proposed built form envelopes work together with the proposed development controls.
- Amend the misaligned information and provide additional information required.

In summary, it is considered the Masterplan: Urban Design Report and draft DCP require further work, with the future zoning of 75 Lord Street and outcomes from the pre and post flood modelling potentially requiring a rethink of the Concept Plan for the site.

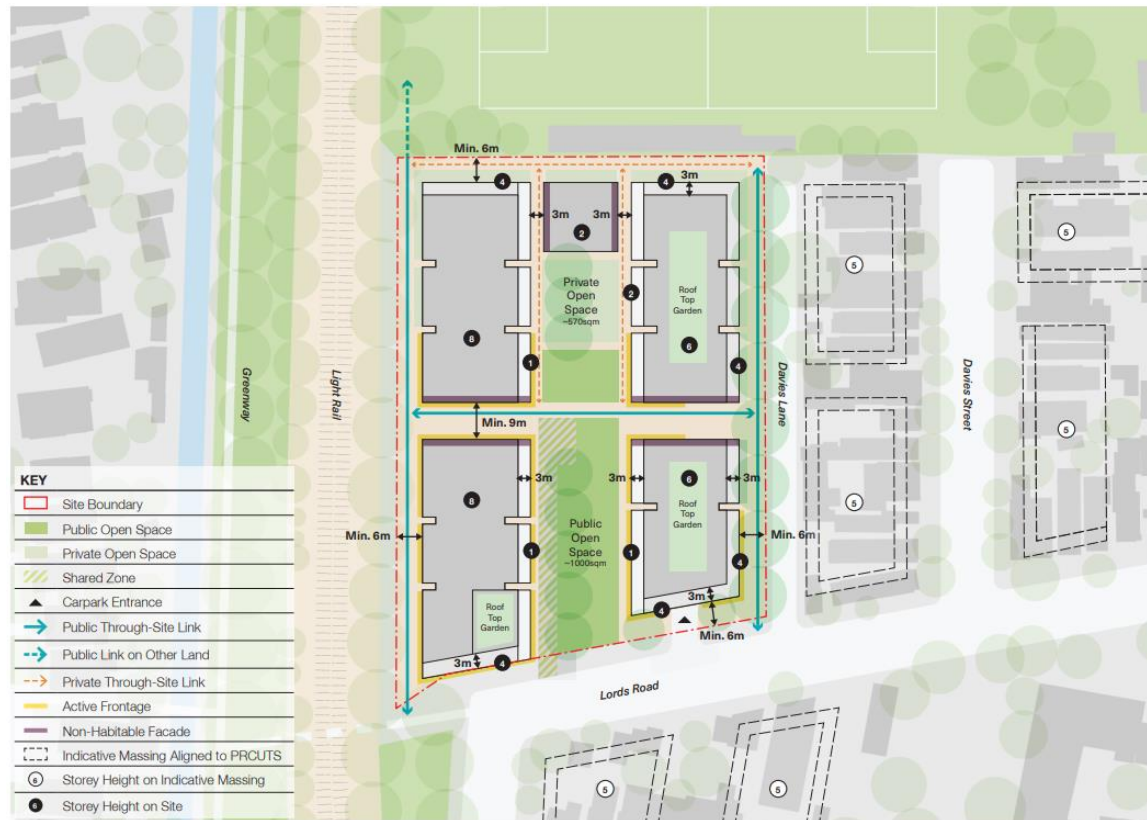


Figure 1515: 2022 Planning Proposal Concept Plan (Source: Appendix D: 67-75 Lords Road Masterplan: Urban Design Report)

Housing is designed to be ecologically sustainable

Principle 7: Homes are designed to be ecologically sustainable, supporting Council’s aim of zero net carbon emissions by 2050, water sensitivity, increasing biodiversity and zero waste.

Comment:

Consistent.

The Sustainability Strategy (Appendix K) supporting the Planning Proposal provides a myriad of sustainability initiatives to support this objective. While the initiatives are supported in principle, there is no supplementary implementation plan to ensure that the desired energy, water and waste targets and desired outcomes are achieved. Further assessment would be required at the DA stage.

The draft Site Specific DCP (Appendix E) includes sustainability objectives and controls that, if implemented, would contribute to this principle.

For example, DCP controls are proposed to require development to be designed to a 5 Star Green Star Buildings v1 rating equivalent to an Australian Excellence standard. Green Star is a holistic green rating tool that incorporates sustainable building design requirements across nine themes (responsible, healthy, resilient, positive, places, people, nature, and leadership). It is assumed that this rating tool if implemented for residential buildings would facilitate future homes to be designed to be more ecologically sustainable including reduced carbon emissions, water sensitive, biodiverse and zero waste.

Notwithstanding, assessment as to the adequacy of this approach is to be undertaken at detailed development stage.

c) Employment and Retail Lands Strategy

The Inner West *Employment and Retail Lands Strategy* (ERLS), came into effect in September 2020. It aims to facilitate the management of Inner West employment lands and commercial centres, prioritising actions for productive commercial and industrial land uses to facilitate job growth and thriving economy. The ERLS was endorsed by DPE September 2022 but with a proviso that the Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy was to prevail to the extent of any inconsistency with the ERLS.

Principle 1: Centres are distinctive and productive

Comment:

N/A.

The subject site is not in a centre.

Principle 2: Industrial and urban services lands are protected and managed

Comment:

Inconsistent.

The proposal intends to rezone IN2 Light Industrial lands to R3 Medium Density Residential with additional permitted uses being business premises, industrial retail outlets, light industries, creative industries, office premises, restaurant or café, and recreational facilities (indoor). The PP also includes a local provision requiring a minimum of 2,000sqm of non-residential uses.

The Inner West ERLS adopted by Council in 2020 has a strategic direction to protect and manage industrial and urban services land and that an additional 68,000sqm of industrial floor space will be required by 2036. There is consistent demand for industrial floor space in the Inner West LGA as demonstrated, with the commenced construction of a new industrial development at 231-233 Catherine Street Leichhardt, providing evidence there is demand for industrial floor space (SGS Peer Review 2022).

However, the letter of endorsement of the ERLS by DPE (September 2022) identified the ERLS was inconsistent with PRCUTS, as it identified an alternative approach to industrial land identified for land use change.

As required by the Section 9.1 Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy, PRCUTS is to prevail to the extent of any inconsistency with the approach identified in relation to PRCUTS and ERLS.

The PP is inconsistent with the ERLS but consistent with PRCUTS.

Principle 3: Spaces for business are suitable and available

Comment:

Inconsistent.

Additional Permitted Uses

The PP proposes a minimum 2,000sqm of non-residential uses with the proposed additional permitted uses being business premises, industrial retail outlets, light industries, creative industries, office premises, restaurant or café, and recreational facilities (indoor).

It is noted the 2018 PP for Lords Road included 3,000sqm of non-residential uses. Given that at this point in time it was envisaged more non-residential floor space could be provided, it is considered the quantum of non-residential uses should be reconsidered with a higher floor space provided.

The proposed mix uses on the site are shown in Table 444 below. These uses can be grouped into Lower Intensity Economic Activity and Higher Intensity Economic Activity.

Lower Intensity Economic Activity	Higher Intensity Economic Activity
Light Industry	Office Premises
Industrial Retail Outlet	Business Premises
Recreation Facility (indoor)	Restaurant or Café

Table 44: Economic Intensity of Proposed Additional Permitted Uses (Source: SGS Economic Peer Review 2022)

It would be in the landowner's interest to maximise the per sqm cost of land to provide higher financial returns. The light industry, industrial retail outlet and recreation facilities uses would not be able to compete with office premises, business premises or restaurant café. Further, as the site does not fall within an activity node (ERLS 2020) the provision of substantial quantum of business office floor space may undermine this objective.

Therefore, office and business premises should not be included as additional permitted uses on the site and the focus should be on providing lower intensive economic uses, with restaurants or cafes provided only if they are ancillary or supportive of the other non-residential uses on the site.

Tenancy Design

The PP proposes the non-residential floor space be distributed across 8 tenancies at ground floor, with the largest tenancy being 412 sqm. However, the proposed planning and design guidelines in the draft DCP and reference scheme (Appendix D: 67-75 Lords Road Masterplan: Urban Design Report and Appendix E: Draft Site-Specific Development Controls) do not adequately consider the design response required for the provision of light industrial uses (Economic Analysis Peer Review, **Attachment 5**). These include:

- Tenancy size – 400sqm is not conducive for light industrial as there are only limited parking spaces and basement parking with no direct access to the tenancy. If no more direct tenancy-to-vehicle access is provided, the tenancies should be larger or delivered in a manner that can be scaled up or down.
- Tenancy design – industrial land uses typically require more space horizontally and vertically to cater for diverse activity that can take place on site, e.g., to allow for stacking and vehicle manoeuvring and for vehicle access to deliver or dispatch goods. Industry and customer linkages are likely to be wider than the Inner West and consequently vehicle access is important for operation purposes. The design should allow for:

- Minimum double floor-to-ceiling height to facilitate light industrial uses. This should apply to the quantum of non-residential uses.
- At grade off street vehicular access or separate basement-to-tenancy access is required to facilitate delivery, dispatch and manoeuvring
- Investigate more generous parking for light industrial uses.
- The separation requirements to ensure acoustic amenity is addressed.

The PP and supporting documentation in its current form does not provide spaces that are suitable for the proposed light industrial uses.

Principle 4: The planning framework is clear

Comment:

Inconsistent.

Managing land use conflict on the site is essential. The proposed separation requirements to ensure separate access, servicing and acoustic amenity have not been adequately addressed as part of the PP submission documents.

d) Integrated Transport Strategy

The Inner West Council’s Integrated Transport Strategy (ITS), *Our Place Inner West Going Places*, was adopted in March 2020. It builds on the plans, studies and projects of the three former Councils (Leichhardt, Ashfield and Marrickville), NSW Government land use plans and transport strategies and Council’s CSP to identify transport needs, opportunities and projects for the future.

ITS outlines seven principles which aim to address the transport challenges facing the Inner West as it moves towards a transport future focussed on active and sustainable modes of transport.

Principle 1: Plan land use to support active and sustainable transport for reduced travel times and distances.

Comment:

Inconsistent.

The vision for PRCUTS includes one where “smart parking strategies have reduced people’s car dependence and fuel use leading to reduced greenhouse gas emissions”. This vision is consistent with Principle 1.

PRCUTS also sets targets which includes 30% reduction in car use and 10-15% car share take up.

The subject site is located close to the Marion Light Rail stop and to bus stops providing frequent bus services.

A Green Travel Plan is designed to encourage the mode shift to public and active transport. The Green Travel Plan contained within Appendix H: Traffic and Parking Assessment, however, has a number of conflicts with the impact assessment, and also has low levels of detail, which should be resolved:

- The Green Travel Plan indicates limited car park space availability however the impact assessment states 174-255 car parking spaces will be provided. The PRCUTS document states a maximum of 159 car parking spaces, and this should take precedent. There is also:
- No detail on cycle parking is provide
- No detail on how the proposed high quality pedestrian/shared environments are to be provided.

The draft DCP (Appendix E: Draft Site-Specific Development Controls) is inconsistent with achieving the PRCUTS targets as follows:

- Does not reflect the PRCUTS car parking requirements, preferring the Leichhardt DCP 2013 parking requirements. This would reduce the maximum number of car parking spaces from 174-255 car spaces to a maximum of 159 car spaces under the current concept design.
- Does not include controls to require car share vehicles on site that are always publicly available and accessible.

The PP includes a proposed a north south link on the western boundary as part of a potential secondary Greenway link with connection from Lords Road to the Marion Light Rail stop. This option was identified in the Greenway Masterplan Route Options Assessment Report (IWC 2018). No discussion has been held with State Rail regarding gaining access over the land zoned RE1 Public Recreation to the west of Lambert Park Sporting Field.

As noted in Q3 of this assessment, 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, share paths and cycleways (refer to the Out of Sequence Checklist) are excluded from Section 7.11 Inner West Local Infrastructure Contributions Plan (adopted 6 December 2022 and due to come into effect February 2023). 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

Principle 2: Improve Safety, personal security, and provide equitable access for full community participation.

Comment:

Consistent.

The PP includes a potential secondary north south through site link on the western boundary. This link has the potential to improve access to the Marion Light Rail stop with improved passive surveillance.

Principle 3: Prioritise people in centres and main streets and revitalise key roads.

Comment:

Consistent.

The subject site is not located in a centre. Notwithstanding, the PP proposes upgrades to Davies Lane, upgrades to footpaths on Lords Road and reduce the number of vehicle crossing points.

Principle 4: Commit to active transport infrastructure, services and programs.

Comment:

Partially Consistent.

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:

- Active Transport Action (A-AT6) – to provide access to Taverners Hill LRS and Marion LRS from the east.
- 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.

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.

Notwithstanding, the Planning Proposal and accompanying DCP includes active transport provisions including bike parking and proposed potential secondary Green Way path to link Lords Road to Marion Street.

Principle 5: Encourage shift to public transport and shared transport from private vehicles by providing attractive alternatives and reduce the impact of congestion and parking.

Comment:

Partially Consistent.

The PP is required to adopt the PRCUTS maximum car parking rates and provide car share vehicles that are publicly accessible at all times.

The maximum car parking requirements are shown in Table 5 below.

Category	Residential (maximum space per dwelling)	Other (maximum space per GFA)
Leichhardt and Taverners Hill Precinct	<ul style="list-style-type: none"> • Studio – 0 • 1 Bed – 0.3 • 2 Bed – 0.7 • 3 Bed – 1 • Visitor – 0 	<ul style="list-style-type: none"> • Commercial – 1 space per 150sqm • Retail – 1 space per 100 sqm • Industrial – 1 space per 150sqm

Table 55: Maximum car parking requirements (Source PRCUTS Planning and Design Guidelines 2016)

Based on the reference floorplates provided in Appendix D - 67-75 Lords Road Masterplan Urban Design Report, the maximum number of car parking spaces is 159 car parking spaces, and this should take precedent. The excessive provision of car parking on site could discourage use of active and public transport options.

For car share spaces, the DCP (Appendix E: Draft Site-Specific Development Controls), proposes to adopt the Leichhardt DCP standard of one car share space for every 50 residential units. This meets and exceeds the PRCUTS requirements and is supported. However, the DCP does not include a control to require that car share spaces on site are always publicly available and accessible.

A Green Travel Plan can also educate and encourage alternate travel modes and as noted early in this section the Green Travel Plan is required to be revised.

Principle 6: Manage a freight and goods delivery network to enhance efficiency and Inner West liveability.

Comment:

N/A

Principle 7: Harness technology to improve information, safety, travel choices and environmental outcomes.

Comment:

Consistent.

The draft DCP includes a control that proposes EV charging stations for 10% of non-residential and all residential car spaces. This is supported.

Q5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?

e) Parramatta Road Urban Transformation Strategy (PRCUTS)

Principle 1: Housing choice and affordability

Comment:

Partially Consistent.

Housing Supply

The PP will deliver increased housing supply in close proximity to jobs, services and public transport.

The proposed growth projections for Taverners Hill are shown in the Table below. The short-term dwelling target is 451 dwellings (2016-2023) and with the development of the Kolotex and Labelcraft sites has largely been achieved.

The Implementation Plan Update 2021 recognises changes to the strategic context of Parramatta Road since the PRCUTS was released in 2016 and PPs may now be lodged for areas outside the 2016-2023 release areas.

Proposed Growth Projections

	2023	2050
Population	900	3,265
Dwellings	451	1,350
Jobs	3,720	4,110

Table 66: Proposed Growth projections for Taverners Hill Precinct (Source: PRCUTS Implementation Plan 2016-2023)

Note, PRCUTS Implementation Plan proposes 451 new dwellings and 3720 new jobs in Taverners Hill in the short term 2016 – 2023. Part of this has already been achieved through redevelopment of Kolotex and Labelcraft sites.

PRCUTS assumed a household size of approximately 2 people per dwelling which has been used to determine short-term population projections.

Housing Diversity

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 PRCUTS. Seniors Independent Living accommodation is also proposed, but with little information provided to adequately assess the aspect of the PP.

Affordable housing

The PP proposes a minimum 5% affordable housing (Appendix O: Social Impact Assessment). The PP justification for a “minimum of 5% of residential floor space to be delivered as affordable housing” is based on the recommended affordable housing targets contained in PRCUTS (minimum 5%) and the Eastern City District Plan (5-10%). However, 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 also relevant to consider the Greater Cities Commission’s Discussion Paper on the Six Cities Region in preparation for the new Region Plan to be delivered in 2023. The discussion paper included a 10% affordable housing target for new rezonings.

Principle 2 of the PRCUTS also references the consideration of value sharing to capture a proportion of the increased land value to fund affordable, diverse and social housing projects.

Council’s Affordable Housing Policy (AHP) sets 15% of residential floor space to be dedicated to very low, low, and moderate income households where the site is located outside Affordable Housing Contribution Schemes (AHCS) and that the “feasibility of imposing affordable housing contributions must be investigated in all PPs and rezoning requests that are located in areas not covered by an existing AHCS.”

Where the 15% target is not feasible, the land value uplift will be calculated on a case-by-case basis in accordance with Council’s VPA Policy, as will the proportion of value uplift allocated to affordable housing.

There is no AHCS for the Taverners Hill Precinct as the areas tested for feasibility as part of LEP 2A was the low density residential sites to medium density residential. The subject site was outside the LEP 2A Stage 1 Implementation area and no feasibility testing has been undertaken for IN2 Light Industrial being rezoned to R3 Medium Density Residential zoned land.

High level feasibility modelling by SGS Economics and Planning (Economic Directions for PP at 67-75 Lords Road Leichhardt) indicated that a higher quantum of affordable housing can be provided without compromising the project’s feasibility. To establish that quantum a Feasibility Report is required.

No Affordable Housing Contributions Scheme or VPA was proposed as part of the PP and consequently there is no mechanism to deliver affordable housing.

Seniors Independent Living Units

In terms of housing choice, the PP proposes to provide 60 Seniors independent living units, however, no additional information was provided to fully assess the aspect of the PP.

Principle 2: Diverse and resilient economy

Comment:

Partially Consistent.

The proposal intends to rezone IN2 Light Industrial lands to R3 Medium Density Residential with additional permitted uses being business premises, industrial retail outlets, light industries, creative industries, office premises, restaurant or café, and recreational facilities (indoor). The PP also includes a local provision requiring a minimum of 2,000sqm of non-residential uses.

As identified elsewhere in this report, office and business premises should not be included as additional permitted uses on the site and the focus should be on providing lower intensive economic uses, with restaurants or cafes provided only if they ancillary or supportive of the other non-residential uses on the site.

The draft proposed planning and design guidelines in the draft DCP (Appendix E: Draft Site-Specific Development Controls) and reference scheme (Appendix D: 67-75 Lords Road Masterplan: Urban Design Report) do not consider the design response required for the provision of light industrial uses (SGS Peer Review). These include:

- Tenancy size – larger floorplates or delivered in a manner that can be scaled up or down, direct tenancy -to-vehicle access.
- Tenancy design – Minimum double floor-to-ceiling height and at grade off street vehicular access or separate basement-to-tenancy access is required facilitate delivery, dispatch and manoeuvring

Principle 3: Accessible and connected

Comment:

Partially Consistent.

PRCUTS recognises the importance of safe and attractive active transport with Lords Road identified as a priority walking link and is also an existing cycle link. A potential secondary Green Way link is also proposed on the western boundary of the site.

It is noted Appendix P: Integrated Infrastructure Delivery Plan makes reference to the proponent being amenable to pursuing opportunities for certain works in the vicinity of the site including footpath widening along Lords Road, provision of footpath on Davies Lane and landscaping regeneration of the light rail embankment. However, the PP only makes reference to the provision of a footpath on the western side of Davies Lane and a secondary GreenWay path.

The proposed car parking rates exceed the maximum car parking rates recommended in PRCUTS and is inconsistent with encouraging sustainable travel options.

Principle 4: Vibrant communities and places

Comment:

Consistent.

The site is located close to Leichhardt Market \Place, Marion Light Rail stop, and bus services. Along with improved walkability, cycling and housing choices this proposal could be considered to be a 15 minute neighbourhood.

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 3**).

Principle 5: Green spaces and links

Comment:

Partially Consistent.

The subject site is well located with a range of neighbourhood parks and open space, local parks, active open space and linear parks and trails with the neighbouring GreenWay.

The proposal suggests there is provision for 1000 square metres of accessible public open space within the development and provision for a secondary GreenWay path to connect to the Marion Street Light Rail stop.

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: 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 accessible open space throughout the Corridor. The proposal is inconsistent with this action.

Principle 6: Sustainability and resilience

Create liveable local precincts along the Corridor that are sustainable, resilient and which make Sydney a better place

Comment:

Partially Consistent.

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.

As mentioned earlier in this assessment the PP adopts the higher car parking provision targets as specified in the LDCP 2013. The proposal should comply 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 above 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:

- >20% reduction in greenhouse gas emissions
- Renewable energy installation
- 30% reduction in peak electricity demand
- >30% reduction in water consumption
- >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

Principle 7: Delivery

Comment:

Inconsistent.

Refer to the Out of Sequence Checklist Assessment (**Attachment 2**) relating to inconsistencies with the PRCUTS Implementation Plan 2016-2023 and the PRCUTS Implementation Update 2021.

The Inner West Local Infrastructure Contributions Plan 2022 has considered the PRCUTS Infrastructure Schedule in developing the works schedule. However, 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, share paths and

cycleways (refer to the Out of Sequence Checklist) are excluded from 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 (Appendix P: Integrated Infrastructure Delivery Plan) 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. Should the PP proceed to Gateway Stage, the Proposal should include a provision seeking satisfactory arrangement provisions for State contributions.

f) Parramatta Road Urban Transformation Strategy (PRCUTS) – Taverners Hill Precinct Specific

Land Use Planning Controls

Comment:

Inconsistent.

The site comprises two allotments, being (67 – 73, being Lot 1 DP 940543 and 75 Lords Road, being Lot 1 DP 550608). The PP proposes to rezone 67-75 Lords Road to R3 Medium Density Residential. The PP is inconsistent with the recommended Parramatta Road Corridor Planning and Design Guidelines in relation to the proposed zoning of 75 Lord Street. It is identified to be zoned RE1 Public Recreation, with no applicable FSR or HOB.

A RE1 Public Recreation zone would deliver a corridor width of 12m with greater opportunities to increase canopy cover and potentially better mitigate the flood impacts on the site.

In relation to the proposed additional permitted use proposed to form part of the PP, Council engaged SGS Economics and Planning to undertake an Economic Review of the Planning Proposal and supporting documents. It was found that the PP should not incorporate higher intensity economic activities (business premises and office premises) in order to secure the provision of light industrial/urban services land uses and to not detract from other nearby centres in Leichhardt. Refer to **Attachment 5** for more information.

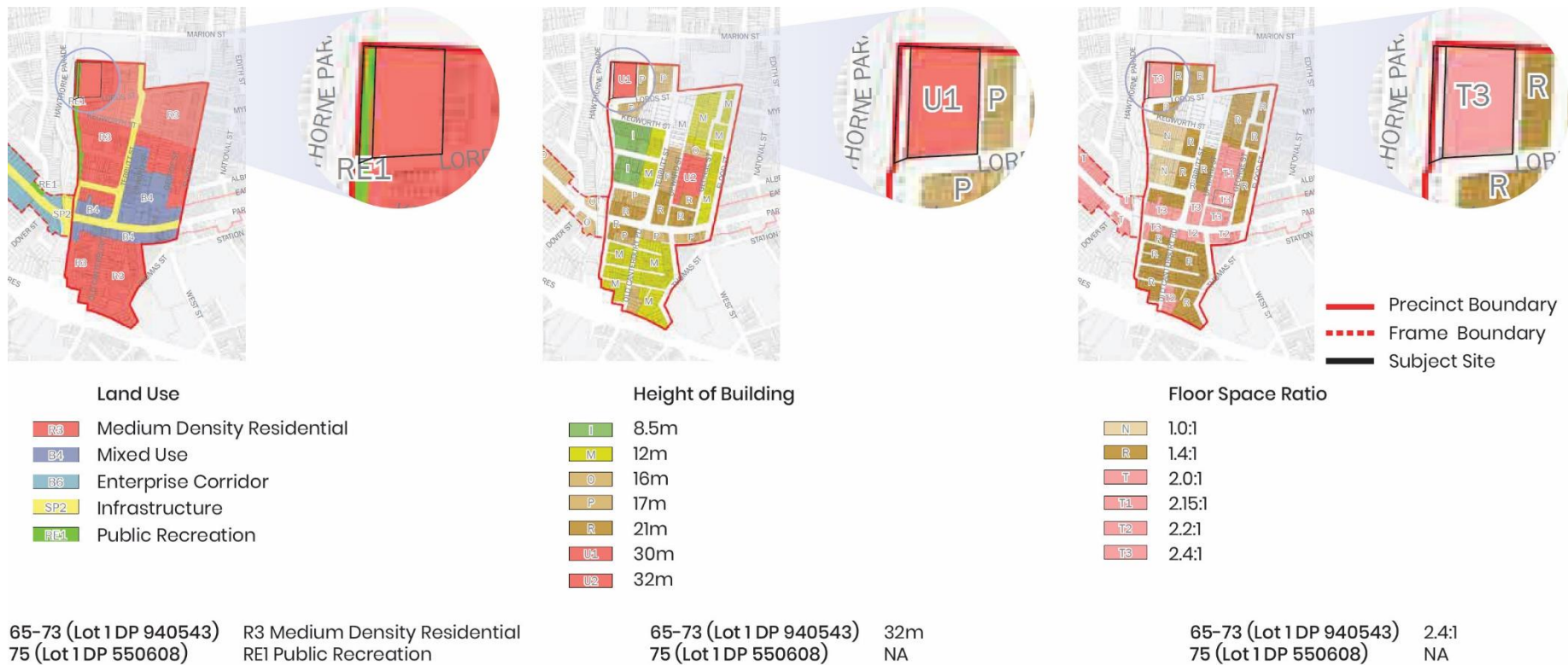


Figure 1616: PRCUTS Planning and Design Guidelines for Taverners Hill Precinct

Q6. Is the PP consistent with applicable SEPPs

a) SEPP (Housing) 2021

Comment:

Inconsistent.

Chapter 2 Affordable Housing of the SEPP (Housing) 2021 identifies that there is a need for affordable housing in the Inner West LGA. As noted earlier in this assessment, the PP proposes a minimum 5% affordable housing (Appendix O: Social Impact Assessment). The PP justification for a “minimum of 5% of residential floor space to be delivered as affordable housing” is based on the recommended affordable housing targets contained in PRCUTS (minimum 5%) and the Eastern City District Plan (5-10%). However, 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 also relevant to consider the Greater Cities Commission's Discussion Paper on the Six Cities Region in preparation for the new Region Plan to be delivered in 2023. The discussion paper included a 10% affordable housing target for new rezonings.

Principle 2 of the PRCUTS also references the consideration of value sharing to capture a proportion of the increased land value to fund affordable, diverse and social housing projects.

Council's Affordable Housing Policy (AHP) sets 15% of residential floor space to be dedicated to very low, low, and moderate income households where the site is located outside Affordable Housing Contribution Schemes (AHCS) and that the "feasibility of imposing affordable housing contributions must be investigated in all PPs and rezoning requests that are located in areas not covered by an existing AHCS."

Where the 15% target is not feasible, the land value uplift will be calculated on a case-by-case basis in accordance with Council's VPA Policy, as will the proportion of value uplift allocated to affordable housing.

There is no AHCS for the Taverners Hill Precinct as the areas tested for feasibility as part of draft LEP 2A was the low density residential sites proposed to be rezoned to medium density residential. The subject site was outside the LEP 2A Stage 1 Implementation area and no feasibility testing has been undertaken for IN2 Light Industrial being rezoned to R3 Medium Density Residential zoned land.

High level feasibility modelling by SGS Economics and Planning (Economic Directions for PP at 67-75 Lords Road Leichhardt) indicated that a higher quantum of affordable housing can be provided without compromising the project's feasibility. To establish that quantum a Feasibility Report is required.

No Affordable Housing Contributions Scheme or VPA was proposed as part of the PP and consequently there is no mechanism to deliver affordable housing.

b) SEPP (Primary Production) 2021

Comment:

Consistent

This PP does not contain provisions that contradict or would hinder the application of this SEPP.

c) SEPP (Resources and Energy) 2021

Comment:

NA

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d) SEPP (Resilience and Hazards) 2021

Comment:

Consistent.

This PP does not contain provisions that contradict or would hinder the application of this SEPP.

The PP proposes to introduce new uses to the site which has some level of contamination. A Preliminary Site Investigation concludes the site can be made suitable for the proposed uses subject to appropriate contamination or remediation at the development application stage.

e) SEPP (Industry and Employment) 2021

Comment:

Consistent.

This PP does not contain provisions that contradict or would hinder the application of this SEPP.

f) SEPP (Transport and Infrastructure) 2021

Comment:

Consistent.

This PP does not contain provisions that contradict or would hinder the application of this SEPP.

g) SEPP (Biodiversity and Conservation) 2021

Comment:

Consistent.

This PP does not contain provisions that contradict or would hinder the application of this SEPP.

h) SEPP (Planning Systems) 2021

Comment:

Consistent.

This PP does not contain provisions that contradict or would hinder the application of this SEPP.

i) SEPP (Precincts – Eastern Harbour City) 2021

Comment:

N/A

j) SEPP (Precincts – Central River City) 2021

Comment:

N/A

k) SEPP (Precincts – Parkland City) 2021

Comment:

N/A

l) SEPP (Precincts – Regional) 2021

Comment:

N/A

m) Building Sustainability Index: BASIX 2004 – No. 64

Comment:

Consistent.

Compliance with the BASIX SEPP will need to be demonstrated at the development application stage.

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.

n) Design Quality of Residential Apartment Development – No. 65

Comment:

N/A

This PP does not contain provisions that contradict or would hinder the application of this SEPP. Further assessment against this SEPP would occur as part of the detailed assessment of a site specific DCP and future Development Application for the site.

o) Exempt and Complying Development Codes

Comment:

Consistent.

This PP does not contain provisions that contradict or would hinder the application of this SEPP.

Q7. Is the PP consistent with applicable Ministerial Directions (Section 9.1 Directions)

a) FOCUS AREA 1 PLANNING SYSTEMS

Direction 1.1 Implementation of Regional Plans

Comment:

Partially Consistent.

The PP is only partially consistent with the vision, land use strategy, goals directions and actions of the Greater Sydney Region Plan – A Metropolis of Three Cities and the Eastern City District Plan

Direction 1.2 Development of Aboriginal land Council land

Comment:

N/A

Direction 1.3 Approval and Referral requirements

Comment:

Consistent.

This direction requires PPs to ensure LEP provisions encourage efficient and appropriate assessment of development.

This PP is consistent with this Direction. It does not seek to change existing requirements for concurrence, consultation or referral provisions and does not identify any developments as designated development.

Consultation will be undertaken as required as part of the Gateway process should this proposal proceed

Any provisions for future concurrence or consultation with public authority regarding the State infrastructure needs will be agreed with the appropriate Minister or public authority prior to undertaking community consultation in satisfaction of Section 57 of the Act as required by cl 6.1 (4) (b). The PP will require approval from DPE prior to any development consent being granted as it includes provisions to enter into satisfactory agreement with DPE with respect to regional infrastructure contributions. This is consistent with the s9.1 Ministerial Direction 1.5 (e) regarding implementation of the PRCUTS as discussed below.

Direction 1.4 Site specific provisions

Comment:

Consistent.

The PP does not seek to apply unnecessarily restrictive site-specific planning controls. As outlined in this report, Council does have some concerns with the intended outcomes that will result as part of the provisions proposed to be amended as part of this PP.

b) FOCUS AREA 1 PLANNING SYSTEMS – PLACE BASED

Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy

Comment:

This is the most relevant Ministerial Direction as the PP has been prepared to implement this Direction. Detailed consistency (or inconsistency) against each objective is discussed below.

a) Facilitate development within the Parramatta Road Corridor that is consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and the Parramatta Road Corridor Implementation ToolKit

Comment:

Partially consistent.

The PP will facilitate development which is partially consistent with the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and the Parramatta Road Corridor Implementation Toolkit. Lot 1 DP 550604 (75 Lords Road, Leichhardt) is inconsistent with PRCUTS. The PP has not acknowledged this inconsistency and consequently has not provided a study that demonstrates a better outcome is delivered than that identified in the PRCUTS.

b) provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and

Comment

Inconsistent.

The Planning Proposal would provide approximately 220 new dwellings in the Tavern Hill Precinct. 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 PRCUTS. Seniors Independent Living accommodation is also proposed, but with little information provided to assess this aspect of the PP.

The PP proposes 5% affordable housing. This is inconsistent with Council's AHP which requires 15% subject to feasibility. No feasibility analysis accompanied the PP. The PRCUTS Implementation Plan Update 2021 in **Next Steps 4** requires Councils to progress strategic PPs to implement PRCUTS including: (b) incorporating local affordable housing target schemes.

The PP does not include a proposed AHCS and there is no letter of offer to enter into a planning agreement to deliver the affordable housing.

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. A revised Economic Impact Assessment is required that provides a more robust and transparent discussion of how employment numbers are derived, particularly for the non-residential, Seniors Independent Living Units and work-from-home components.

c) guide the incremental transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.

Comment

Partially Consistent.

The Strategy is underpinned by the objectives of aligning growth with the delivery of infrastructure. It also relies on the provision of on-street rapid transit along Parramatta Road to provide the necessary public transport upgrades which is in line with the Strategy's vision. The PRCUTS Implementation Plan Update 2021. Refer to the Out of Sequence Checklist for further information regarding the assessment of the PRCUTS Implementation Update 2021 and PRCUTS Implementation Plan 2016-2023 at **Attachment 2**.

A PP that applies to land within the Parramatta Road Corridor must:

a) give effect to the objectives of this Direction

Comment:

Inconsistent.

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.

Several inconsistencies with the principles and actions are identified including:

Principle 1: Housing Choice and Affordability
Principle 2: Diverse and Resilient Economy
Principle 3: Accessible and Connected
Principle 3: Accessible and Connected
Principle 5: Green Spaces and Links
Principle 6: Sustainability and Resilience
Principle 7: Delivery

A detailed assessment is provided at Section Parramatta Road Urban Transformation Strategy Requirements in this report and the Out of Sequence Checklist at **Attachment 2**.

b) *Be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November 2016).*

Comment:

The PP has not demonstrated it is consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy (November 2016). Refer to more information in the Out of Sequence Checklist at **Attachment 2**.

c) *be consistent with the Paramatta Road Corridor Planning and Design Guidelines (November, 2016) and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines*

d) *be consistent with the Paramatta Road Corridor Planning and Design Guidelines (November, 2016) and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines*

Comment:

Partially consistent.

The Planning Proposal is required to address a series of objectives and requirements in relation to urban structure, heritage and fine grain, creeks and watercourses, open space and public domain, public transport, street function, car parking and cycle parking, active transport and sustainability.

Council commissioned Conybeare Morrison International Pty Ltd to undertake a Peer Review of the Planning Proposal and supporting documents. A full analysis of Section 3 is included at **Attachment 4**.

Section 4 Paramatta Road Corridor Planning and Design Guidelines sets out requirements for block configuration and site planning to respond to existing or future desired character for each precinct. A full analysis of the compliance with Section 4 is included at **Attachment 4**.

Section 10 Paramatta Road Corridor Planning and Design Guidelines is specific to the Taverners Hill Precinct and includes at 10.9 Recommended Planning Controls. The recommended zoning maps identify 75 Lords Road as RE1 Public Recreation. The PP proposes R3

Medium Density zone for this site. No justification has been provided in the PP demonstrating why an R3 Medium Density zone delivers a better outcome than the proposed RE1 Public Recreation zone.

e) *be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November 2016), and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, as applicable*

Comment:

Partially Consistent.

The PP is consistent with the staging identified in the Parramatta Road Corridor Implementation Plan 2016-2023. This is primarily to align growth with the delivery of infrastructure. This is explained in (c) above and also justified by the study prepared under clause 7.3 5(b) in Appendix D: 67-75 Lords Road Masterplan: Urban Design Report.

However, it is only partially consistent with the PRCUTS Implementation Update 2021, which outlines 6 new and amended implementation actions for consideration:

1. Timing of release
2. Public Transport
3. Active Transport
4. Road Improvements and upgrades
5. Funding Framework or satisfactory arrangements
6. Open Space

Refer to the Out of Sequence Checklist for further information and Council's assessment of the PP against the PRCUTS Implementation Update 2021 and PRCUTS Implementation Plan 2016-2023 at **Attachment 2**.

f) *contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November 2016),*

Comment

Partially Consistent.

The PP is consistent with the staging identified in the Parramatta Road Corridor Implementation Plan 2016-2023. This is primarily to align growth with the delivery of infrastructure.

The IIDP (Appendix P: Integrated Infrastructure Delivery Plan) 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. Should the PP proceed to Gateway Stage, the Proposal should include a provision seeking satisfactory arrangement provisions for State contributions.

g) be consistent with the relevant District Plan.

Comment

As discussed under Section B of this assessment, the PP is not fully consistent with the objectives contained within the Eastern City District Plan.

A PP may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Secretary of the DPE (or an officer of the Department nominated by the Secretary) that the PP is:

a) consistent with the Out of Sequence Checklist in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November 2016), OR

Comment:

The subject site is located within the Taverners Hill Precinct area. Under the Implementation Plan 2016-2023 the site was outside the release area 2016-2023 and any PP lodged for the site is required to satisfy the requirements of the Out of Sequence Checklist. Further, the Implementation Update 2021 infers that PPs on individual sites and in Frame Areas can still be considered for progression using part 5(a) or 5(b) of the Ministerial Direction.

The PP states that should the PP proceed to public exhibition, the rezoning of the site would not occur until 2023, and any development would be delivered beyond 2023 as envisaged under the Implementation Plan.

Additionally, the PP concludes that the PP is therefore no longer out of sequence. Notwithstanding the PP is supported with an Out of Sequence Checklist at Appendix C of the submission package.

Council is of the view that an Out of Sequence checklist is required as per the Implementation Update 2021 and Ministerial Directions. A merit based assessment of the Out of Sequence Checklist has been undertaken and has concluded that the PP is only partially consistent with the requirements needed to progress the proposal.

A merit-based assessment of the PP's Out of Sequence Checklist is provided at **Attachment 2** of this assessment report.

b) justified by a study (prepared in support of the PP) that clearly demonstrates better outcomes are delivered than identified in the Parramatta Road Corridor Urban Transformation Strategy (November 2016) and Parramatta Road Corridor Implementation Plan 2016-2023 (November 2016) having regard to the vision and objectives, or

Comment:

The Planning Proposal is not justified by a study that clearly demonstrates better outcomes delivered than identified in the PRCUTS, the Implementation Plan 2016-2023 and the Implementation Update

c) *of minor significance.*

Comment:

Council does not view the inconsistencies within the planning proposal are of minor significance in relation to the vision of PRCUT Ministerial Direction.

Direction 1.6 Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan

Comment:

N/A

Direction 1.17 Implementation of the Bays West Place Strategy

Comment:

N/A

c) **FOCUS AREA 2 – DESIGN AND PLACE – Blank**

d) **FOCUS AREA 3 – BIODIVERSITY AND CONSERVATION**

Direction 3.1 Conservation Zones

Comment:

N/A

The PP provisions do not change the protection values for this area. It also does not alter the requirements to be considered in the assessment of a development application.

Direction 3.2 Heritage Conservation

Comment:

Consistent.

The subject site is not located in a Heritage Conservation Area (HCA). Haberfield HCA is located on the west of the GreenWay. The proposal has minimal impact on the views from the Haberfield HCA.

Direction 3.5 Recreation Vehicle Areas

Comment:

71

N/A

Direction 3.6 Strategic Conservation Planning

N/A

e) FOCUS AREA 4 – RESILIENCE AND HAZARDS

Direction 4.1 Flooding

Comment:

Inconsistent.

The suitability of the proposed development in terms of flooding cannot be determined without Pre and Post Development Flood Modelling. No evidence has been provided to justify compliance with this Direction. Refer to Q3 Sustainability section of this assessment.

Direction 4.2 Coastal management

Comment:

NA

Direction 4.3: Planning for bushfire protection

Comment:

NA

Direction 4.4: remediation of contaminated land

Comment:

Consistent.

A detailed site investigation has been provided by Foundation Earth Sciences, dated July 2022. The report concluded the site could be made suitable for the proposed use. Further assessment under the Hazard and Resilience SEPP would be required as part of the DA process to determine the extent of contamination in fill material. This will involve the completion of a RAP that is required to accompany any future DA for the site. The proposal satisfy the consistency clause (b): of minor significance.

Direction 4.5 Acid sulfate soils

Comment:

72

Consistent.

The subject site is not affected by acid sulphate soils on the Acid Sulphate Soils Planning Map. Notwithstanding, a preliminary Acid Sulphate Soil Assessment was undertaken and the site is partially affected by Acid Sulphate Soils in the south west corner of the site. An Acid Sulphate Soil Management Plan will be required for the site at the DA stage. The proposal satisfies the consistency clause (b): of minor significance.

Direction 4.6 Mine subsidence and unstable land

Comment:

N/A

f) FOCUS AREA 5 – TRANSPORT AND INFRASTRUCTURE

Direction 5.1: Integrating land use and transport

Comment:

Inconsistent.

The PP seeks to implement PRCUTS, which is an integrated land use planning and transport policy framework for the Parramatta Road Corridor, approved by the Secretary of DPE. 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:

- Active Transport Action (A-AT6) – to provide access to Taverners Hill LRS and Marion LRS from the east.
- 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.

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.

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 and due to come into effect February 2023). 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.

Direction 5.2: Reserving land for public purposes

Comment:

N/A

Direction 5.3: Development near regulated airports and defence airfields

Comment:

Consistent.

The site is within the 15-20 within Aircraft Noise Exposure Forecast (ANEF) 15-20 range

Direction 5.4: Shooting ranges

Comment:

N/A

g) FOCUS AREA 6 – HOUSING

Direction 6.1: Residential zones

Comment:

Consistent.

The PP encourages housing choice through the proposed uplift and resulting increased housing supply. It will broaden the location of housing available for sale and rent (including affordable and senior housing), make more efficient use of existing infrastructure and services, and facilitate new housing that is of good design.

Should the PP proceed to Gateway Stage, the PP should include a provision seeking satisfactory arrangement provisions for State contributions.

Direction 6.2 Caravan parks and manufactured home estates

Comment:

N/A

h) FOCUS AREA 7 – INDUSTRY AND EMPLOYMENT

Direction 7.1: Business and industrial zones

Comment:

Consistent.

The Planning Proposal will result in the loss of IN2 Light Industrial zoned land. However, the PP satisfies the consistency clause (c): as it is in accordance with the relevant Eastern City District Plan is consistent with PRCUTS in terms of loss of industrial zoned land site.

Direction 7.2: Reduction in non-hosted short-term rental accommodation period

Comment:

N/A

Direction 7.3: Commercial and Retail Development along the Pacific Highway, North Coast

N/A

i) FOCUS AREA 8 : resources and energy

Comment:

N/A

j) FOCUS AREA 9 – PRIMARY PRODUCTION

Direction 9.1 Rural zones (does apply)

Comment:

N/A

Direction 9.2 Rural lands, 9.3 Oyster Aquaculture and 9.4 farmland of State and regional significance on the NSW far North Coast NA

Comment:

N/A

k) SITE SPECIFIC MERIT

Does the proposal give regard and assess impacts to the following (Also refer to specific matters in Sections C, D and E)

a) The natural environment on the site to which the proposal relates and other affected land (including known significant environmental areas, resources or hazards)

Comment:

Inconsistent.

The site is affected by flood storage along the western boundary in the 100-year ARI storm event. This area also serves as a floodway through to Marion Street in the PMF event (6.8m AHD) as water levels exceed the existing embankment levels of Lambert Park (approximately 4.5m AHD) and overtop the embankment before continuing to flow downstream.

Appendix G – Flood Risk Assessment does not include pre or post development flood modelling.

The proposed building footprints of buildings A and B are almost entirely within the flood area. Part of building A is contained within the High Hazard Flood Zone. Building footprints substantially impact on the flood storage on the site during a 100-year flood and the overland flow path during a PMF event.

Any proposed building footprint must be supported by additional flood modelling (Pre and Post Development) demonstrating no adverse impact to flood levels, flood hazard or velocities within Lords Road, against the railway embankment, and through Lambert Park during both the 100-year ARI and PMF events.

b) Existing uses, approved uses, and likely future uses of land in the vicinity of the land to which the proposal relates

Comment:

Inconsistent.

The PP seeks to implement PRCUTS, which is an integrated land use planning and transport policy framework for the Parramatta Road Corridor, approved by the Secretary of DPE. A Precinct Wide Traffic and Transport Study has also been prepared for this precinct.

The existing zone is IN2 Light Industrial and the surrounding land is zoned R1 General Residential and RE1 Public Recreation to the north. PRCUTS has identified the existing R1 General Residential land to be zoned R3 Medium Density with HOB ranging up to 17m and FSRs of up to 1.4:1.

A significant inconsistency with PRCUTS is the proposed zoning of 75 Lords Road, Leichhardt. PRCUTS identifies this land as RE1 Public Recreation.

- c) *Services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision*

Comment:

Inconsistent.

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) are excluded from Section 7.11 Inner West Local Infrastructure Contributions Plan (adopted 6 December 2022 and due to come into effect February 2023). 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 refers 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 to be discussed and negotiated with DPE and TfNSW

Section C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT

Q8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or habitats, will be adversely affected because of the proposals?

- a) *Identify if the land subject to the proposal has the potential to contain critical habitat or threatened species, populations or ecological communities, or their habitats*

Comment:

Consistent.

The proposed changes are unlikely to result in any adverse effects on critical habitat for threatened species and ecological communities.

- b) *If yes, undertake studies that are necessary to confirm the presence of these species or habitats and their significance. An assessment of its significance and/or consultation should place to inform the Gateway determination*

Comment:

N/A

- c) *Mapping may be provided in the proposal to identify known vegetation communities located within or near the site*

Comment:

N/A

d) *An assessment of significance in accordance with Part 7A of the Fisheries Management Act 1994 and the 'Threatened Species Assessment Guidelines', may be required prior to Gateway determination*

Comment:

N/A

e) *Identify any approvals required under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) and Biodiversity Conservation Act 2016*

Comment:

N/A

f) *Any adverse impacts will trigger the requirement for the PPA to consult on the PP with relevant authorities and government agencies*

Comment:

N/A

Q9. Are there any other likely environment effects of the PP and how are they proposed to be managed?

a) *Environmental effects unique to a PP may not be addressed in the strategic planning framework. These matters may be identified in informal guidelines, codes or policies prepared by other public authorities and government agencies. Environmental effects may include natural hazards such as flooding, land slip, bushfire hazard, etc*

Comment:

Inconsistent.

Flooding is an issue that has not been adequately addressed. The proposed building footprints of buildings A and B are almost entirely within the flood area. Part of Building A is contained within the High Hazard Flood Zone. Building footprints substantially impact on the flood storage on the site during a 100-year flood and the overland flow path during a PMF event.

Flood modelling (Pre and Post Development) is required.

b) *The PP should identify any other environmental effects and prepare information or undertake investigations to address an identified matter.*

Comment:

Consistent.

The PP has identified the need for further investigation for acid sulfate soils and potential land contamination. These can be addressed at the DA stage.

c) *Scope of these investigations may be identified in the PP and may need to be undertaken to inform the Gateway determination*

Comment:

Pre and post development flood modelling is required for the site.

Q10. Has the PP adequately addressed any social and economic effects?

a) *Identify effects on items or places of non-Aboriginal or Aboriginal cultural heritage not already addressed elsewhere*

Comment:

N/A

b) *Estimate the number of jobs or housing growth (e.g. construction/post-construction and housing diversity)*

Comment:

Partially Consistent

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 attributed 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.

The PP estimates the delivery of 220 dwellings. The urban design study recommends a range of building typologies which will encourage diversity in dwelling types. This includes one, two and three bedroom apartments, Seniors Independent Living units and affordable housing.

However, no controls are proposed to deliver the housing diversity (housing mix, affordable housing). The Implementation Plan Update 2021 in Next Steps 4 requires Councils to progress strategic PPs to implement PRCUTS including: (b) incorporating local affordable housing target schemes.

c) *Identify the impact on existing social infrastructure, such as schools and hospitals*

Comment

Consistent

As part of preparing the PRCUTS State government established the Parramatta Road Urban Transformation Program (PRUTP). This program included a range of government agencies including Transport for NSW, Greater Sydney Commission, Department of Education and the Sydney Area Health Authority. Demand for state social infrastructure such as hospitals and schools was considered in the development of the PRCUTS and the Social Infrastructure Analysis Report.

d) *Identify the need for public open space or impacts on green infrastructure*

Comment:

Partially Consistent.

There is existing open active space (Lambert Park) within 400m safe walking distance from the site. The subject site is not identified as an area for new public open space.

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. However, greater setbacks are required to provide the green corridor along the Greenway.

As noted above, the Planning Proposal is inconsistent with the RE1 zone proposed in PRCUTS for the 75 Lords Road portion of the site. Increasing the width of the through site link would provide an opportunity for a wider share path along with more landscaping to enhance the biodiversity of the corridor.

e) *Identify the impact on existing retail centres*

Comment:

Inconsistent.

Leichhardt Market Place on Marion Street is located within 300m of the subject site. It is identified as a Local Centre in the Inner West Centre Hierarchy (ERLS), providing a range of business, retail and community uses. The PP proposes to include the following additional permitted uses: business premises, industrial retail outlets, light industries, creative industries, office premises, restaurant or café, and recreational facilities (indoor) and a local provision to allow a minimum of 2,000sqm of non-residential uses. No analysis to determine the impact to Leichhardt Marketplace has been undertaken.

The inclusion of business premises and office premises as additional permitted use to the R3 zone is not supported. Restaurants or cafes should be provided only if they are ancillary or supportive of the other non-residential uses on the site.

Subject to removing business and office premises from the proposed additional permitted uses there should be no adverse impact on the Leichhardt Market Place.

f) *Identify measures to mitigate any adverse social or economic impacts, where necessary, and whether additional studies are required*

Comment:

Inconsistent.

Refer to above comment.

g) *Identify any proposed public benefits*

Comment:

Inconsistent.

The Planning Proposals 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 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.

Section D – INFRASTRUCTURE (Local, State and Commonwealth)

Q11. Is there adequate public infrastructure for the PP?

a) *Generally, this applies where the PP includes development that will, or is likely to, require the provision of, or increase the demand for, public facilities and services*

Comment:

Partially consistent.

The PP will increase demand for infrastructure. The Inner West Infrastructure Contributions Plan (adopted December 2022 and due to come into effect February 2023) included PRCUTS growth in the development of its infrastructure schedule. However, recommendations of the Parramatta Road Precinct Wide Transport and Traffic Study relating to infrastructure, such as footpaths, sharepaths and cycleways identified in that study are excluded. 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 for a Planning Agreement.

The IIDP (Appendix P: Integrated Infrastructure Delivery Plan) 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. Should the PP proceed to Gateway Stage, the Proposal should include a provision seeking satisfactory arrangement provisions for State contributions.

b) *Address whether existing infrastructure is adequate to serve or meet the needs of the proposal and how any predicted shortfall in infrastructure provision could be met*

Comment:

Consistent.

Council will also engage with relevant State agencies as required by the Gateway Determination regarding the provision of public infrastructure in this Corridor.

The full range of utility services including electricity, telecommunications, water and sewer are all currently available across Inner West. It is expected that these services will be upgraded where required as individual development occurs.

c) *Undertake studies required to identify the extent of any infrastructure shortfall, potential mechanisms or strategies to address any shortfall and which agencies have been consulted as part of that process.*

Comment:

N/A

d) *The proponent/PPA is to identify what local and regional infrastructure may be needed*

Comment:

Partially Consistent.

Refer to above response.

e) *For PPs likely to place additional demands on public infrastructure, it is important to undertake consultation with the public authorities and government agencies responsible for the provision of that infrastructure. The Gateway determination will confirm whether a local contributions plan is required to be exhibited with the PP and require regular feedback on the progress of finalizing an infrastructure strategy and high-level costs*

Comment:

No information was provided by the proponent as to whether this has occurred.

f) *For PPs, a local contributions plan may be required. Liaison with the council is necessary*

Comment:

Council has recently adopted the Inner West Local Infrastructure Contributions Plan. This considered PRCUTS development in its preparation. However, as noted above it did not include footpaths, sharepaths and cycleways identified in the Parramatta Road Precinct Wide Transport and Traffic Study

Section E –STATE AND COMMONWEATH INTERESTS

Q12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?

a) *One of the aims of the LEP making process is to reduce the number of unnecessary referrals to government agencies. The PP should nominate the state and federal agencies to be consulted and outline the matters that have triggered the need for the referral. Consultation will be confirmed by the Gateway determination*

Comment:

Consistent.

The Gateway determination will advise the full list of public authorities to be consulted as part of the PP process and any views will be included in this PP following consultation.

b) *The proponent or PPA should get preliminary views of any state or federal agency prior to submitting a PP and include them in this section including any preliminary issues raised. This should include any scope of additional information/ investigations, evidence of consultation and any agreement in relation to the progression of the PP*

Comment:

Inconsistent.

No information provided in the PP. **A pre-lodgment pathway, including lodging a pre-planning proposal application with Council was not followed by the proponent.**

PART 4 - MAPS

Mapping (including current and proposed zones/changes etc.)

a) *Mapping must be consistent with the Department's Standard Technical Requirements for Spatial Datasets and Maps using the same format, symbology, labelling and appropriate map scale.*

Comment:

The PP seeks to make the following amendments to IWLEP2022 maps:

- Amend existing Land Use Zoning Map
- Create new Floor Space Ratio Incentives Map
- Create new Height of Buildings Incentives Map
- Create new Key Sites Map
- Create new Additional Permitted Uses Map

As noted, the proposed zoning for 75 Lords Road, Leichhardt in the Parramatta Road Corridor Planning and Design Guidelines shows this as RE1, not R3.

PART 5 – COMMUNITY CONSULTATION

a) *Must describe Consultation and outcomes undertaken with council, state agencies or authorities during the pre-lodgement stage*

Comment:

Applicant declined to lodge Pre-PP application.

b) *Any community consultation undertaken, or consultation with other key stakeholders*

Comment:

Community Consultation was undertaken by the proponent in 2018. Whilst there are similarities to the current PP there are differences. No additional consultation has been undertaken.

PART 6 – PROJECT TIMELINE

The anticipated project timeline prepared by the applicant is shown below.

Task	Timing
Lodgement of Planning Proposal	August 2022
Council submits PP for DPE Review	September 2022
Receive Gateway Determination	October 2022
Completion of public exhibition and public authority consultation	November 2022
Completion of review of submissions received during public exhibition and public authority consultation	December 2022
Finalisation by Council	February 2023
Drafting of instrument and finalisation of mapping	March 2023
Amendment to LEP notified	April 2023

Table 7: Anticipated project timeline

This PP is considered to be a Complex PP and the PP benchmark timeframes set out in the Local Environmental Planning Guidelines (DPE 2022) are shown below.

Stage 1 – Pre lodgement	60 days
Stage 2 – Planning proposal	120 days – we are here
Stage 3 – Gateway determination	45 days
Stage 4 – Post Gateway	70 days
Stage 5 – Public exhibition and assessment	115 days
Stage 6 – Finalisation	70 days
Sub total (DPE target)	300 working days
Total (End to End)	420 days

Comment:

The applicant declined to lodge a pre-lodgment application and proceeded straight to lodging a PP on the NSW Planning Portal on 3 August 2022. The fees were receipted by Council 31 August 2022. Based on the 120 working days with an exclusion period for the time between 20 December and 10 January, council has until 12 March 2023 to assess the planning proposal. The PP will be considered by the IWLPP 20 December 2022 and will be considered by Council at its meeting of 14 February 2023.

The project timeline proposed by the applicant does not follow the DPE benchmark timeframes.

2. ATTACHMENTS

Attachment 1: Planning Proposal: 65-75 Lords Road, Leichhardt

- Appendix A: PRCUTS – Vision
- Appendix B: PRCUTS – Principles and Strategic Actions
- Appendix C: Out of Sequence Checklist
- Appendix D: 67-75 Lords Road Masterplan: Urban Design Report
- Appendix E: Draft Site-Specific Development Controls
- Appendix F: Statement of Heritage Impact
- Appendix G: Flood Risk and Impact Assessment

- Appendix H: Traffic and Parking Assessment
- Appendix I: Development Application Noise Assessment
- Appendix J: Aboricultural Assessment Report
- Appendix K: Sustainability Planning Report
- Appendix L: Detailed Site Investigation
- Appendix M: Preliminary Acid Sulphate Soil Assessment
- Appendix N: Economic Impact Assessment
- Appendix O: Social Impact Assessment
- Appendix P: Integrated Infrastructure Delivery Plan
- Appendix Q: Market Research Advice
- Appendix R: Market Demand Letter

Attachment 2: Out of Sequence Checklist

Attachment 3: 67-75 Lords Road, Leichhardt Urban Design Peer Review (CM+, 2022)

Attachment 4: Economic Directions for Planning Proposal at 67-75Lords Road, Leichhardt (SGS, 2022)