



Ms Maria Atkinson AM
Chair
Sydney Central Planning Panel
GPO Box 39
SYDNEY NSW 2001

PP_2016_LEICH_002_00 (17/04478)

Dear Ms Atkinson

Maria

Planning Proposal to amend Leichhardt Local Environmental Plan 2013

I refer to the planning proposal relating to 67-73 Lords Road, Leichhardt which is being processed by Sydney Central Planning Panel as the relevant planning authority.

The proposal and its supporting documents were placed on public exhibition from 15 November 2016 to 31 January 2017. The exhibition generated 1,014 public submissions. Submissions were also received from Inner West Council, NSW Roads and Maritime Services, Sydney Water, NSW Environment Protection Authority, Ausgrid and Sydney Trains.

Attached is a submissions report which summarises the issues raised by the submissions. The report recommends that the Sydney Central Planning Panel make the submissions report publicly available and conduct a public meeting.

If you have any questions in relation to this matter, please contact Ms Sandy Chappel, Director, Sydney Region East on (02) 9274 6591.

Yours sincerely

Marcus Ray

**Marcus Ray
Deputy Secretary
Planning Services**

08/06/2017
Encl: Submissions Report

Submissions Report

Sydney Central Planning Panel Reference No.	22016SYE060
Local Government Area	Inner West (former Leichhardt)
Proposal	Planning proposal to rezone land from IN2 Light Industrial to R3 Medium Density Residential and to increase the maximum permissible floor space ratio from 1:1 to 2.4:1.
Street Address	67-73 Lords Road, Leichhardt
Applicant/Owner	Platino Properties Pty Ltd
Submissions	<ul style="list-style-type: none"> • 1,014 public submissions • A 235-signature petition • 5 public agency submissions • 6 submissions from Inner West Council • 1 submission from the Hon. Jo Haylen MP, State Member for Summer Hill
Recommendation	Make submissions report publicly available and conduct public meeting.
Report by	Andrew Watkins – Department of Planning and Environment



1. Introduction and background

The purpose of this report is to provide a summary of the key matters raised by members of the public, Council, public agencies and other stakeholders (including the site's tenants/occupiers) during the statutory public exhibition period of the planning proposal for 67-73 Lords Road, Leichhardt (the site).



Figure 1: Site location (Source: Google Maps)

1.1 The site

The site is currently occupied by a series of brick buildings up to a height of 11.5m which are used for a range of purposes including storage, internet-based furniture sales, a karate school, gymnasium and an art school (see Figure 2). It covers an area of approximately 10,690 square metres with the main (southern) frontage to Lords Road. Lambert Park is located immediately to the north of the site, and a laneway separates the eastern edge of the site from low density residential development. The Inner West Light Rail line runs adjacent to the site's western boundary and the Marion Street light rail stop is approximately 150 metres from the site.

The site is within the Taverner's Hill Precinct of the Parramatta Road Corridor Urban Transformation Strategy (2016).

1.2 The Planning Proposal

The planning proposal seeks to amend Leichhardt Local Environmental Plan 2013 (LEP) to permit medium density residential development on the land.

A concept design has been prepared to demonstrate a potential development outcome of up to 315 new residential apartments in a range of new residential flat buildings with building heights ranging from 3 to 8 storeys.

To achieve the intended development outcome the proposal seeks to amend the LEP to:

- rezone the site from IN2 Light Industrial to R3 Medium Density Residential; and
- increase the floor space ratio (FSR) from 1:1 to 2.4:1.

1.3 Pre-Gateway Review and Assessment and subsequent planning proposal

On 26 August 2014, the former Leichhardt Council resolved not to support the planning proposal. On 23 September 2014, a pre-Gateway Review request was lodged with the Department.

On 11 November 2015, the proposal was referred to the former Sydney East Joint Regional Planning Panel (Panel) for independent advice.

On 7 December 2015, the Panel determined that the proposal had merit, was compatible with the then draft Parramatta Road Corridor Urban Transformation Strategy, and recommended that it proceed to the Gateway primarily because it was:

- consistent with the then draft Parramatta Road Corridor Urban Transformation Strategy;
- isolated from other industrial areas, but has good access for residential use; and
- the current, uses of the site, which are mainly non-industrial, can be accommodated in other zones in the local government area.

Council declined the Department's invitation to be the relevant planning authority (RPA) for the proposal, and on 23 May 2016, the Panel was appointed as the RPA.

The Panel recommended that the proposal be updated to demonstrate the suitability of the height and FSR controls by way of a concept design report and SEPP 65/Apartment Design Guide Analysis. The Department advised the proponent of the requirement for a 'satisfactory arrangements' clause (to be drafted by Parliamentary Counsel) for inclusion in the LEP, to secure the necessary provision of public infrastructure to meet the needs arising from the proposed intensive residential development of the site which addresses the requirements of the Panel and Department. On 31 May 2016, the proponent lodged the updated planning proposal with the Department.

1.4 Gateway Determination

A Gateway determination was issued for the proposal on 14 July 2016

The Gateway required the planning proposal and associated documents be publicly exhibited for a minimum of 28 days. Consultation with a range of State agencies was also required. A copy of the Gateway determination is attached at Tab 1.

2 Public Exhibition

The planning proposal was publicly exhibited from 15 November 2016 until 31 January 2017, in accordance with the Gateway determination. The exhibition period was extended until the end of January 2017 in response to a request from Inner West Council.

An initial notification was placed in the Inner West Courier newspaper on 15 November 2016. A second notification was published on 10 January 2017 to advise that the exhibition period was being extended to 31 January 2017. The planning proposal and

associated documents were made available on the Panel's website. Copies were also made available at the:

- Department of Planning and Environment's website and Information Centre;
- Inner West Council's Leichhardt Service Centre; and
- Leichhardt Library.

In total, 1,014 public submissions and a 235 signature petition against the proposal were received. A breakdown of the types of submissions, as well as their origins (where identified), is noted below. Six submissions were received from Inner West Council, five submissions were received from public agencies and one was received from the Hon. Jo Haylen MP, the State Member for Summer Hill.

3 Summary of submissions

Of the 1,014 public submissions received (and that identified their origin), 50.7% indicated that they originated from the suburb of Leichhardt. The remaining local submissions originated from the suburbs of Haberfield (5.6%), Annandale (0.9%), Lilyfield (0.9%), Ashfield (0.7%), Dulwich Hill (0.6%), Lewisham (0.5%), Marrickville (0.5%), Petersham (0.5%), Stanmore (0.4%), Abbotsford (0.3%), Rozelle (0.3%) and Burwood (0.1%). Small numbers of other submissions originated from as far afield as Allawah, Granville, Blacktown, Ermington, Megalong Valley and Gundry. However, not all submissions identified their location of origin.

All of the public submissions opposed the proposal, 800 (78.9%) of which were pro-forma submissions. Some 'covering' submissions contained numerous pro-forma submissions; for example, two submissions from one individual also had, respectively, 67 and 51 other individual submissions attached to it.

3.1 Submissions opposing the proposal

Submissions opposing the planning proposal raised concerns in relation to the following key issues:

- Traffic generation and congestion;
- Inadequacy of on and off-site parking;
- Excessive building heights and density;
- Overshadowing and overlooking;
- Public transport;
- Impact on existing schools;
- Infrastructure;
- Inadequate affordable housing;
- Loss of industrial/employment land (including loss of jobs, employment opportunities);
- Heritage; and
- Environmental issues.

These issues are discussed in section 4, below.

3.2 Submissions by public agencies

In accordance with the Gateway determination, the following public agencies were consulted:

- Roads and Maritime Services (RMS) (comments/technical advice);
- Sydney Water (comments);
- NSW Environmental Protection Authority (comments);
- Department of Education (no submission);
- NSW Health (no submission);
- Department of Family and Community Services (no submission);

- Ambulance Service of NSW (no submission);
- NSW Police Force (no submission);
- Fire and Rescue NSW (no submission);
- Energy Australia (no submission); and
- Urban Growth NSW (no submission).

Ausgrid and Sydney Trains were not required to be consulted, but provided comments independently of the formal consultation process.

A copy of Inner West Council's submissions are attached at Tab 3, and copies of the public agency submissions are at Tab 4. A copy of the submission from the Hon. Jo Haylen MP, State Member for Summer Hill, is at Tab 5 and is summarised at 5.0 State Member comments/representations, later in this report.

4 Key issues

The following section provides details of the key issues raised in submissions by the public, Inner West Council and public agencies.

4.1 Traffic generation and congestion

The planning proposal is informed by the Traffic and Transport Assessment Report prepared by Varga Traffic Planning Pty Ltd (15 May 2014). Key findings from the report indicate that there would be no significant adverse impact in terms of:

- traffic generation and congestion;
- the operation and level of service of nearby intersections;
- road network capacity;
- the requirement for road improvements or intersection upgrades; and
- on-street car parking.

Public submissions

Traffic generation and congestion was one of the most common issues raised in public submissions, with 502 submissions expressing concern relating to current and cumulative (following other residential development elsewhere) congestion and the potential for the Lords Road site to increase congestion. The key issues raised were:

- increased traffic congestion will impact on the safety of cyclists and pedestrians and schoolchildren making their way to/from, or being dropped off/picked up at Kegworth Primary School;
- the traffic and transport assessment is out of date (May 2014) and doesn't consider recent approved and commenced residential developments, and likely cumulative impacts;
- the traffic count and parking survey only took place on one day (Thursday 31st October 2013), and do not reflect the actual low level of parking availability on local roads; and
- use of Davies Lane as part of the proposal is not suitable as it will restrict Davies Street residents' access and reduce safety and residents parking;

Inner West Council comments

Council submits that the Parramatta Road Strategy Implementation Plan requires a (Taverner's Hill) precinct-wide traffic study and supporting modelling to be completed before any rezoning. Council is concerned that this study has not been undertaken, and that the planning proposal does not satisfy the requirements of the Strategy's Planning and Design Guidelines.

Roads and Maritime Services (RMS) comments

RMS provided the following comments on the proposal:

- the planning proposal has been assessed in isolation of other similar zonings in the area. Consideration should be given to undertaking a cumulative transport assessment based on similar type zonings occurring on Lords Road and Kegworth Street, including a traffic analysis of the following intersections:
 - Lords Road/Tebbutt Street;
 - Kegworth Street/Tebbutt Street; and
 - Foster Street/Marion Street.
- the Panel should ensure that the assessment of the planning proposal is based on the maximum yield permissible under the proposed planning controls (i.e. FSR and height limits);
- the proposed road re-alignment of the western end of Lords Road and associated width reduction of the road pavement requires referral and endorsement of Council's Local Traffic Committee, and the latter element should be able to accommodate the swept path of 12.5m long Heavy Rigid Vehicles (garbage and removalist vehicles); and
- the design and construction of the proposed on-site shared zone vehicle and pedestrian shared zone between Lords Road and Davies Road should be in accordance with RMS Technical Direction 2016/001 TTD 2016-001 *Design and implementation of shared zones*.

A copy of the RMS submission, including the Technical Direction referred to above, is at Tab 4.

Department's comments

The planning proposal has been through detailed consideration as a pre-Gateway Review and the traffic and transport assessment was current when lodged with the pre-Gateway Review request of 23 September 2014. The Parramatta Road Corridor Urban Transformation Strategy has also been subject to detailed consultation with RMS in formulating recommended planning controls, with which the proposal is consistent.

Furthermore, the Department supports the advice of Urban Growth NSW (as circulated to Councils within the corridor in January 2017 – Tab 8), that those planning proposals already under consideration prior to the release of the final Strategy should not be delayed or required to provide further traffic studies in addition to those already submitted in support of planning proposals, or as required by a Gateway determination.

It is considered that the issues raised in the submissions will be subject to further detailed assessment at development application stage, and that such concerns, and the comments of RMS, can be addressed in detail at that time.

4.2 Parking

Current on-street parking is generally unrestricted around the site, although 'No Stopping' restrictions apply near the Tebbutt Street/Foster Street and Lords Road intersections.

The planning proposal suggests 150-253 car parking spaces will be provided on-site (which according to the proponent, accords with Council's parking requirements), plus "a minimum of 1 car share space". Access to off-street parking is proposed via a driveway off Lords Road, potentially including a one-way loop through the site from Lords Road to Davies Lane.

As part of the planning proposal, a 'parking accumulation survey' was carried out between 05:00 and 22:00 on 31 October 2013 in the on-street parking areas on Lords Road, Kegworth Street and Davies Street. The survey concluded that "substantial spare car parking capacity is readily available within a short walking distance of the subject site at all times of the day."

Public submissions

Eighty-two submissions raised concerns in relation to parking, in particular:

- current on-street parking is very difficult and this will be exacerbated by the proposal (including in the neighbouring suburb of Haberfield) and its insufficient proposed on-site parking;
- the Traffic and Transport Assessment Report (Varga 2014) conclusion that on-street parking is readily available does not match local experience and as the survey was only carried out on one day it is therefore unrepresentative and inadequate;
- insufficient parking (both on- and off-site) will result in increased danger to pedestrians, particularly schoolchildren at Kegworth School;
- there should be a precinct-wide traffic study carried out; and
- the proposal's consideration of its impact upon intersections is not credible.

Inner West Council submissions

Council is concerned that the proponent has not considered the requirements of the Parramatta Road Strategy's Planning and Design Guidelines (at section 3.8 - Car Parking and Bicycle Parking) which has specific requirements relating to the provision of car parking, shared parking, car/ride sharing, 'decoupled' parking, parking and access design and bicycle parking.

Department comments

The site is located in an area that is served by public transport, and is close to a range of everyday retail, business and food and drink premises including those at Leichhardt Market Place and Norton Street. Due to the availability of public transport and proximity to services, it is considered that car dependency may not be as high in other locations.

The findings of the traffic and parking assessment and the concerns of Council and the community are noted. It is also noted that RMS raises no objection on parking grounds, but provides guidelines for the provision of parking. The provision of car parking and other design matters are details which are more appropriately addressed at the development application stage.

4.3 Building heights and density:

The planning proposal includes an updated Concept Design Report, a draft Development Control Plan (DCP) and a report intended to demonstrate achievable compliance with the Department's Apartment Design Guide (2015).

The proposal seeks to allow up to 315 apartments, an increase in FSR from 1:1 to 2.4:1, and a range of building heights from 3 to 8 storeys. The proposal indicates a 12 metre separation between habitable rooms/balconies with upper levels (above 4 storeys) to be set back to ensure appropriate separation is achieved.

Public submissions

275 submissions expressed concern in relation to excessive building heights and density and that the proposal represents a significant overdevelopment of the site. Consequently many of the submissions also included more specific concerns that the development would overlook and overshadow neighbouring and nearby residential properties, as well as Lambert Park and Kegworth Public School.

Eighteen submissions expressed concern that the proposal would result in development that was "out of character" with the local area and its existing low/medium density residential development.

A small number of submissions suggest that if the site is to be redeveloped, then the proposal should be reduced in overall scale.

Another issue raised was whether future occupiers of the proposed development would be adversely affected by noise and the floodlights at the soccer ground at Lambert Park, to the extent that the soccer club would have to curtail its activities.

Inner West Council submissions

Council is concerned that:

- the proposal will result in land use conflict between future residents of the proposed development and the current use of Lambert Park; particularly its use by Leichhardt Tigers Football Club;
- notwithstanding an inconsistency in the Strategy's recommended building height controls, the proposal is incompatible with, and does not meet the detailed requirements of the Parramatta Road Strategy's Planning and Design Guidelines, particularly in relation to building height;
- it is impossible to establish with confidence that the design of the proposed development would comply with the ADG;
- the proposed building heights under the proponents' Concept Design Report and draft DCP are inconsistent;
- a development outcome where only residential flat buildings are established on the land would be inconsistent with the objectives for the R3 zone; and
- the proposal is not small scale and will encroach on/overlook properties on Davies Lane and Lords Road, and Kegworth Public School.

Department comments

The Parramatta Road Strategy (2016) recommends the R3 Medium Density Residential zone for the site in recognition of the need to permit town houses and terrace-type dwellings given its proximity to public transport. A maximum floor space ratio (FSR) of 2.4:1 is recommended for the site. The proposal complies with these recommended controls, but seeks to provide only apartments for residential accommodation.

SEPP 65 (Design Quality of Residential Apartment Development) and the Apartment Design Guide (ADG) will apply to the proposed development's final design and built form. While the ADG is generally a guideline, SEPP 65 refers to parts of the ADG that must be applied in the assessment of development applications, such as its objectives, and design criteria. Consequently, the potential impacts resulting from the final design and built form of the proposed development will be assessed in detail at the development application stage.

4.4 Infrastructure

When assessing planning proposals, the Department requires that all proposals within priority growth areas and precincts, such as the Parramatta Road corridor, acknowledge that a satisfactory arrangements provision for contributions to designated State public infrastructure may be required in the final instrument.

The Parramatta Road Strategy Infrastructure Schedule identifies the corridor's infrastructure requirements, and states that in order to deliver or contribute towards the delivery of that infrastructure, planning proposals within the corridor will need to demonstrate that satisfactory arrangements are in place.

Following the pre-Gateway Review of the proposed development, the Department determined that the proposal should proceed to Gateway and include a 'satisfactory arrangements' provision for contributions to State public infrastructure designated under the Parramatta Road Strategy.

The proposal states that it will provide housing in a location close to existing transport infrastructure (Inner West Light Rail). The proposal also states that it will contribute to the provision of infrastructure required as a result of the proposed development, and which would contribute towards the infrastructure needed to support the implementation of the Parramatta Road Strategy.

Public submissions

Forty-five submissions highlighted concerns relating to infrastructure. Concerns cover the potential strain on existing infrastructure, and doubts over whether there will be any supporting infrastructure such as transport and traffic infrastructure, schools, child care, aged care, parking, open space, and employment opportunities.

Inner West Council submissions

Council is concerned that there is a lack of confirmed provision for contributions to the cost of local infrastructure and infrastructure identified in the Parramatta Road Strategy and draft Central District Plan. Council has also queried the manner in which the proponent will be required to make appropriate contributions to infrastructure and affordable housing should the proposal progressed to development application stage.

Public agency submissions – Sydney Water

Sydney Water raised no objections to the proposal and provided advice in relation to drinking and waste water requirements. The local drinking water system has capacity to service the proposed rezoning. Detailed comments will be provided at s.73 (Sydney Water Act 1994) phase, which provides that a Compliance Certificate is required to carry out any works.

Public agency submissions – Ausgrid

Ausgrid provided written "consent" to the proposal, subject to conditions, and provides relevant advice in relation to proximity to overhead power lines, underground cables and electricity substations. Ausgrid does not raise any objections.

Department comments

The planning proposal is outside of the Parramatta Road Strategy's 2016-2023 Release Area sequencing (as identified in the Strategy's Implementation Plan 2016-2023). Ordinarily, 'out of sequence' proposals would be considered against the Strategy's Out of Sequence Checklist (Tab 2). The Gateway determination, issued on 14 July 2016, (four months *before* the release of the final Strategy) required that, before 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.

The Gateway determination also required the inclusion of a 'satisfactory arrangements' provision. Should the proposed LEP amendment progress towards finalisation, a 'satisfactory arrangements' clause will be included in Leichhardt LEP specifying required state public infrastructure identified in the Parramatta Road Strategy. Such a clause would be drafted by Parliamentary Counsel's Office during legal drafting of the LEP amendment.

In the current absence of a State Infrastructure Contribution (SIC) for the Taverner's Hill precinct, the mechanism to ensure the provision of State public infrastructure is likely to

be by way of a voluntary planning agreement (VPA). However, it should be noted that, for the purposes of considering this planning proposal, a LEP clause cannot specifically require a VPA.

4.5 Public transport

The planning proposal suggests that the increased residential density close to public transport services will encourage public transport patronage, and that a potential open space link utilising Lambert Park would help connect residents to the Marion Street Light Rail stop.

Public submissions

Twenty-eight submissions raised concerns in relation to the ability of public transport to deal with an increased population resulting from the proposal and other developments in the area. An additional seventy submissions stated that the Inner West Light Rail is currently at or near capacity during peak hours. Submissions also indicated that bus services were also at or near capacity during peak hours.

Inner West Council submissions

Council is concerned that, while the proposal indicates that residents of the proposed development are likely to use the Inner West Light Rail or buses, it provides no information to indicate the likely workplace, recreational or other destinations of these residents.

Public agency submissions – Sydney Trains

Sydney Trains did not comment on the capacity of the network and how it might be affected by the proposal.

Sydney Trains advised that any future developments should consider and adhere to the Department of Planning Interim Guidelines – Development near Rail Corridors and Busy Roads; and be referred to Sydney Trains for assessment due to the proximity of the Light Rail Corridor and existing High Voltage Transmission Lines in the area.

Department comments

The site is well located in terms of its proximity to public transport (bus services and the Inner West Light Rail).

The planning proposal does not provide information on public transport capacity and no additional information has been received as a result of exhibition.

Due to the proximity of the site to the Light Rail Corridor and existing High Voltage Transmission Lines, any future development application would be referred to Sydney Trains for assessment.

The LEP amendment will contain a 'satisfactory arrangements' provision to contribute to the delivery of designated State public infrastructure. This contribution, in association with the State Infrastructure Contributions captured in the Parramatta Road urban renewal corridor, will facilitate opportunities to improve public and active transport along Parramatta Road and in its immediate surrounds.

4.6 Impact on existing schools

The site is located close to Kegworth Public School (see Figure 1).

The Department of Education was consulted following the Gateway Determination, but no response has been received.

The proposal includes a Social Impact Assessment (SIA) (December 2013), which states, in relation to schools, that local public schools, such as Kegworth School, have some capacity to accommodate additional demand arising from increased child population and that Sydney Secondary College Leichhardt Campus also has some capacity to address additional demand from increased population. The SIA also states that the proposed development would contribute approximately 44 children in the 5 to 11 year old age group to the local area.

Public submissions

491 submissions raised concerns relating to the proposal's impact upon local schools and their ability to accommodate the potential increase in student numbers resulting from the proposal. Particular concern was raised in relation to the capacity of Kegworth School and the safety of its students on their way to/from school.

The Kegworth School Parents & Community Committee President raised concerns about student safety and already 'at capacity' services such as child care and local schools.

Inner West Council submissions

Council has not provided detailed comments in relation to the impact upon local schools, or Kegworth School, in terms of demand and capacity.

Department comments

The findings of the proponents' SIA are noted, as are the objections raised by the community that local schools, particularly Kegworth School, do not have capacity to accommodate any significant increase in student numbers. A condition of Gateway required the Department of Education be consulted on the proposal. No submission was received from the Department of Education.

The Parramatta Road Strategy Infrastructure Schedule (Taverner's Hill Precinct) indicates that in the medium to long term (2024-2054) there will be new school/classroom provision by way of satisfactory arrangements (monetary contributions or works in kind'). The LEP amendment will contain a satisfactory arrangements provision to secure a contribution to the delivery of State public infrastructure.

4.7 Inadequate affordable housing

The proposal states an intended provision of 16 (5%) affordable dwellings. A draft DCP has been included in the planning proposal submission, one of its objectives being to "provide a range of housing types including affordable housing". There is no further detail on how this is to be achieved, other than by way of a voluntary planning agreement (VPA) and the provision of a mix of studio, 1, 2 and 3 bedroom apartments.

The proponents' exhibited Housing Affordability Assessment (Housing Action Network, August 2016) indicates that in addition to the delivery of 5% affordable rental housing, the planning proposal will deliver 46% of units for sale priced at a level where they will be affordable to local Leichhardt residents to purchase. The stated "price points" are as follows:

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

Public submissions

Thirty submissions raised concern that the proposed level of time-limited affordable dwellings is inadequate. Other submissions describe the provision as “tokenistic” and “derisory”.

Inner West Council submissions

Council is concerned that 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, Council is concerned that once the proposed 10 year time limit on the affordable dwellings expires, the contribution to ‘affordable’ housing would be lost, adding to the housing affordability shortfall within the LGA. Council suggests that the provision of permanent affordable accommodation would serve the community better. This could be achieved by a transfer of the ‘affordable’ dwellings to Council in perpetuity, and the dwellings managed by a Community Housing Provider.

Council also suggests that, given the likely significant value uplift generated by such developments, if the project were to proceed, a target of 15% affordable housing would be appropriate.

Department comments

The provision of affordable dwellings in planning and development proposals is supported and the indicated provision of 16 affordable dwellings is noted. The concerns expressed by the community are also noted, as are Council’s concerns and suggestion for the delivery of affordable dwellings to be ‘in perpetuity’.

State Environmental Planning Policy 70 – Affordable Housing (Revised Schemes) identifies the former Leichhardt LGA as having a need for affordable housing. The SEPP allows (in certain circumstances specified by s.94F of the Act) the granting of development consent subject to conditions requiring the dedication of land for affordable housing, or the payment of monetary contributions to affordable housing, and other conditions relating to the “provision, maintenance, or retention of affordable housing”.

Council’s adopted affordable housing policy (March 2017) seeks to enable the levying of mandatory affordable housing contributions to create affordable rental housing in perpetuity. These contributions are intended to apply to, amongst others, land within precincts identified in the Parramatta Road Corridor Urban Transformation Strategy, at a rate of 15% of gross floor area (GFA) where the development has a GFA of at least 1,700 square metres, or where a development results in 20 or more dwellings. The subject site is captured by Council’s policy.

The Department is working with Inner West Council to progress its affordable housing policy and potential inclusion in SEPP 70, but this will not be completed before the proposal is determined.

The planning proposal includes a written offer to provide affordable housing by way of a voluntary planning agreement (VPA). The draft Central District Plan (Liveability Priority 3) sets a target of 5% to 10% of new floorspace to be applied at the rezoning stage. The proponents’ offer is consistent with the draft Central District Plan, and is considered acceptable.

4.8 Loss of industrial/employment land

The planning proposal states that the site has reached the end of its economic life and its rezoning will revitalise an underutilised site and contribute to housing affordability and choice.

The proposal also contends that demand for industrial land occurs in locations which enable large modern industrial facilities to maintain low cost operations, such as in western Sydney employment areas, not in smaller sites such as at Lords Road. The proposal outlines that:

- the proposal will not adversely affect industrial land supply;
- the site is not suitable for light industrial and other uses permitted in the zone;
- the site is not economically viable in its current form;
- it is not economically feasible to improve the site (as opposed to redeveloping);
- the proposal would significantly reduce potential land use conflicts and amenity impacts arising from industrial uses; and
- it is unlikely that new light industrial uses on the site would be supported by the surrounding community.

The proposal includes an Industrial Rezoning Economic Justification (MacroPlan Dimasi, October 2013) which, in summary, supports the planning proposal because:

- the current location and zoning compares unfavourably with sites in western Sydney;
- industrial use is incompatible with surrounding residential development;
- the site is not strategically important, nor is it going to encourage or protect employment growth; and
- the site does not provide local employment opportunities, as a high proportion of the workforce is employed in knowledge-based jobs elsewhere.

Public submissions

386 submissions objected to the loss of this industrial/employment land, jobs and job opportunities and more specific concerns included the loss of the existing businesses and 'community service' providers that serve the local population well. Some submissions originate from outside of the local area, indicating that the site is used by people living outside of the area; some of these a considerable distance away. This appears to apply particularly to the existing art School.

Submissions also point out the potential difficulties for existing tenants to relocate and find alternative premises.

Inner West Council submissions

Council states that recent rezonings, and the implementation of the Parramatta Road Strategy and WestConnex will result in the loss of 85.3% of the former Leichhardt LGA's industrial land supply. Council is concerned that the proposal will result in the loss of an important local industrial precinct and jobs while the Greater Sydney Commission draft Central District Plan advocates a precautionary approach to the protection of industrial land for urban purposes. Council also states that its recent industrial land studies demonstrate that the Lords Road site is one of a few locations left in the area that can accommodate urban services and it houses approximately 30 businesses with more than 60 employees. Council asserts that the site should be retained as an industrial precinct, and that the planning proposal's Industrial Rezoning Economic Justification, being dated 2013, is out of date and does not take account of these matters.

Department comments

The proponent's justification on economic grounds and the demonstrated consistency with strategic housing-related objectives is noted. The objection to the proposal, on the basis that with an increasing population (as is occurring in metropolitan Sydney), comes a need/demand for light industrial uses and urban services, is acknowledged.

The Parramatta Road Strategy was finalised in November 2016 and has statutory weight by virtue of its own s.117 Direction – see [Tab 7](#). The site is within the Taverner's Hill Precinct, but is outside of the Strategy's identified 2016-2023 'Precinct Release

Process'. The Strategy recommends low density residential uses, but identifies the site for R3 Medium Density Residential zoning in recognition of "the need to permit town houses and terrace type dwellings given the good proximity to public transport."

The loss of employment land has been considered in detail at both the pre-Gateway Review and subsequent planning proposal stages. The proposal was considered justifiably inconsistent with s.117 Direction 1.1 Business and Industrial Zones given the site's relatively small area (1.06ha, being less than 1% across the former Leichhardt LGA), isolation and limited potential for employment generation.

4.9 Heritage.

The planning proposal indicates that there will not be any impact upon local heritage items or conservation areas.

Public submissions

Nine submissions expressed concern in relation to the proposal's impact on heritage. Submissions referred to the adverse impact upon the Haberfield Heritage Conservation Area; the site's "industrial heritage character"; inconsistency with the "heritage character of the area" and "surrounding heritage-style homes"; and impact upon heritage listed schools.

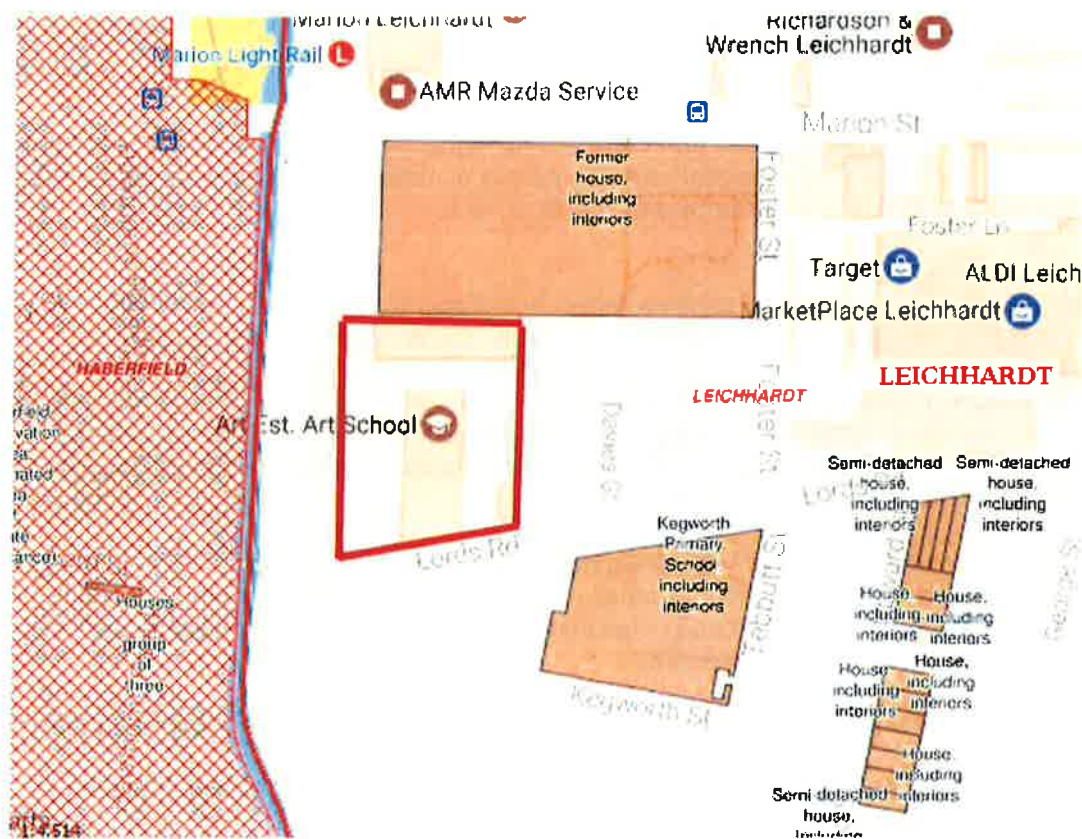


Figure 3: Extract from Planning Portal heritage layer showing relationship of the site (outlined red) to the adjoining and nearby heritage items (coloured brown) and Haberfield Heritage Conservation Area (cross-hatched red). (Source: Department of Planning & Environment).

Inner West Council submissions

Council is concerned about potential impacts upon nearby heritage items including the Haberfield Heritage Conservation Area, and that the proposal does not consider such impacts as no heritage study has been prepared.

Department comments

It is noted that the Haberfield Heritage Conservation Area (in the former Ashfield LGA, now part of Inner West Council) is located immediately to the west of the Hawthorne Canal and approximately 50 metres from the site's western boundary. There are also a number of Heritage items near the site, including Kegworth Primary School and a number of houses on Foster Street, Upward Street and Lords Road (see Figure 3).

No assessment of the impact upon the Haberfield Conservation Area and heritage items has been carried out in relation to the planning proposal.

Section 79C of the Act specifies matters for consideration (which would include the heritage provisions of Leichhardt LEP 2013) in the determination of development applications, and should the proposal proceed, detailed assessment of heritage issues can be considered at the development application stage.

Under the Leichhardt LEP, if land is within the vicinity of a heritage item or a heritage conservation area, the consent authority may require a heritage management document to be prepared, before granting consent for development.

4.10 Environmental issues

The planning proposal indicates that there are no significant environmental impacts that cannot be managed. The proposal provides details of strategies for the management of contamination, flooding and stormwater management.

Public submissions

Only a small number of submissions referred to environmental issues, expressing concern that the planning proposal would result in little or no environmental benefit.

Inner West Council submissions

Council considers that in terms of 'sustainability and resilience', the Parramatta Road Strategy Planning and Design Guidelines provide detailed requirements that have not been addressed in the planning proposal.

Public agency submissions – NSW Environment Protection Agency

The NSW Environment Protection Agency (EPA) provided comments and guidance in relation to managing air quality and noise impacts; contaminated land management; water quality; and waste management.

The EPA does not object to the proposal, but recommends that further work be carried out in relation to:

- noise and vibration impacts generated from the adjacent light rail, which should be resolved before the development application stage;
- water quality; in particular water studies to provide and assessment of the proposal's impacts upon the hydrology and hydrogeology of the area; and
- stormwater management measures.

Department comments

Council's comments, and the comments of the EPA and its recommendation that further work should be carried out are noted. However, it is considered that these issues can

be properly addressed at the development application stage, under section 79C of the Act.

5.0 State Member comments/representations

The State Member for Summer Hill, the Hon. Jo Haylen, MP, wrote to the Panel Secretariat to raise the following concerns, on behalf of her constituents:

- loss of amenity for established low density residential areas in Haberfield;
- traffic impacts of a dense residential development on already congested streets;
- loss of local employment opportunities provided in a rare inner city industrial precinct; and
- additional pressure placed on schools and parks in the area, with no indication of how these pressures may be alleviated.

Ms Haylen states that it is of the "utmost importance" to maintain the character of Haberfield, as "the world's first garden suburb".

Ms Haylen's submission is attached at Tab 5.

6.0 Conclusion and recommendation

It is considered that the proposal has demonstrated strategic merit, particularly in terms of its location and status in the Taverner's Hill Precinct as identified in *the Parramatta Road Corridor Urban Transformation Strategy*, and its proximity to public transport. Further, certain issues raised at exhibition are matters that relate to detailed design considerations and will need to be addressed through the development application stage. These matters include:

- traffic generation and congestion;
- parking;
- building height, density and final overall built form;
- heritage; and
- environmental issues.

In summary, it is considered that no issues have been raised which would preclude the planning proposal from progressing.

It is recommended that the Sydney Central Planning Panel, as relevant planning authority:

- **notes** the matters raised in the submissions;
- **releases** the submissions report publicly; and
- **conducts** a public meeting.

Endorsed by:




Sandy Chappel
Director, Sydney Region East

6.6.17



Marcus Ray
Deputy Secretary
Planning Services

08/06/2017



Stephen Murray
Executive Director, Regions

7 June 2017

