

Andrew Watkins

From: Rankin, Roger <Roger.Rankin@innerwest.nsw.gov.au>
Sent: Wednesday, 25 January 2017 3:47 PM
To: Plan Comment Mailbox; Karen Armstrong; Martin Cooper
Cc: Dawson, Gill; Kotevska, Svetlana
Subject: Community Benefits Supplementary Council Submission 67 - 73 Lords Road, Leichhardt Planning Proposal Public Exhibition

Importance: High

Dear Colleague,

Further to recent discussions with Karen Armstrong, Director, Sydney Region East, Planning Services. NSW Department of Planning and Environment regarding the delivery of community benefits in respect of this Planning Proposal should the Planning Panel decide that the Proposal should proceed to an Amendment of the Leichhardt Local Environmental Plan 2013 it is apparent that there is no certainty that community benefits including affordable housing provision and public open space will be delivered through this process.

Consequently please consider this email on this subject as a supplementary Inner West Council submission of the 67 – 73 Lords Road, Leichhardt Planning Proposal.

Should the Planning Panel approve the Planning Proposal this proposed development will have significant impacts on the local community. These should be mitigated by the developer being required to provide appropriate levels of affordable housing and public open space over and above the normal levels of developer contributions and any satisfactory arrangements for provision of state infrastructure.

It would be poor planning practice and entirely contrary to the intentions of the Parramatta Road Urban Transformation Strategy, the draft central District Plan and the Inner West Council's Affordable Housing Policy should these community benefits fail to be provided for this proposed development should it proceed. These benefits must be secured at the Planning Proposal stage as the proponent will have no obligation to provide them in association with a potential development application.

Please acknowledge receipt of this submission by email.

Roger Rankin | Team Leader Strategic Planning

Inner West Council

p: 02 9367 9174 | **e:** roger.rankin@innerwest.nsw.gov.au | **w:** www.innerwest.nsw.gov.au

Ashfield Service Centre: 260 Liverpool Road, Ashfield NSW 2131
Leichhardt Service Centre: 7-15 Wetherill Street, Leichhardt NSW 2040
Petersham Service Centre: 2-14 Fisher Street, Petersham NSW 2049



Council acknowledges the traditional Aboriginal owners of this land.

From: Kotevska, Svetlana
Sent: Thursday, 15 December 2016 12:45 PM
To: PlanComment@jrpp.nsw.gov.au; Karen Armstrong (karen.armstrong@planning.nsw.gov.au); Martin.Cooper@planning.nsw.gov.au
Cc: Dawson, Gill; Rankin, Roger
Subject: (DWS Doc No 4103847) Councils Submission 67 - 73 Lords Road,Leichhardt Planning Proposal Public Exhibition

Dear Colleague,

Please find attached Councils submission on the above planning proposal for Lords Road, Leichhardt.

Please note that Council has resolved to hold a public meeting in early 2017 on the planning proposal and may wish to make a supplementary submission after this public meeting.

Thank you

Svetlana Kotevska | Executive Planner

Inner West Council

p: 02 9367 9232 | e: svetlana.kotevska@innerwest.nsw.gov.au | w: www.innerwest.nsw.gov.au

Ashfield Service Centre: 260 Liverpool Road, Ashfield NSW 2131
Leichhardt Service Centre: 7-15 Wetherill Street, Leichhardt NSW 2040
Petersham Service Centre: 2-14 Fisher Street, Petersham NSW 2049



Council acknowledges the traditional Aboriginal owners of this land.

Svetlana Kotevska | Statetic Planner

Inner West Council

p: 02 9367 9232 | e: svetlana.kotevska@innerwest.nsw.gov.au | w: www.innerwest.nsw.gov.au

Ashfield Service Centre: 260 Liverpool Road, Ashfield NSW 2131
Leichhardt Service Centre: 7-15 Wetherill Street, Leichhardt NSW 2040
Petersham Service Centre: 2-14 Fisher Street, Petersham NSW 2049



Council acknowledges the traditional Aboriginal owners of this land.

Please consider the environment before printing this e-mail. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. You should only disclose, re-transmit, copy, distribute, act in reliance on or commercialise the information if you are authorised to do so. Inner West Council does not represent, warrant or guarantee that the communication is free of errors, virus or interference. Inner West Council complies with the Privacy and Personal Information Protection Act (1998). See Council's Privacy Statement at www.leichhardt.nsw.gov.au/Privacy/Privacy



INNER WEST COUNCIL

Planning Panels Secretariat,
GPO Box 39
SYDNEY NSW 2001

Dear Ms Holt,

Submission: Planning Proposal (PP_2016_LEICH_002_00) To Rezone Land From IN2 Light Industrial To R3 Medium Density Residential And Amend Floor Space Ratio Controls At 67-73 Lords Road, Leichhardt

Thank you for the opportunity to comment on the above exhibited Planning Proposal to amend the planning controls for 67-73 Lords Road, Leichhardt.

At the Council meeting held on 6 December 2016 Council considered a report on the exhibited Planning Proposal and resolved to forward this submission to the Sydney Central Planning Panel.

Statement Of Objection

Council objects strongly to this Planning Proposal. It is badly conceived and would result in extremely poor planning outcomes should the Panel decide to support it after the exhibition period.

The reasons Council objects to the Proposal are summarized below and detailed in the attached appendix to this letter.

Reasons For Objection

The exhibited Proposal is unacceptable from both a strategic and site specific perspective. The Proposal is premature in relation to the Parramatta Road Urban Transformation Strategy (PRUTS), draft Central District Plan and Council policies and studies. It cannot be assessed properly because of a lack of accurate information and because of its inconsistent, badly presented design documents. Most of the supporting information has not been updated since submission of the original proposal to Council in 2014.

The Proposal does not comply with or fully address the Gateway Review recommendations of the JRPP or the Gateway Determination conditions.

The Council's key concerns are summarised below:

- The site is identified in the PRUTS for rezoning to residential and a higher FSR, but the exhibited Proposal does not meet the detailed requirements of the PRUTS Planning and Design Built Form Guidelines.
- The PRUTS Implementation Plan 2016 - 2023 has a requirement that a Taverners Hill Precinct-wide traffic study and supporting modelling should be completed before any rezoning is commenced and that this study will identify road improvements that a rezoning project should provide. That has not been done yet so this Proposal is premature.

Customer Service Centres

Ashfield | P (02) 9716 1800 | E info@ashfield.nsw.gov.au | 260 Liverpool Road, Ashfield NSW 2131

Leichhardt | P (02) 9367 9222 | E leichhardt@lmc.nsw.gov.au | 7-15 Wetherill Street, Leichhardt NSW 2040

Petersham | P (02) 9335 2222 | E council@marrickville.nsw.gov.au | 2-14 Fisher Street, Petersham NSW 2049

- The Proposal does not fully comply with the PRUTS Implementation Plan 2016 - 2023 "Out of Sequence" Checklist for Planning Proposals in the PRUTS corridor that come forward prior to publication of new Local Environmental Plan controls for the corridor.
- The JRPP Gateway Review recommended that if exhibited the Proposal should demonstrate compliance with the Apartment Design Guide (ADG). The exhibited Proposal does not comply with a number of requirements of the ADG and also the proposed Development Control Plan, the related Concept Design Report and other supporting material obfuscate a number of other design matters so that it is impossible to establish with confidence that these elements would comply with the ADG.
- The site is affected by High Hazard Category flooding and the exhibited proposal has not addressed this issue adequately.
- The PRUTS, the Greater Sydney Commission District Plans and the Inner West draft Council Affordable Housing Strategy (due to be adopted on 6 December 2016) set higher targets for affordable rental housing provision in perpetuity, especially for very low and low income households compared to the 5% for 10 years in the exhibited Proposal, which would only be affordable for the very top of the moderate household income band. The Proposal should provide a minimum of 10% of its units in perpetuity as genuinely affordable rental units for very low and low income households as defined by the Affordable Rental Housing State Environmental Planning Policy (SEPP).
- Changes to the WestConnex alignment will significantly increase traffic in the neighbourhood, especially on Tebbutt Street which Lords Road traffic feeds into. The exhibited Proposal does not address this issue.
- Recent rezonings, PRUTS and WestConnex will result in the loss of 85.3% of the former Leichhardt LEP area's industrial land supply. The Proposal would lead to loss of an important local industrial precinct and jobs when the Greater Sydney Commission draft District Plan advocates a precautionary approach to the protection of industrial land for urban services. Council's recent industrial land studies demonstrate that Lords Road should be retained as an industrial precinct. The exhibited Proposal's Industrial Rezoning Economic Justification is dated October 2013 and does not take account of any of these matters.
- The lack of provision for definite contributions to the cost of local, PRUTS and Greater Sydney Commission District Plan infrastructure.

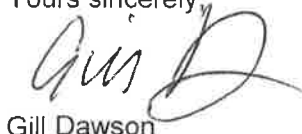
These concerns and their elaboration in the attached appendix make it very clear that this Planning Proposal should not be supported by the Sydney Central Planning Panel or the NSW Department of Planning and Environment.

This Planning Proposal is of very substantial concern to the local community and to the Council. Council requests that the Sydney Central Planning Panel as relevant planning authority holds a hearing on the issues raised in this submission under section 57(5) of the Environmental Planning and Assessment Act 1979 No 203.

For the same reason Council request that the exhibition period for the Planning Proposal be extended to 1 February 2017 to allow time for people to consider their concerns and prepare their submissions over the holiday period.

If you have any queries regarding this submission please contact me on 9367 9044.

Yours sincerely,



Gill Dawson

15/12/2016

MANAGER - ENVIRONMENT AND URBAN PLANNING LEICHHARDT

Appendix: Inner West Council Submission: Planning Proposal (PP_2016_LEICH_002_00) To Rezone Land From IN2 Light Industrial To R3 Medium Density Residential And Amend Floor Space Ratio Controls At 67-73 Lords Road, Leichhardt

Site

The Planning Proposal exhibition relates to land at 67-73 Lords Road Leichhardt.

The southern boundary of this site fronts onto Lords Road. The inner west light rail line, is located adjacent to the western boundary of the site and Lambert Park is located to the north of the site.

Davies Lane is to the east of the site. Davies Lane separates the site from the low density residential area fronting Davies Street.

The site is currently occupied by a series of attached brick buildings and associated parking. The building currently contains a range of uses including a gymnasium, art school, karate school, storage and other light industrial uses. In 2014 the proponent advised that 62 people were employed at the site.

Proposal

The Planning Proposal seeks to amend *Leichhardt Local Environmental Plan 2013* to facilitate the redevelopment of 67-73 Lords Road Leichhardt. The Planning Proposal request is accompanied by a proposed amendment to Leichhardt Development Control Plan 2013 (DCP) that includes site specific controls for the property.

The Planning Proposal seeks to amend the Leichhardt Local Environmental Plan 2013 and Leichhardt Development Control Plan 2013 as follows:

- Rezoning from Industrial (IN2) to Medium Density Residential (R3).
- An uplift in FSR from 1:1 to 2.4:1.
- 315 units in four (4) residential blocks ranging from four (4) storeys to eight (8) storeys.
- A oneway, shareway road through the site from Lords Road to Davies Lane.
- A separate basement parking entrance and exit off Lords Road.
- A central communal open space area.
- A childcare centre and café.

A Voluntary Planning Agreement Offer was included in the original proposal, but is not a part of this exhibited Proposal.

67 - 73 Lords Road, Leichhardt is one of the most important industrial precincts left in the former Leichhardt Council LGA. It is one of a few locations left in the area that can accommodate local urban services and it houses approximately 30 businesses with around 60 employees. SGS established as part of their 2014 Industrial Land Study for Leichhardt Council that it was earning the owner double the average rental levels of other industrial properties in the LGA.

The former Leichhardt Council resolved in August 2014 (C263/14) to not support this Proposal for the following reasons:

- a. *in the context of persistent demand and a low and decreasing supply of industrial land, a rezoning would dilute Councils ability to provide sufficient industrial land to accommodate demand; and*
- b. *the Planning Proposal is inconsistent with s.117 Direction 1.1 Business and Industrial Zones on the following grounds:*
 - i. *the Planning Proposal is not justified by relevant strategies in relation to the retention of employment lands, including the Draft Metropolitan Strategy for Sydney to 2031 and the Draft Inner West Sub-regional Strategy.*
 - ii. *the Planning Proposal is not adequately justified by an economic study prepared in support of the Planning Proposal*
 - iii. *loss of this employment land would be of substantial significance to the local government area's employment land supply.*
- c. *the proposed rezoning would result in a net loss of jobs in the local government area*
- d. *the proposed rezoning would result in the loss of an economically viable employment lands precinct containing local services, light industrial and other non-industrial activities which contribute to the diversity of the economy, community activities and employment opportunities*
- e. *the proposal does not have merit when assessed against the criteria established by the Leichhardt Employment and Economic Development Plan 2013-2023*
- f. *the Planning Proposal is not supported by an appropriate Net Community Benefit Test as it does not address the wider issue of cumulative loss of employment lands in the local government area*
- g. *the Planning Proposal is not supported by an adequate, comprehensive Social Impact Assessment*
- h. *the proposed zoning of R3 Medium Density Residential is inconsistent with the Draft Metropolitan Strategy for Sydney to 2031, Appendix D: Glossary of Terms as it relates to R3 Medium Density Residential. The proposed building heights and residential density are, instead, consistent with the R4 High Density Residential Zone which is not included in the Leichhardt Local Environmental Plan 2013.*
- i. *the proposed Floor Space Ratio and building heights would result in unacceptable amenity impacts on the local area including:*
 - i. *overlooking of Davies Street properties,*
 - ii. *inadequate location and quantity of common and private open space*
 - iii. *visual impact from the bulk and scale of buildings*
 - iv. *overshadowing of open space areas*
 - v. *inconsistency with the local character*
- j. *the Planning Proposal proposes that 15.8% of the site be communal open space and therefore does not meet the requirements of State Environmental Planning Policy 65 – Residential Flat Design Code which requires the provision of 25-30% of the site for communal open space*
- k. *the Planning Proposal is not consistent with Section 3.3.3 (Clause 3.3.1) of the Leichhardt Affordable Housing Strategy (2011) which seeks a 10% affordable housing contribution*

- l. the proposed reduction in the width of existing streets to accommodate public domain works is unacceptable*
- m. the proposed one-way share way vehicular movement system would result in an unacceptable number of vehicle movements in Davies Lane*
- n. the proposal would result in significant additional traffic impacts, particularly in relation to intersections, which have not been adequately addressed in the supporting studies*
- o. the Planning Proposal does not adequately address the strategic context of major NSW State government projects including:*
 - i. Bays Precinct Urban Renewal*
 - ii. Parramatta Road Urban Renewal*

which may result in further, significant loss of employment land and an increased demand for non-residential goods and services arising from a growing population in the inner west

- p. Council has not been provided with adequate information to be satisfied that the site can be made suitable for the proposed residential development and use in accordance with SEPP 55 Remediation of Land:*
- q. the Planning Proposal does not address issues associated with the proposed West Connex Motorway including:*
 - i. traffic generation*
 - ii. location of air quality stacks*
 - iii. location of motorway entry and exit portals*

A copy of the August 2014 Council report which addresses these matters in detail is provided with this submission.

Following the proponent's request for a Pre-Gateway Review from the Department of Planning and Environment, the matter was referred to the Sydney East Joint Regional Panel (JRPP). In October 2015 the former Leichhardt Council made a submission to this Review again opposing the proposed rezoning for the issues outlined above.

At its meeting of 7 December 2015 the Sydney East Joint Regional Planning Panel resolved that the proposal should proceed to the Gateway determination stage. The Panel also advised that the planning proposal should be updated to:

- *demonstrate consistency with the Parramatta Road Urban Transformation Strategy;*
- *include a satisfactory arrangements provision for contributions to State public infrastructure designated under the Parramatta Road Urban Transformation Strategy; and*
- *demonstrate that the proposed controls enable a development that complies with the Apartment Design Guide and does not significantly impact the amenity of the surrounding low density residential neighbourhood, consistent with the Panel's recommendation.*

On 20 July 2016 Council was advised that the planning proposal would proceed subject to the conditions in the Gateway determination. These conditions included exhibition requirements, a timeframe and the following specific issues:

- 1. Prior to public exhibition, the planning proposal is to be updated to:*

- a) *address the social impact of the proposal, including consideration of the capacity of existing, and future need for affordable housing, education, health and emergency services;*
- b) *demonstrate consistency with s.117 Direction 4.1 Acid Sulfate Soils and Direction 4.3 Flood Prone Land; and*
- c) *include current and proposed Land Zoning and Floor Space Ratio maps (in accordance with the Standard Technical Requirements for Spatial Datasets and Maps).*
- d) *include a satisfactory arrangements provision for contributions to designated State public infrastructure identified as part of a draft or final strategic planning review for the Parramatta Road corridor.*

2. Prior to finalisation the planning proposal is to be amended to demonstrate consistency with any available findings of a draft or final strategic planning review for the Parramatta Road corridor.

Council requested a Post Gateway Review in August 2016 for reasons including:

- After the Planning Proposal was referred to the Gateway Process in February 2016 the former Leichhardt Council completed and adopted its Industrial Precincts Planning study, which provides clear evidence as to why all the industrial land in the former Leichhardt LGA should be retained with an industrial zoning.
- The Draft Parramatta Road Urban Transformation Strategy was still not finalised and consequently this Planning Proposal remained premature.
- The Greater Sydney Commission (GSC) was preparing the draft Central District Plan for the area and initial indications from joint workshops with the GSC were that protection of existing industrial land would be a critical element of the District Plan.
- The Gateway Determination conditions do not include a requirement for provision of an updated economic impact assessment, despite requiring such updates for affordable housing, education, health and emergency services.

This request for Gateway Review was subsequently rejected.

Comments on the Exhibited Planning Proposal

Council continues to have serious concerns about this planning proposal and would like to advise that the previous concerns expressed by the former Leichhardt Council, as resolved at the meeting of 26 August 2014, are still relevant and applicable to this current proposal. These concerns are reinforced by the inadequate updating of the assessments of impacts on affordable housing, education, health and emergency services, despite these being required by the Gateway Determination.

This appendix provides detailed comments on the exhibited Planning Proposal and a consideration of the Proposal in relation to changes to relevant planning strategies that have occurred since the Council's August 2014 assessment of the Proposal, which as already stated is largely unchanged.

Council continues to be of the view that the proposal cannot be justified on a strategic or site specific basis for the following reasons.

1. Economic Impact

67 - 73 Lords Road, Leichhardt is considered to be one of the most important local industrial precincts left in the former Leichhardt Council LGA and the Gateway determination should have required the provision of an updated economic impact assessment.

The Gateway determination provided for a number of matters (including social impacts of the proposal) to be updated in the submitted Planning Proposal. The Gateway determination, however, despite the former Leichhardt Council's consistent concerns, did not include any requirement for the provision of an updated or reviewed economic impact assessment. This is of particular concern as the exhibited supporting document for the Planning Proposal "Industrial Rezoning Economic Justification" was originally prepared in October 2013 and has not been updated.

The exhibited "Industrial Rezoning Economic Justification" does not consider the Council reports "Leichhardt Industrial Land Study Final Report" adopted in February 2015 or the "Leichhardt Industrial Precinct Planning Final Report" adopted in May 2016. Both of these reports were prepared by SGS Economics and Planning for the former Leichhardt Council. In addition the "Industrial Rezoning Economic Justification" has never provided an assessment of the Leichhardt Employment and Economic Development Plan 2013 criteria for proposed rezoning of industrial land.

This is of particular concern given the substantial deficits in industrial floor space identified in both these SGS reports. The studies concluded that in light of future population and employment growth in the former Leichhardt LGA there will be a deficit in industrial floor space of between 7,500sqm and 55,000sqm by 2036.

The studies identify 67-73 Lords Road as one of the most important local industrial precincts left in the former Leichhardt LGA. It is identified as one of a few locations left in the area that can accommodate local urban services and it houses approximately 30 businesses with in excess of 60 employees. The studies established that the site is fully occupied and earning double the average rental levels of other industrial properties in the LGA.

It is acknowledged that despite being small, the precinct contributes a large floor plate site to the light industrial make up of Leichhardt's employment lands. The lot and building size, coupled with its relative isolation from surrounding residential uses, make it an important precinct to accommodate the future industrial demands of the area.

The 2016 "Leichhardt Industrial Precinct Planning Final Report" recommends that all of Leichhardt's industrial lands be retained and protected from rezoning, that additional industrial floor space be provided and that Council's planning controls be revised to facilitate the protection and growth of industrial precincts. This study involved analysis of the urban structure and built form of key precincts, development of urban design principles and built form options and feasibility analysis considering three land use scenarios – industrial only, industrial + commercial and industrial + commercial + residential.

The development options were assessed using a Multi-Criteria Analysis (MCA) framework that brought together the feasibility modelling, urban design analysis and policy/strategy assessment findings. The MCA was used to determine the development scenarios that would most appropriately address the LGA's forecast industrial floor space deficit and protect industrial precincts.

The report recommended two potential options for Leichhardt's industrial precincts, 'Business as Usual' and 'Policy Change'. Both options recommended that Lords Road should retain its IN2 Light Industrial zoning.

While traditional manufacturing and open storage are activities with declining demand for Leichhardt's industrial land, population serving industries, urban services and manufacturers, CBD 'backroom' operations and creative industries all have persistent or growing demand. These uses are characterised by a strong local customer base and are attracted to the building and locational qualities of the area, including proximity to the CBD, and as such are not easily transferable to other LGAs. Consequently the industrial floor space deficit cannot be offset in other locations in the inner city subregion.

In addition to completing the industrial studies for the former Leichhardt Council, consultants SGS Economics and Planning had also undertaken recent industrial land studies for neighbouring LGAs, including the former Marrickville Council and City of Sydney Council. While the industrial precincts in these areas had limited capacity to accommodate future demand, they too are under increasing pressure from residential and mixed use developments. Land within the City of Sydney will need to accommodate uses that require proximity to the airport and port, potentially pushing industries without such a tie to other inner city precincts including those within the Inner West LGA.

In its August 2016 request for a Post Gateway Review Council pointed out that the proponent had not addressed the following three core questions of direct relevance to the retention of Lords Road as an industrial precinct:

- *Of all the existing industrial sites in the former Leichhardt Local Environmental Plan (LEP) 2013 area is this one more suitable for rezoning to residential than the others?*
- *The Draft Parramatta Road Urban Transformation Strategy (DPRUTS) shows Camperdown and Tebbutt Street as rezoned to residential, business and mixed use with no industrial land. The Rozelle Railyards are also compromised as industrial land by Westconnex and a major light rail stabling facility so how should a rezoning of Lords Road be assessed on merit within this context? (the adopted PRUTS was published on 9 November 2015, prior to the exhibition of this Proposal)*
- *Even if Lords Road is in principle a suitable industrial site for rezoning should it be rezoned with a resultant loss of industrial land if there is sufficient capacity on identified alternative mixed use and residential prospective sites to accommodate projected household growth in the area?*

Furthermore, the relative importance of retaining Lords Road as industrial land is also clearly illustrated by the following summaries of the prospective short term loss of industrial land and floor space in the former Leichhardt LGA:

Existing Industrial Floorspace of Former Leichhardt LGA 2014
(Source : SGS April 2016 Industrial Precinct Planning Report)

Total Industrial Floor Space - 308,092sqm

Floor Space loss from Parramatta Road Urban Transformation Strategy (PRUTS)

Camperdown - 75,523sqm
Tebbutt Street - 47,196sqm

Sub-total – 122,719sqm = **39.83% loss** of total 308,092sqm of floor space in former Leichhardt LGA.

Residue - 185,373sqm

The Lords Road floor space of 11,354 sqm is currently 3.68% of the former Leichhardt LGA total industrial floor space of 308,092 sqm (not including Rozelle Rail Yards, which will be lost to West Connex and the light rail stabling facility in any case).

Lords Road will therefore comprise 6.12% of the former Leichhardt Council LGA residual total industrial floor space after the loss of the Camperdown and Tebbutt Street industrial precincts to PRUTS.

The loss of industrial land is also strongly demonstrated by the following figures:

Site / Precinct Areas Existing Industrial Land -Former Leichhardt LGA

Source : *Leichhardt Council Lords Road Planning Proposal Assessment 2014, SGS Employment Lands Study 2011 & Inner West Subregion Draft Subregional Strategy 2008.*

In 2008 Leichhardt LGA had 108.9 ha of industrial land, including the Rozelle Rail yards/ Bays Precinct.

Up until 2015, 4.9 ha of this land had been rezoned to residential or mixed use, primarily at the George Street and Allen Street, Leichhardt sites and Terry Street, Rozelle.

In the short to near medium term future the other prospective losses include:

Camperdown and Tebbutt Street (PRUTS) - 12.2 ha
Bays Precinct (Rozelle Railyards) - 75.8 ha

Therefore the total projected loss (with pre 2015 sites included) is 92.9 ha or 85.3 % of the total 2008 Leichhardt LGA Industrial Land Supply.

In other words the zoned land supply will fall from 108.9 ha to 16.0 ha in approximately 10 years. At 1.07 ha the Lords Road site will be then comprise 6.69% of the residual industrial land supply of 16.0 ha.

In summary Council continues to have serious concerns regarding the loss of industrial lands in the area. Council considers that prior to any exhibition of this Planning Proposal, the proponent should have been required to review the previously submitted economic justification against the Leichhardt Employment and Economic Development Plan 2013 criteria for rezoning industrial land and the detailed conclusions and information presented in the two studies "Leichhardt Industrial Land Study Final Report" released December 2014 and the "Leichhardt Industrial Precinct Planning Final Report" released April 2016 prepare by SGS Economics and Planning for the former Leichhardt Council.

2. Consistency with the Parramatta Road Urban Transformation Strategy

Both the JRPP recommendations on the Pre Gateway Review of the August 2014 Planning Proposal and the Gateway Determination required that the Proposal be

consistent with the Parramatta Road Urban Transformation Strategy (PRUTS). Urban Growth released the final documents relating to this Strategy on 9 November 2016.

The subject site is located within the "Taverners Hill" Precinct. The Strategy indicates that within this Precinct the employment focus will be on both sides of Parramatta Road, Tebbutt, Upward and George Streets with retail along Tebbutt Street and business enterprise closer to Parramatta Road. The existing Tebbutt Street IN2 zoned industrial precinct will be rezoned for B4 for mixed use.

Page 10 of the PRUTS "Planning and Design Guidelines" states that "The Guidelines will inform future controls in local environment plans and development control plans by providing development principles and controls for land within the Corridor that should be considered when the Strategy is being implemented through rezoning proposals".

This exhibited Planning Proposal has not been updated to reflect these Guidelines and is clearly premature in this respect.

Planning Controls and Permissible Height

PRUTS provides some detailed planning controls for this specific site. In particular the site is proposed to be rezoned R3 Medium density residential with a floor space ratio of 2.4:1. This is consistent with the subject Planning Proposal.

The PRUTS "Planning and Design Guidelines" mention different building heights for the Lords Road site is different sections of the Guidelines and the exhibited DCP and Concept Design Report also shows inconsistent building heights. This is problematic in terms of assessing the potential impacts of the Proposal.

Furthermore, the proposed DCP for the site provides specific detailed locations and measures the height of buildings in storeys with the DCP indicating a range of heights from 4-8 storeys. As already stressed above the exhibited DCP has not been updated to reflect the PRUTS and appears to be inconsistent with the Strategy. It would be highly undesirable for this Planning Proposal to proceed with this lack of surety as to the potential permissible height of the proposal.

PRUTS also provides for a large number of specific design requirements in relation to this form of development including car parking rates and the indication that Lords Road is a high street. Some of these controls are similar to the Apartment Design Guide and some of them are contrary. No detailed assessment has been provided as a part of this Planning Proposal as to the consistency with the design details of this PRUTS.

Planning Process – Staging and Sequencing

Under PRUTS a significant magnitude of investment in infrastructure is required to enable the successful transformation of the Parramatta Road Corridor. This includes major new public transport infrastructure, roads and extensive community infrastructure. PRUTS also states that rezoning land too early could result in inefficient growth outcomes. The *Implementation Plan 2016-2023* requires that the Corridor be developed in line with the Principles and Strategic Actions identified in PRUTS as its growth priorities. If this does not occur the Implementation Plan incorporates an "Out of Sequence Checklist" against which such proposals would be assessed.

It would appear that this Proposal would satisfy the criteria and would be required to be assessed as "Out of Sequence". The Proposal was originally submitted to Council in

2014. Most of the supporting information has not been reviewed since this time. PRUTS was released recently, but the JRPP and the Department of Planning and Environment has known for several months that its adoption by the State government was imminent. Consequently the Planning Proposal should not have been exhibited until it was updated to reflect the PRUTS.

No supporting information has been provided to address PRUTS despite this being a requirement of the Gateway Determination. The site is also outside the PRUTS 2016-2023 Release area. The "Out of Sequence" checklist has not been addressed or submitted as a part of this Proposal. This checklist has 6 criteria and 18 sub-criteria including:

- Criteria 1 – Strategic objectives, land use and development
- Criteria 2 – Integrated Infrastructure Delivery Plan
- Criteria 3 – Stakeholder engagement
- Criteria 4 – Sustainability
- Criteria 5 – Feasibility
- Criteria 6 – Market viability

This site is such an important urban services industrial precinct the proponent should have been required to demonstrate in detail that these criteria are met before the Planning Proposal was exhibited.

Council's review of the Proposal indicates that it does not fully comply with the following "Out of Sequence" sub-criteria:

- Contribution to the strategic objectives, land use and development.
- Consistency with the building form plans for the Taverners Hill Precinct including height.
- Demonstrated design excellence consistent with the PRUTS Planning and Design Guidelines.
- Lack of an Integrated Infrastructure Delivery Plan to identify advance infrastructure provision and cost recovery for the local and regional infrastructure.
- Inadequate details of the proposed provision of satisfactory transport, road upgrades, intersection, open space, public domain, community infrastructure etc improvements.
- Stakeholder engagement with the community and Council has demonstrated that there is no support for or agreement on the proposed rezoning.
- There is no planning or business case development for key infrastructure projects.
- The Proposal does not achieve PRUTS sustainability targets.
- The exhibited economic feasibility and market viability is spurious and is being used in an attempt to justify a poor planning and built form outcome.

Requirements of the PRUTS Taverners Hill Precinct Action Plan

Funding

The Gateway determination requires the inclusion of a satisfactory arrangements provision for contributions to designated State public infrastructure identified as part of a draft or final strategic planning review for the Parramatta Road corridor.

The Proposal has **not** provided detailed information regarding the provision of contributions as required by this Strategy. The Taverners Hill Action Plan specifically indicates medium and long term open space facilities, community facilities, education facilities, health facilities and road improvements and upgrades.

This is of particular concern to Council. The original Planning Proposal submitted to Council provided for a Voluntary Planning Agreement Offer which included:

- The provision of 5% affordable housing for 10 years
- Public domain elements including streetscape enhancements
- Pedestrian and cycle paths
- Children's playground and fitness circuit
- Common open space to be publically accessible
- Improved streets and footpaths at a total cost of \$1.079 million including provision of an on-site pedestrian path, supposedly with the potential to connect through Marion Street Light Rail Station through Lambert Park in the future.

Whilst the Council had some specific issues with some of the works proposed under the Voluntary Planning Agreement Offer, it is acknowledged that a Voluntary Planning Agreement may have been negotiated to support issues such as affordable housing, upgrading works to the existing stormwater drainage system (between the site and Hawthorne Canal and Lords Road) and sustainability outcomes.

This is of particular concern to Council as the original Proposal proposed the contribution of funding to deliver particular local infrastructure. Council considers that the Proposal should continue to provide local benefits especially considering the size and scale of the development. It is also considered that the provision of local benefits will benefit the Precinct overall and that the benefits previously included in the Voluntary Planning Agreement of the original Proposal should continue to be delivered along with additional ones to meet the requirements of PRUTS.

In summary the funding arrangements for local and PRUTS infrastructure contributions are completely unclear and not detailed. This is a crucial requirement of the Gateway Determination and one that is important to ensure the success of the PRUTS and any Planning Proposal to rezone this site.

Road Improvements and Upgrades

The Taverners Hill Action Plan clearly states that *"prior to any rezoning commencing, a Precinct wide traffic study and supporting modeling is required to be completed which considers the recommended land uses and densities, as well as future Westconnex conditions, and identifies the necessary road improvements and upgrades required to be delivered as part of any proposed renewal in the Precinct"*

This has not been undertaken and the exhibited Planning Proposal traffic study has not been updated since 2014. This is discussed further below in **6. Traffic and Transport**.

PRUTS and Employment Lands

PRUTS has an overall aim of creating a "Diverse and resilient economy" with the intention of planning for and positioning the Corridor to attract new businesses and support existing businesses that will create a diversity of jobs and promote jobs closer to where people live. It also acknowledges the strong role for employment and economic activity in the Corridor and the need for a mixture of employment land.

Despite this aim however, PRUTS does indicate that the Planning Proposal site should be zoned for residential uses. This is self-contradictory in relation to the above aim and also the findings of Council's recent industrial studies.

These studies have confirmed that the existing areas of Industrial Land are important for the local and sub regional community as there is persistent or growing demand for Leichhardt's industrial land from population serving industries, urban manufacturers, CBD backroom operations and creative industries.

The rezoning of this site from industrial to residential uses is likely to lead to the further decline of employment and industrial lands in the area and would be contrary to the stated creation of employment related jobs and floor space in the Taverners Hill Precinct.

As one of the key conditions of the Gateway Determination for this Planning Proposal was consistency with the PRUTS it is considered a serious procedural flaw that the exhibited October 2013 *"Industrial Rezoning Economic Justification"* was not updated as required by the Gateway to ensure that the rezoning would be consistent with the aims of the Precinct.

Planning and Design Guidelines

These Guidelines provide extensive details and requirements that have not been assessed or considered by the Proponent. Council's concerns in this regard include but are not limited to the following:

Section 3.2 Heritage & Fine Grain

This Section provides a number of requirements in this section that relate to Heritage and Fine Grain.

In the vicinity of the development site there are a number of heritage items and conservation areas. To the east (in the former Ashfield Council) is a heritage conservation area, to the east on Lords Road is Kegworth Public School and to the north is 20-22 Foster Street. Both of these sites are listed as heritage items in the Leichhardt LEP 2013.

The Guidelines also acknowledge that one of the key strengths of the Corridor East includes *"high quality heritage values and attributes east of Hawthorne Canal where existing character should be preserved and leveraged."*

There has been no consideration of the impacts of this proposal on these heritage items and conservation area. No heritage study has been submitted and it has not been considered in the proposed DCP.

It is considered that the proposal does not comply with a number of the requirements of the PRUTS in this regard. In summary the proposal has not been designed to respect neighbouring buildings and the character of the area or provided for a development that is of a compatible scale with the surrounding heritage items. The new development is not of an appropriate form and mass and physically overwhelms the surrounding areas. It does not provide appropriate landscape treatments.

In summary a full assessment must be carried out by the proponent to address the Heritage and Fine Grain Requirements of the PRUTS.

Section 3.4 Open Space & Public Domain

As discussed below in Section 3. **Compliance with the Apartment Design Guide and Structure of DCP** the amount of open space is deficient generally. The proposed open

space is not of an appropriate size and does not provide a quality space. This area of the proposal must be addressed and amended.

Section 3.6 Traffic and Transport

As discussed in section 6 below, Council has strong concerns around traffic and transport issues with this planning proposal. This proposal does not satisfy the requirements of these Guidelines in this respect.

Section 3.8 Car Parking & Bicycle Parking

This section provides car parking rates for the proposal that are different and lesser than the proposed DCP and Council's rates. It also provides for detailed requirements relating to unbundled car parking and rate reductions, electric vehicle chargers, shared parking for non-residential uses, car sharing, and decoupled parking. Bicycle parking requirements have also been provided.

These details have not been considered by the proponent.

Section 3.10 Sustainability & Resilience

This section states the 3 key areas of intervention for the Corridor as

1. High performance buildings
2. Reduced and decoupled strategic parking
3. Urban resilience and infrastructure delivery

There are detailed requirements that again need to be addressed and considered by the proponent.

Taverners Hill Precinct Guidelines

The proponent has not demonstrated or provided the information that demonstrates that the Proposal complies with the controls as follows:

- Consideration to heritage places
- The gross floor area to be no more than 75% of the building envelope
- Floor area requirements for above 8 storeys
- Length of buildings.
- Consideration of heritage places
- Required setbacks to the frontage
- 45 degree building envelope
- The transition to the edge of the Precinct

The proposal is not of an appropriate scale to address and define the surrounding character. It does not optimize visual and acoustic privacy

It should also be noted that on page 214 it is stated that "*Low density uses are recommended for the remainder of the Precinct, however a R3 Medium Density zone is shown in recognition of the need to permit town houses and terrace type dwellings given the good proximity to public transport*".

This Proposal is not a town house or terrace type dwelling. It is a high rise development that is not of an appropriate scale to address and define the surrounding character. It does not optimize visual and acoustic privacy and does not comply with the intentions of the requirements in these Guidelines.

Fine Grain Study

This document is a part of the PRUTS Implementation Tool Kit and is intended to inform future development in the Precincts. It provides an additional detailed layer of heritage and urban design analysis for areas within the Corridor. This Study has not been considered as a part of this Planning Proposal.

In terms of the information for the Precinct of Taverners Hill, there are a number of points that need to be considered:

- Kegworth Public School is partially located in Lords Road and is a heritage item.
- Lords Road is indicated as a secondary street.
- The site is defined as large grain.
- The height of buildings in the precinct is indicated as 1- 3 storeys.

No consideration has been given to the impact of the proposal on the adjacent substantial heritage items of Kegworth Public School, Lambert Park and Hawthorn Canal. A smaller site to the rear at 20-22 Foster Street is also a heritage item. No consideration has been given to any of these sites.

In terms of existing local character the Study notes the following points that are relevant to this Proposal

- The building typologies are local shops, warehouses and low scale workers cottages and terrace housing.
- The building form and setbacks include zero setbacks from warehouses but front setbacks to residential.
- For building articulation the existing houses set a distinct pattern.

These matters are contrary to the Proposal and indicate that whilst warehouses may have a different building form, there are differing building forms appropriate to an area with a residential character, such as taking into account the pattern of residential properties in the area and providing a front setback for residential properties.

The Proposal must assess the points raised in this Study.

In summary, it is considered in advance of addressing the requirements of the PRUTS Fine Grain Study would be premature for this Planning Proposal to proceed. One of the key conditions of the Gateway Determination was that the proposal should demonstrate consistency with PRUTS. This has not occurred in any substantial way. The Strategy is detailed and lengthy and any assessment must be carried out thoroughly.

An initial review of the PRUTS carried out by Council has revealed the above deficiencies. A full review and assessment of the PRUTS in relation to the Proposal should have been provided by the proponent prior to exhibition.

This Gateway requirement has obviously been ignored. Combined with the other concerns expressed in this submission and the fact that in general the supporting documents for the Proposal have not been updated despite new issues arising in the area, it is clear that the

Proposal is premature and incapable of being assessed appropriately according to the conditions of the Gateway Determination.

3. Compliance with the Apartment Design Guide and Structure of DCP

One of the JRPP Pre Gateway Review recommendations was for the proponent to demonstrate that the proposed controls should enable a development that complies with the Apartment Design Guide (ADG) and would not significantly impact the amenity of the surrounding low density residential neighbourhood.

Council's preliminary assessment of the exhibited Proposal shows that it would not comply with the ADG .

Apartment Design Guide criteria

3D – Communal Open Space

This is required to be an area of 25% of the site that should be consolidated into a well designed, easily identified and usable area.

The proposed DCP states that 1690sqm of publicly available communal open space is to be provided by the development. This is only 15.8% of the site area and does not comply with the required 25%.

The proponent's supporting documents analysis of the ADG states that the communal open space is 36% and 2800sqm. The Concept Design Report states 2625sqm - 2850sqm .

It is unclear as to how these figures have been calculated and there seems to be inconsistencies between documents. The requirement also is that the open space should be consolidated and the only consolidated area is the space in the centre of the site. The DCP needs to specify what the definition of communal open space is and how this will be achieved.

The ADG requires some facilities to be provided with the communal open space and there does not seem to be any details within the DCP in this regard.

The communal open space is also required to receive 50% direct sunlight for a minimum of 2 hours between 9am and 3pm in mid winter. The DCP states that this will be a requirement, however, due to the orientation and bulk of the development and insufficient information that has been provided it cannot be confirmed that this will be achieved.

3E – Deep Soil Zones

7% of the site is required to be deep soil with a minimum dimension of 6m. The proposed DCP provides a diagram indicating the location of the deep soil zones, however no numerical figure is provided. The DCP should be amended to indicate compliance with the ADG.

3F – 1 – Visual Privacy - Setbacks

	Required	Provided	Compliance
West	9m for 5-8 storeys	<u>Building A</u> (5,7 & 8-9 storeys)	No

	12m if over 8 storeys	6m including 2.5m articulation zone. 9m for floors over 8 storeys (DCP Fig G42 setback sections indicate a 9 storey building)	
East	6m for up to 4 storey 9m for 5-8 storeys	<p><u>Building B</u> (6 storeys)</p> <p>6m with 1m articulation zone 8.5m for "top floor"</p> <p>The Concept Design Report states that the setback to the east (Davies Lane) is 5.1m for Building B (at the rear)</p> <p>It is also unclear for Building B as to whether the setbacks will be staggered with height at all as there is no section in DCP Fig G42 of the DCP for this Building. The DCP Fig G41 Setback Plan suggests that the 8.5m setback may only be for the top floor which would be the 6th floor only.</p> <p><u>Building C</u> (3 & 4 storeys)</p> <p>6m with 1m articulation zone 8.5m for 4 storey and above</p> <p><u>Building D</u> – This is unclear from DCP and Concept Design Report.</p>	<p>No</p> <p>Yes</p> <p>Unclear</p>
North	9m for 5-8 storeys 12m if over 8 storeys	<p><u>Building A</u> (8-9 storeys)</p> <p>7.5m with 2.5m articulation zone</p> <p><u>Building B</u> (6 storeys)</p> <p>7.5m with 2.5m articulation zone</p>	No

As can be seen from the above table, the proposal does not comply with the building setback requirements of the ADG. The setback controls as indicated in this DCP are poorly executed and in a number of cases there is contradictory information between the proposed DCP and the submitted supporting information and concept plan. In places the actual setbacks to be provided are unclear.

Detailed comments are as follows:

- The “Setback from West Boundary – View North from Lords Road” in Figure G42 indicates a 9 storey building when the designated height of buildings on the site is 8 storeys. This has implications for the overall height of the building and the setback requirements. The requirements for setbacks also increase to 12m for habitable rooms for proposals with a height of over 25m. Considering the lack of surety with the height controls and the proposal for 30-32m in the PRUTS, the proposed setbacks are inadequate and could potentially have a greater impact than currently assessed if the permissible height on the site increases.
- The setback of Building B to the east (Davies Lane) is unclear. The Concept Design Report states that the setback is 5.1m, the DCP states 6m. There is no section in Fig G42 which indicates the setback requirement for this building and Fig G41 suggest that the 8.5m setback applies only for the “top floor” which in this case would mean the 6th floor. This is completely unsatisfactory especially considering the potential impacts of the proposal on the residences on Davies Street from this proposal.
- It is unclear what the eastern side setback of Building D is proposed to be.
- All of the setbacks include “articulation zones”. Within the articulation zones building elements may protrude into the articulation zone for a maximum of 50 percent of the articulation area per floor. Building elements that may be located in the articulation zone include, balconies, fin walls and decorative elements. Habitable space not exceeding 15% of the articulation area may be located within the articulation zone. It is likely that the articulation zones will exacerbate any issues relating to bulk and scale and visual privacy considering that the setbacks are non compliant. This is of particular importance especially considering that balconies are the element of such a development that have impacts of overlooking and lead to privacy loss.
- The exhibited DCP shows a 6m setback to the west with a 2.5m articulation zone within this setback. That will not be possible as the this 6m strip of the site is a 6m electricity, drainage and maintenance easement for the light rail line.
- The ADG also states that “Apartment buildings should have an increased separation distance of 3m when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increase landscaping”. Despite the PRUTS proposal that the residential area to the east of the site should eventually become an R3 Medium Density Residential zone with up to 17m high buildings this is not in the PRUTS Implementation Plan 2016 - 2023 and may remain with the existing low rise R1 dwellings for many years. Consequently there should be an increased separation to the properties to the east. Even if this area should become 17m high medium density dwellings sooner the ADG would require greater separation than that shown in the exhibited Proposal.
- A nil setback to a large portion of the development to Lords Road is proposed. Whilst the above requirements only apply to the side and rear setbacks, when the nil front setbacks are combined with the deficient setbacks on the site it will give a further appearance of an overly bulky development. Nil front setbacks are not a feature of this area and will impact upon the character of the area. The buildings proposed will be of a greater height than the existing industrial buildings.

Basically the above non compliance and concerns with the setbacks will lead to a development that appears excessively bulky and that is an overdevelopment of the site which will impact on the visual privacy of neighbouring properties.

Due to the inconsistencies between the DCP, the Concept Design Report, the supporting information and the proposed heights of the PRUTS it is considered that the proposed setbacks are insufficient and misleading in interpretation.

3F – Visual Privacy – Building Separation

There is some non-compliance with a number of the narrower sections at the north of the site and the south of the site and also along the shareway to the east. The DCP states that the proposal will comply with the separation requirements of the ADG however this is not demonstrated by the diagrams.

3H – Vehicle Access

A requirement of the ADG is that vehicle access points are designed and located to achieve safety, minimize conflicts between pedestrians and vehicles and create high quality streetscapes.

The Proposal is unsatisfactory as explained in section 6. Traffic and Transport below. Further issues are also outlined in section 7. Car Parking.

3J – 1 – Car Parking

The car parking controls detailed in the DCP are as per Council's current parking requirements.

4A – Solar and Daylight Access

The ADG requires that living rooms and private open spaces of at least 70% of apartments in a building must receive a minimum of 2 hours direct sunlight between 9am and 3pm mid winter. A maximum of 15% of apartments in a building receive no direct sunlight.

The submitted DCP requires this.

Other ADG clauses

A number of other clauses that relate to natural ventilation, apartment size and layout, common circulation and space and storage are not specifically required by the submitted DCP but would be further assessed at the DA stage.

In summary, the proposal does not comply with the requirements of the ADG and therefore does not fulfil the requirements of the JRPP recommendation. Furthermore it is considered that the non compliances with the ADG will lead to an overdevelopment of the site, a poor design outcome and a negative impact on the character of the area and on the neighbouring properties. There are also significant traffic, parking and transport impacts which are detailed in section **6. Traffic and Transport** and **7. Car Parking** below.

The setbacks and communal open space (and its potential overshadowing) are particularly deficient and will impact upon the amenity of new residents and neighbouring properties. Combined with the excessive height and floor space ratio, the proposal continues to be an overdevelopment of the site. The Proposal does not meet the requirements for satisfactory vehicular access.

This site is large without any significant constraints. Compliance with the requirements of the ADG should be achievable.

In terms of the structure of the exhibited DCP there are also major concerns. These include the following:

- The previously listed inconsistencies in the setback requirements.
- Inconsistencies between the Concept Design Plan, the DCP and supporting documents. There is a substantial amount of additional supporting information with design details that has not been specifically included or referenced logically in the DCP and some of this information might therefore fall outside the regulatory assessment process. This leaves many controls open to interpretation and potentially greater deficiencies.
- The submitted DCP is also contradictory in parts by claiming to comply with the ADG whilst the diagrams and details clearly show otherwise. The document should be completely reviewed to ensure compliance.
- There are general concerns and lack of clarity around the actual height of the proposal. As indicated DCP Figure G42 shows a 9 storey building and the PRUTS indicates inconsistent heights in different parts of the Strategy.
- The DCP appears to be poorly executed generally. Some of the standards are difficult to interpret, the table of contents is incorrect, there is a partially completed sentence and there are references to irrelevant parts and tables that don't exist.

This DCP should have been reviewed completely prior to exhibition to demonstrate clear compliance with the ADG. The DCP as it currently stands provides poorly executed controls that will lead to an overdevelopment of the site with serious negative impacts on the surrounding residential area.

4. Consistency with certain S117 directions, Acid Sulfate Soils & Flood Prone Land

One of the conditions of the Gateway Determination was that the proposal should demonstrate consistency with s.117 Direction 4.1 Acid Sulfate Soils and Direction 4.3 Flood Prone Land.

The proponent has addressed this matter with the following amendments to the Planning Proposal document.

In relation to Acid Sulfate Soils:

Leichhardt Local Environmental Plan 2013 (LLEP) contains acid sulphate soil provisions and this proposal does not seek to amend them. Initial site contamination advice is contained in this report (refer to Appendix 10). Acid sulphate soils investigations and analysis will accordingly be undertaken as part of any future development of the land as required.

It is noted that that the site is a Class 5 ASS (along with most of the LGA) on the existing maps, which is the lowest risk category and only requires an acid sulfate soils management plan to be prepared for "works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the watertable is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land."

In relation to Flood Prone Land:

Leichhardt Local Environmental Plan 2013 (LLEP) contains flood prone land provisions and this proposal does not seek to amend them. A flooding and stormwater review has been undertaken with mitigation measures recommended for potential flooding (refer to Appendix 9). Flooding will be further addressed as part of any future development on the land.

Neither Appendix 9 and 10 of the exhibited Proposal (the technical advices and studies) has been updated to address these matters in any further detail.

With the assessment of the original Planning Proposal Council advised of significant concerns regarding flooding and stormwater management at the site. Council continues to have concerns and issues with the Proposal in this regard, as follows:

- The site and in particular the south western corner is affected by High Hazard Category flooding.
- The proposed building along the western side of the site, including within the currently undeveloped south western corner of the site would result in a significant loss of existing informal flood storage and block existing flowpaths between Lords Road and Marion Street/ Lambert Park to the north for flood water during the 1 in 100 year flood and Probable Maximum Flood events, which would raise flood levels within and beyond the property.
- The Proponent engaged NPC to provide a desktop review of flood behaviour at the site and preliminary flood advice. NPC advice to the Proponent recognises the depth of flooding affecting the site and makes appropriate recommendations in relation to floor levels and access to the basement carpark. However, the NPC has not addressed the loss of flood storage and blockage of existing flood water flowpaths. NPC has also advised against the installation of on site detention facilities on the site which is contrary to requirements of *Development Control Plan 2013*.

The proposed conversion of the site from industrial use to residential purposes and the development of the site would significantly increase the number of people living in and travelling to and from this high hazard flood risk site. The development has the potential to substantially increase the impact and cost of flooding with an associated increased in risk of property damage and loss of life.

To manage the risks to the existing and incoming communities, the development would have to ensure sufficient setback of buildings from the western boundary to allow for preservation of an overland flowpath between Lords Road and Marion Street/ Lambert Park, together with infrastructure upgrade works to reduce the flood risk affecting the site. Specifically, the development should include an upgrade of the existing stormwater drainage system between the site and Hawthorne Canal and an upgrade of the stormwater drainage system within Lords Road.

Section *G8.16 Drainage and Water Management* of the proposed DCP needs to be replaced with the following section:

G8.16 Drainage and Water Management

Objectives

- O1 To minimize the impact of flooding on residential dwellings, landowners, occupiers and the community.
- C1 All residential floor levels should be at or above the Flood Planning Level and existing flood flowpaths maintained through the site.

5. Affordable Housing

The Proposal for the subject site allows for "around 320 apartments including 16 apartments for key workers". It is anticipated that the mix will comply with Council's requirements of:

- 60% or 192 studio/1 bedroom
- 30% or 96 x 2 bedrooms, and
- 10% or 32 x 3 plus bedrooms.

According to the exhibited Lords Road Housing Affordability Assessment the Proposal will deliver:

- (a) 5% "affordable rental housing" for eligible households - typically key workers in essential services;
- (b) 46% of units for sale priced at a level where they will be "affordable for moderate income local Leichhardt residents to purchase".

With respect to (a) the details are as follows:

16 properties, equivalent to just over 5% of the 315 dwellings, would be made available for affordable rental where:

- The tenancy manager will be a community housing provider;
- The properties will remain rented affordably for 10 years;
- Tenant eligibility and rent setting will be in line with current settings for NRAS funded housing.

With respect to (b) it is stated that "the price-points of dwellings has been kept moderate so that a portion of the homes will be affordable to local people on moderate incomes".

Potential prices are stated as:

- 68 studios, average 45m², selling for c.\$600,000
- 110 one bedroom units, average 55m², selling for c.\$715,000
- 115 two bedroom units, average 80m², selling for c.\$1.04 million
- 22 three bedroom units, average 110m², selling for c.\$1.4 million

Assessment

Council's Inner West Housing Affordability Policy provides evidence that with respect to affordable rental housing in the LGA, the vast majority of households needing affordable rental housing are excluded from affordable rental through the market. The only affordable option for very low income households are lower amenity boarding house rooms in a few suburbs; while low income renters can only affordably rent a studio or one bedroom apartment in a few suburbs. Moderate income renters can affordably rent a two bedroom apartment in some locations, and so are somewhat better catered for, but again family households with children are excluded from larger housing options.

Virtually no strata products (the lowest cost form of residential accommodation) are affordable for purchase through the market for very low, low and moderate income households anywhere in the Inner West Council LGA. At best, some small strata products in certain locations may be affordable to the very top of the moderate income band. No houses or two or three bedroom strata dwellings are affordable to any very low, low or moderate income households, so that families with children are entirely excluded from affordable purchase in the LGA.

Consequently given that in this Proposal National Rental Affordability Scheme rents would be applicable and the proposed selling prices, even the smallest units in the proposed development are unlikely to be affordable, except perhaps to those households at the top of the moderate income band.

In addition it should be noted that the proponent wants a 10 year limit to be applied to the proposed 16 'affordable' rental dwellings. These are described as the 'core' component of the site's affordable rental accommodation. No matter how the community contribution of these units is described, that contribution will be lost after 10 years. That loss will then add to the housing affordability shortfall within the LGA. Arrangements for the provision of affordable rental accommodation to be permanent on site would serve the community better.

Affordable Housing Supply and Land Value Capture

The severe shortfall of affordable housing in the LGA, both rental and purchase, provides justification for Council to adopt stronger initiatives through the planning system. A key component of the Inner West Council Affordable Housing Policy proposes an equitable sharing of land value uplift associated with large brownfield and redevelopment sites within the LGA.

While no site specific value uplift modelling of the Lords Road site has been undertaken, modelling of development sites in the vicinity has been carried out.

The land value uplift model employed in the Affordable Housing Policy allows 50% of the land value uplift to be shared by Council for the public benefit of which affordable housing would be an important component.

As well the evidence base for the Policy indicates that the implementation of value capture through the method of calculation recommended will not adversely impact on development feasibility and takes into account normal development profit.

The data below relates to eight storey residential developments on similar sites in Camperdown and Leichhardt/Lilyfield.

Suburb	Land purchase scenario 2	Construction cost eight storeys	Sale price	Profit	Profit %	Land Value Capture %
2038 Camperdown	\$4.50m	\$13.37	\$29.30m	\$11.43m	64%	16%
2040 Leichhardt/Lilyfield	\$12.01m	\$13.37m	\$34.32m	\$8.94m	35%	9%

The modelling above shows that the land value uplift varies between 9% and 16%. Given the PRUTS, draft Central District Plan and Council's high priority for increasing the supply of affordable housing, the application of land value uplift should contribute a significantly higher percentage of affordable units than the 5% 'core' component of affordable rental accommodation provided in Lords Road planning proposal.

An important additional advantage of applying land value uplift is that the units can be transferred to Council ownership under this arrangement and held in perpetuity.

Arrangements can be made for a registered Community Housing Provider to manage these units. This would constitute a superior and lasting contribution to reducing the housing affordability crisis in the LGA.

Local Planning and Inclusionary Zoning

Another claim made in the exhibited Proposal Housing Affordability Assessment is that the 'core' component of the affordable rental accommodation on site, at 5%, is higher than typical Sydney projects.

This claim however is outdated. For example, the PRUTS incorporates a target equivalent to a minimum of 5% as affordable housing in the corridor's precincts. Key actions to encourage the provision of affordable housing include (a) insertion of affordable housing principles in Local Environmental Plans (b) the identification of all the local government areas in the corridor as having a need for affordable housing and (c) the preparation of consent conditions on development that enable the levying of monetary contributions to fund affordable housing.

The new draft Central District Plan nominates an Affordable Rental Housing Target of 5 - 10% in urban renewal areas such as the PRUTS corridor. The draft Central District Plan also states that this target "does not preclude councils from negotiating additional affordable housing".

Given the significant value uplift that is generated by larger brownfield and redevelopment sites as well as major urban renewal projects such as Lords Road if this project were to proceed a target of 15% affordable housing would be appropriate.

6. Traffic and Transport

Strategic Context

Subsequent to lodging of the original Proposal a number of circumstances have changed around the site including finalisation of the Parramatta Road Urban Transformation Strategy and the, on-going, revision of the WestConnex Motorway route.

WestConnex

Since lodging of the original application the WestConnex motorway alignment has been diverted (from an alignment which was previously under Parramatta Road with portals at Taverners Hill close to the Planning Proposal site) to an alignment adjacent to the City West Link. Consequences of this realignment are likely to include:

- a lower proportion of traffic being taken off Parramatta Road;
- potentially increased, north-south, through traffic on routes such as Tebbutt and Flood Streets;
- increased traffic, particularly in the short to medium term, on the Ramsey/Marion Street route.

Parramatta Road Urban Transformation Strategy (PRUTS)

The recent release of PRUTS has provided a more detailed indication of potential future population and dwelling numbers in the vicinity of the site (Taverner's Hill Precinct).

The strategy indicates an additional 1300 homes, 4100 jobs and 3300 people in the Precinct. As an indicative figure this additional housing can be anticipated to increase the Precinct's weekday PM peak traffic generation from approximately 760 vehicles per hour to 1000 vehicles per hour, and Saturday mid-day traffic generation from 1160 to 1537 vehicles per hour. These volumes represent an increase of over 30% above the existing base case.

This estimate of increased traffic relates purely to proposed increased housing provision under PRUTS and does not take into account additional traffic generated by shopping, business, employment or recreational travel demand that will arise from implementation of this strategy.

It can be anticipated that much of this traffic will use Tebbutt Street, the main street to be loaded with traffic from the proposed development. Additionally, nearby developments such as the George Street, Labelcraft/Kolotex large apartment blocks will alter and add to future traffic level and these volumes do not appear to have been included in the applicant's traffic assessment.

To further exacerbate traffic conditions in the area, the smaller than previously anticipated reduction of traffic on Parramatta Road and increased traffic on the Ramsay/Marion Street route; resulting from the new alignment of WestConnex, will potentially add to the area's congestion.

Concern is consequently expressed regarding the impact of these various increases in traffic movements on road safety associated with any additional traffic adjacent to Kegworth School, particularly during pupil drop-off and pick-up periods (noting that all of the proposed development's traffic will use intersections immediately adjacent to the school.).

Given the dynamic nature of the changing street environment likely to result from WestConnex and PRUTS the exhibited simple SIDRA (intersection) analysis is inadequate in assessing the likely future impacts of the proposal. In order to genuinely assess the traffic circumstances of the development (and the PRUTS Taverners Hill Precinct as a whole) a microsimulation model should be used. This type of traffic study and modelling is required by the PRUTS Implementation Plan and would include traffic associated with the Labelcraft/Kolotex site development and the opening of WestConnex Stage 1.

Additional Comments

- While the one-way internal road system proposed will provide a simple predictable circulation system, its use of Davies Lane for exit will significantly increase traffic in Davies Lane. While Davies Lane does not have any frontage uses, it is still important to note that the proposed development will generate additional vehicle movements through Davies Lane, the majority of which will turn left onto Lords Road. Davies Lane is a narrow rear access lane for residential properties fronting Davies Street and the additional traffic could be impeded by parked vehicles if it remains two-way. There does not appear to be any proposal to widen Davies Lane.
- Currently Davies Lane is estimated to carry approximately 10 vehicle trips during the morning and afternoon peak periods, with only occasional trips and parking activity during the day. The proposed one way internal road system will significantly increase the traffic movements in Davies Lane throughout the day, increasing the potential for opposing vehicle conflicts in a narrow carriageway. There is also sub-standard

provision for pedestrian movements along Davies Lane, particularly noting that Building C fronts this roadway and the close proximity of the proposed childcare centre.

- While the applicant's report indicates that residents of the proposed development are likely to use the light rail or Marion Street buses there is no information provided which indicates the likely workplace, recreational or other destinations of these residents. Experience has shown that the light rail has the potential to cater for commuter demand to the CBD, however within the former Leichardt LGA the journey to work only represented 18% of all trips and the CBD is the employment base for 41% of Leichardt residents. Consequently it can be projected that approximately 8% of all trips associated with the development will be journey's to work in the CBD (ie 41% of 18%). The applicant's analysis does not appear to address, in detail, the remaining 92% of travel demand associated with the proposal.
- As Lords Road is a strategic bike route (used to provide access to the GreenWay and Haberfield) and endorsed by PRUTS increased traffic on Lords Road will add to conflict between bicycles and vehicles. This is particularly of concern given the potential of the Lords Road cycleway to become increasingly important as the GreenWay moves toward completion. Additionally, the exhibited Proposal's provision of angle parking on a strategic cycle route would be dangerous.
- The proposal could have the consequence of attracting additional kerbside parking in Davies Lane which would result in access from the existing garages on Davies Lane being blocked.
- Lords Road has been identified as a road safety concern during school pick-up and set down periods. As no traffic data has been provided for this period it is not possible to accurately determine the likely increase in conflict, however it is considered that any increase in the number of vehicles using Lords Road and Kegworth Street during these periods is of concern.
- Concern is raised regarding the significant additional right turn movements from Tebbutt Street into Kegworth Street, given that only one shared through-right lane is available during the AM and PM peaks.
- It is considered that the increased pedestrian activity generated by childcare facility, both to the facility and between the facility and school, is likely to conflict significantly with any increased traffic movements in Lords Road.
- Given the site's proximity to Marion Light Rail Stop, Leichardt Marketplace and Lambert Park, the parking and traffic analysis should include assessment of weekend conditions (particularly when a sporting fixture is on at Lambert Park). Therefore, an additional traffic and parking analysis needs to be conducted during the lunch time peak on a Saturday.

In summary, based on the traffic, transport and parking issues above it is considered that the current proposal is likely to result in impacts which will:

- reduce road safety adjacent Kegworth School
- reduce local amenity; and
- increase pedestrian/ bicycle/ vehicular conflict in the area.

Additionally, it is considered that the existing traffic assessment does not adequately address the likely future traffic circumstances of the area, particularly in relation to:

- additional traffic likely to be experienced on Ramsay Street/Marion Street, subsequent to the opening of WestConnex Stage 1;
- nearby developments such as the Labelcraft/Kolotex site;
- long term changes likely to be experienced as a consequence of PRUTS.

Insufficient information has been provided to assess this Proposal satisfactorily from a traffic and transport perspective. The exhibited Traffic and Parking Assessment Report has not been updated since May 2014. This Report was considered to be inadequate when submitted with the previous Proposal. The Report must be updated to reflect recent changed planning and development circumstances in the area (including the PRUTS which was a requirement of the Gateway Determination) and to address Council's previous concerns.

7. Car Parking

The problems with car parking identified by Council in its assessment of the original Proposal remain in the exhibited documents. These problems include:

- The proposal should achieve a mid point of the *Leichhardt DCP 2013* parking rate range.
- The location of the basement carpark, immediately adjacent to the proposed childcare centre, together with the adjacent 90 degree parking, would result in significant vehicle/vehicle, vehicle/pedestrian and vehicle/bicycle conflict. In addition, the increase in traffic from Davies Lane will increase the conflict in this area, particularly due to the lack of vehicular/pedestrian sight lines at the Davies Lane/ Lords Road intersection.
- The Proposal would attract additional kerbside parking in Davies Lane which would result in access from the existing garages on Davies Lane being blocked.
- The proposed Landscape Plan for Lords Road shows angle parking in front of the proposed childcare facility and significant road narrowing. Whilst road narrowing is supported to provide a lower speed environment in this location it would result in unsafe opposing vehicle paths at the 90 degree road bend, particularly for large vehicles making the turn. In addition, the angled parking in Lords Road for the childcare drop off/pick up immediately adjacent to the basement car park access due to conflicting vehicle movements is not supported.
- The proposed access road is located close to the 90 degree road bend which may result in unsafe conditions for vehicle making a right turn into the site in respect of opposing vehicles in Lords Road.
- The overall loss of existing on-street parking, as a consequence of the proposed modifications to Lords Road, is not supported as it will have a significant impact on available parking in the area. The loss of on-street parking on the southern side of Lords Road is considered acceptable as this section of road has very few on street parking spaces due to the existing driveways.
- The loss of on-street parking adjacent to the proposed Fitness Circuit is of concern. This could only be supported if the loss of parking could be offset nearby, for example, 90 degree parking on the Lords Road frontage of the site to Lords Road, this may assist in achieving this offset. The location of the basement access and new road intersection for the site would significantly reduce the number of parking spaces that could be provided at this location due to No Parking/Stopping setbacks that would be required at each access point.

Also Section clause C4 of G8.15 Parking in the proposed DCP should be amended for clarity (on the east west leg of the road) to read:

- C4 On-street car parking is to be provided on one side of the proposed shareway, this parking is not to be designated to individual units.

8. Coastal SEPP

The draft Coastal Management SEPP is currently on exhibition. A portion of the western part of the subject site which adjoins Hawthorne Canal is affected and defined as both being "coastal environment area" and coastal use area. Both of these areas have defined development controls. In brief these draft development controls states that the consent authority must be satisfied that the ecological environment, hydrological processes and water quality of the estuary is not adversely impacted by the development. This proposal seeks to increase the density, traffic, built form and uses on the site.

There are also general provisions of the draft SEPP that are applicable to this Proposal. In particular s.16 states that the consent authority must be satisfied that the proposed development is not likely to increase risk of coastal hazards on that land or other land. This includes tidal inundation, a "coastal hazard" which is attributed to climate change impacts.

The Panel should consider this draft SEPP in their assessment of this Planning Proposal. It is essential that this occurs at this rezoning stage rather than later in the process. Unless carefully considered it is possible that there may be a risk to development and infrastructure on this land.

An assessment of the implications of this draft SEPP should be undertaken prior to the Proposal progressing any further. This point re-emphasizes the prematurity of exhibiting this Planning Proposal.

9. Summary

Council continues to strongly oppose this Proposal and have strong concerns regarding this Planning Proposal from both a strategic and site specific perspective. The Proposal is premature and cannot be adequately assessed with the information currently provided. This includes the supporting information much of which has not been updated since 2014 to reflect planning issues, strategies or legislation that have arisen since this time including the PRUTS, Greater Sydney Commission draft Central District Plan and the Coastal Management SEPP.

The Proposal continues to be one that will lead to an unacceptable loss of industrial land. It is also an overdevelopment of the site that will have serious impacts on the amenity of the surrounding area. The reasons outlined in the former Leichhardt Council's resolution of its meeting of 26 August 2014 are still relevant to this Proposal.

Furthermore, as Council has outlined in the above submission, the exhibited Proposal does not comply adequately with or address the Gateway Review recommendations of the JRPP and the Gateway Determination.

In summary, Council continues to have strong concerns with this Proposal and considers that the Proposal should not proceed further until the above outstanding concerns and issues are addressed.