

Andrew Watkins

From: Roger Rankin <Roger.Rankin@innerwest.nsw.gov.au>
Sent: Thursday, 1 March 2018 3:41 PM
To: Andrew Watkins
Cc: Amanda Harvey; Brendan Metcalfe; David Birds; Harjeet Atwal; Gill Dawson; Leah Chiswick; Katie Miles
Subject: FW: Lords Road Proponent Submissions On The Panel's Decision
Attachments: Proponent assessment against PRUTS Out of sequence checklist.doc; 2017 October 20 Mecone response to Panel decision.pdf

Hi Andy,

As far as we can tell these documents were uploaded last Tuesday 21st February and were not registered online using the conventional protocol of most recent documents listed first at the top of the first page for each planning proposal on the LEP Tracking website. These attachments were filed in the middle of the first page of relevant documents, not with the most recent documents. Council was not informed of their submission so please note we will be requesting a reasonable period in which to review them and provide the Department of Planning with considered comments.

It is immediately clear however that they are seriously misleading. To identify but two such instances:

- 1) The Mecone letter dated 20 October 2017 references the first draft Central District Plan and its precautionary approach to rezoning industrial land and the exception for areas covered by alternative strategies. By 22 October 2017 the Revised Draft Eastern City District Plan was on exhibition and is unequivocal in its much stronger Action 50 to protect all industrial zoned land from conversion to residential development or mixed use zones with no mention of exceptions for areas covered by strategies. That central plank of Mecone's 20 October letter was therefore immediately irrelevant.
- 2) The PRCUTS Out of Sequence Checklist Assessment does not state who it was prepared by, but I assume it was the proponent or his consultants. Irrespective of that point the Assessment is extremely thin and does not address all the criteria; for example it evades full compliance with the requirements of Criterion 3 Stakeholder engagement. That criterion requires proponents to document an appropriate level of stakeholder support and provide documentary evidence outlining the level of planning or project readiness in terms of the extent of planning or business case development for key infrastructure projects. The latter would include local road network improvements and the Parramatta Road public transport improvements that should according to PRCUTS incorporate a super stop in the Taverners Hill Precinct.

Also you will find the conclusion below from the latest assessment of a current planning proposal for rezoning an industrial site in Leichhardt informative in respect of the Lords Road Panel Decision. This assessment was carried out for Council by SGS and received today:

"There is a clear policy direction that all industrial zoned land within the Eastern City district (including Inner West LGA) should be protected from conversion to residential development, including conversion to mixed-use zonings.

- A significant amount of floorspace has been rezoned or removed from availability in the four years since 2014, being a total of 162,100 sqm.
- By 2036, an additional 387,000 sqm of industrial floorspace will be required to service demand across a number of industrial land uses across the Inner West LGA.
- The capacity of existing industrial land is severely constrained and unable to accommodate the projected demand within the LGA into the future. Potential losses of industrial zoned land are expected to exacerbate this problem, leading to significant shortfalls in supply of industrial floorspace under all development scenarios examined herein.

- Any rezoning of industrial land within the precinct will further increase the deficit of floorspace."

Roger

From: Roger Rankin [<mailto:Roger.Rankin@innerwest.nsw.gov.au>]

Sent: Thursday, 1 March 2018 10:29 AM

To: Andrew Watkins <Andrew.Watkins@planning.nsw.gov.au>

Cc: Harjeet Atwal <Harjeet.Atwal@innerwest.nsw.gov.au>; Katie Miles <Katie.Miles@innerwest.nsw.gov.au>; Leah Chiswick <Leah.Chiswick@innerwest.nsw.gov.au>; Brendan Metcalfe <Brendan.Metcalfe@planning.nsw.gov.au>

Subject: Lords Road Proponent Submissions On The Panel's Decision

Importance: High

Hi Andy,

Can you please tell me when the two attached documents were uploaded to the LEP Tracking website?

Roger

Roger Rankin | Team Leader Strategic Planning

Inner West Council

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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 Custodians of these lands, the Gadigal and Wangal people of the Eora Nation.

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PARRAMATTA ROAD CORRIDOR URBAN TRANSFORMATION STRATEGY - IMPLEMENTATION PLAN 2016-2023

OUT OF SEQUENCE CHECKLIST

67-73 LORDS ROAD, LEICHHARDT

Number	Requirement	Complies?	Lords Road Planning Proposal - Response
Criteria 1	Strategic objectives, land use and development		
	<ul style="list-style-type: none">The planning proposal can demonstrate significant delivery or contribution towards the Strategy's Corridor wide and Precinct specific vision.	Yes	<ul style="list-style-type: none">The Planning Proposal documentation provides details of compliance with the PRUTS in relation to the contribution towards the vision for the Corridor and Precinct:<ul style="list-style-type: none">It will contribute towards the 1300 new homes desired for the Taverners Hill Precinct and will bring to fruition the urban renewal opportunity identified for Lords Road.It will provide for a range of accommodation types, sizes and prices, enhancing the diversity within the community;It provides for affordable housing in excess of the minimum 5% specified in the Strategy's vision.It will enhance living opportunities that are easily accessible to the transport network (the light rail corridor), schools and employment hubs within the Inner West and thereby encourage the use of non-car modes of travel.It provides for housing that is easily accessible to existing pedestrian and cycle paths, providing the opportunity for people to walk/cycle for local trips.Residents will be able to walk to public transport, local shops, community centres and open spaces, enhancing the vibrancy of the local area.It will provide housing in close proximity to existing green links and spaces.With regards to the specific vision and key actions identified for the Taverners Hill Precinct:<ul style="list-style-type: none">It provides for a density and height of development that is consistent with the

		<p>vision for the Taverners Hill Precinct, as articulated in the Planning and Design Guidelines that form part of the PRUTS Implementation Toolkit.</p> <ul style="list-style-type: none"> ○ It provides the ability to capitalize on the improved public transport connections in the area. ○ It provides housing in proximity to cycle and pedestrian links and to existing green links and spaces, allowing future residents to use non-car transport modes to access the local areas and facilities. 	
<ul style="list-style-type: none"> • The planning proposal satisfies the Strategy's seven land use and transport planning principles and fulfills the relevant Strategic Actions for each Principle. 	Yes	<p>The Proposal will be consistent with the over-arching principles for transformation of the corridor that are set out in the Strategy. Compliance is detailed in the Planning Proposal documentation.</p> <p>The proposal will:</p> <ul style="list-style-type: none"> • Provide for residential development in a location that is identified in the Strategy for new and additional housing; • provide for an increased diversity of housing and accommodation types within the Taverners Hill Precinct; • provide a mix of dwelling types including key-worker housing, and sizes, at a range of different price points; • provide new housing opportunities to live in close proximity to the light rail network, encouraging use of transport options other than private cars; • enhance pedestrian links; • provide for new community open space that will enhance the existing community infrastructure in the area; • be very much in line with the concept of the "15 Minute Neighbourhood", being in close proximity to public transport, parks and open space, sporting fields, shops, schools, cycle and pedestrian networks. • Will contribute to and enhance the existing green links that exist in the vicinity of the site, with additional spaces for passive recreation to be provided on the site. Housing on the site will have easy access to the cycle and pedestrian pathways that already exist, providing greater opportunities for physical activity and 	

			utilizing modes of commuting other than private cars.
<ul style="list-style-type: none"> The planning proposal can demonstrate significant net community, economic and environmental benefits for the Corridor and the Precinct or Frame Area within which the site is located. 	Yes	<p>As is outlined in the Planning Proposal documentation, the proposal offers a number of community, economic and environmental benefits. These are also outlined in the response, above, to the Principles for Transformation.</p> <p>The proposal provides for additional housing in a location that is identified in the PRUTS for urban renewal, specifically residential. There would be a range of accommodation types provided to cater to differing price points, in a location that allows easy access to the existing light rail network, schools, parks and open space networks.</p> <p>The Proposal provides for the creation of additional passive open space within the site, and a child care centre will cater for the increasing demand in the area that is well documented.</p>	<p>As is outlined in the Planning Proposal documentation, the proposal offers a number of community, economic and environmental benefits. These are also outlined in the response, above, to the Principles for Transformation.</p> <p>The proposal provides for additional housing in a location that is identified in the PRUTS for urban renewal, specifically residential. There would be a range of accommodation types provided to cater to differing price points, in a location that allows easy access to the existing light rail network, schools, parks and open space networks.</p> <p>The Proposal provides for the creation of additional passive open space within the site, and a child care centre will cater for the increasing demand in the area that is well documented.</p>
<ul style="list-style-type: none"> The planning proposal is consistent with the recommended land uses, heights, densities, open space, active transport and built form plans for the relevant Precinct or Frame Area. 	Yes	<p>Compliance with the recommendations that are made in the PRUTS for the subject site is detailed in the Planning Proposal documentation.</p> <p>The Proposal is entirely consistent with the PRUTS Planning and Design Guidelines for both the Taverners Hill Precinct, within which it is located, and for the site specifically.</p> <p>The PRUTS nominates the site as an urban renewal opportunity (p.106), and identifies it for a residential landuse.</p> <p>The Planning and Design Guidelines recommend an R3 Medium Density Residential zoning, and FSR of 2.4:1 and a height control of 32 metres.</p> <p>The Proposal is entirely consistent with these recommendations.</p>	<p>Compliance with the recommendations that are made in the PRUTS for the subject site is detailed in the Planning Proposal documentation.</p> <p>The Proposal is entirely consistent with the PRUTS Planning and Design Guidelines for both the Taverners Hill Precinct, within which it is located, and for the site specifically.</p> <p>The PRUTS nominates the site as an urban renewal opportunity (p.106), and identifies it for a residential landuse.</p> <p>The Planning and Design Guidelines recommend an R3 Medium Density Residential zoning, and FSR of 2.4:1 and a height control of 32 metres.</p> <p>The Proposal is entirely consistent with these recommendations.</p>
<ul style="list-style-type: none"> The planning proposal demonstrably achieves outcomes aligned to the desired future character and growth 	Yes	<p>The PRUTS identifies a goal of 1,300 new homes and 4,100 new jobs within the Taverners Hill Precinct for 2050. The Proposal will provide a contribution towards this goal in a manner that is consistent with the built form recommendations and in a manner that will directly contribute to the vision of an urban village that is accessible</p>	<p>The PRUTS identifies a goal of 1,300 new homes and 4,100 new jobs within the Taverners Hill Precinct for 2050. The Proposal will provide a contribution towards this goal in a manner that is consistent with the built form recommendations and in a manner that will directly contribute to the vision of an urban village that is accessible</p>

	projections identified in the Strategy.		to walking and cycle links, public transport and open space.
	<ul style="list-style-type: none"> The planning proposal demonstrates design excellence can be achieved, consistent with council's adopted design excellence strategy or the design excellence provisions provided in the Parramatta Road Corridor Planning and Design Guidelines (Planning and Design Guidelines). 	Yes	<p>As is outlined above, the Proposal is entirely consistent with the Planning and Design Guidelines contained in the PRUTS for both the Taverners Hill Precinct, within which it is located, and for the site specifically.</p> <p>Compliance is outlined in detail in the Planning Proposal documentation.</p>
Criteria 2	Integrated Infrastructure Delivery Plan		
	<ul style="list-style-type: none"> An Integrated Infrastructure Delivery Plan, which identifies advanced infrastructure provision and cost recovery for the local and regional infrastructure identified in the Infrastructure Schedule, must support the planning proposal. The Integrated Infrastructure Delivery Plan must demonstrate a cost offset to council and agency costs for a set period that aligns with the anticipated timing for land development identified in the Implementation Plan 2016 – 2023. Infrastructure to be considered includes: 	Yes	<p>It is noted that there is, as yet, no precedent for an Integrated Infrastructure Delivery Plan. However it is understood that the Plan is about ensuring that there is adequate forward funding in place to provide the necessary level of infrastructure to provide for the additional residents/workers.</p> <p>The Planning Proposal included a Voluntary Planning Agreement that outlined the offer to provide affordable housing, public domain upgrades and a pedestrian through-site link.</p> <p>In addition, as was required by the Gateway Determination, the Planning Proposal documentation was updated to include satisfactory arrangements for contributions to State public infrastructure designated under the PRUTS. The following words were included following discussions and agreement with representatives of Urban Growth:</p> <p><i>"The NSW Government is currently planning for dwellings and jobs growth through finalisation of the Parramatta Road Urban Transformation Strategy. It is understood the strategy will identify the necessary State public infrastructure required to support growth of the Corridor."</i></p>

	<ul style="list-style-type: none"> ○ public transport ○ active transport ○ road upgrades and intersection improvements ○ open space and public domain improvements ○ community infrastructure, utilities and services. 		<p><i>The proposal includes the intention to provide an equitable contribution towards State public infrastructure needed to support the implementation of the Parramatta Road Urban Transformation Strategy, as an additional local provision in accordance with the Gateway Determination.</i></p> <p>It is considered that the above fully addresses the requirements of the Integrated Infrastructure Delivery Plan.”</p>
Criteria 3	Stakeholder engagement		
	<ul style="list-style-type: none"> ● Consultation and engagement with relevant stakeholders (council, government agencies, business, community, adjoining properties and user or interest groups, where relevant) have been undertaken, including any relevant pre-planning proposal engagement processes required by local council. 	Yes	<p>A considerable amount of consultation and stakeholder engagement has been undertaken, both before the Planning Proposal was lodged in early 2014, and since that time. Many meetings have been held with the former Leichhardt Council, DPE and Urban Growth. Platino representatives have also attended a public meeting held by the Sydney Central Planning Panel on 20 July 2017 and subsequently responded to issues that were raised.</p> <p>In addition, the following agencies were consulted on the Planning Proposal as a requirement of the Gateway Determination:</p> <ul style="list-style-type: none"> ● RMS ● Department of Education ● NSW Health ● Department of Family and Community Services ● Housing and Community Services ● Ambulance Services ● NSW Police ● Fire and Rescue NSW ● Sydney Water

			<ul style="list-style-type: none"> • Energy Australia • EPA • Urban Growth
	<ul style="list-style-type: none"> • An appropriate level of support or agreement is documented. 	Yes	Agreement / support has been documented in the pre-Gateway review, the Gateway Determination and in various correspondences with Urban Growth and DPE.
	<ul style="list-style-type: none"> • Provision of documentary evidence outlining the level of planning or project readiness in terms of the extent of planning or business case development for key infrastructure projects. 	Yes	This is not relevant to the current Planning Proposal as the Inner West light rail is already operational and there is no additional infrastructure required or identified by the Strategy for this area.
Criteria 4	Sustainability		
	<ul style="list-style-type: none"> • The planning proposal achieves or exceeds the sustainability targets identified in the Strategy. 	Yes	<p>The future development of the site will be designed to incorporate sustainable design elements in line with the Planning and Urban Design Guidelines as well as the applicable Council provisions.</p> <p>It will provide for a mix of residential typologies in a location that is ideally located to take advantage of the public transport network that is already in operation, providing a high degree of connectivity to the Sydney CBD as well as other employment and entertainment hubs. This will directly contribute to a reduction in the reliance on private cars, which is entirely consistent with the targets identified in the PRUTS.</p>
Criteria 5	Feasibility		
	<ul style="list-style-type: none"> • The planning proposal presents a land use and development scenario that demonstrates economic feasibility with regard to the likely costs of infrastructure and the proposed funding arrangements 	Yes	This is not relevant to the current Planning Proposal as the Inner West light rail is already operational and there is no additional infrastructure required or identified for this area. Therefore no funding arrangements are required.

	available for the Precinct or Frame Area.			
Criteria 6	Market viability			
	<ul style="list-style-type: none"> The planning proposal demonstrates a land use and development scenario that aligns with and responds to market conditions for the delivery of housing and employment for 2016 to 2023. Viability should not be used as a justification for poor planning or built form outcomes. 	Yes	<p>As is outlined above, the proposal will provide for a development that is of a scale and form that is consistent with the vision and recommended built form provisions contained in the PRUTS.</p> <p>In terms of the market conditions within the precinct, discussions with CBRE have been held on a number of occasions and have confirmed the viability of the development proposed by the Planning Proposal. Market conditions have been used to tailor the proposal to its location and site-specific characteristics, which have been determined through specialist research. Attributes such as close proximity to light rail, open space, schools and employment opportunities have also been taken into consideration in the preparation of the proposal.</p>	



20 October 17

Mr Steve Murray
Executive Director, Regions
NSW Department of Planning and Environment
320 Pitt Street
Sydney NSW 2000

Dear Steve,

Re: Planning Proposal for 67 - 73 Lords Road, Leichhardt (PP_2016_LEICH_002_00)

On 31 August 2017, the Sydney Central Planning Panel, in its role as the Relevant Planning Authority (RPA), determined that the proposed instrument relating to 67-73 Lords Road, Leichhardt, should not be made. The decision was not unanimous – it was split two votes for and two against, with the Panel's Chair using her casting vote against the proposal.

The Panel's Determination and Statement of Reasons refers to what they consider to be an "inconsistency" between s117 Direction 1.1 Business and Industrial Zones, and s117 Direction 7.3 Parramatta Road Urban Transformation Strategy, which specifically requires an RPA to be consistent with PRUTS which identifies medium density residential uses with an FSR of 2.4:1 for the subject site. The Determination further states that two members of the Panel (Sue Francis and John Roseth) consider that PRUTS and Direction 7.3 prevail.

In our view, there is no inconsistency between these two s117 Directions. Direction 1.1 includes a clause specifically providing for inconsistency with the terms of the Direction where the land is identified by an endorsed strategy as being suitable for other uses. PRUTS clearly identifies the site for a change of use and the Planning Proposal is thereby consistent with Direction 1.1. Furthermore, the draft Central District Plan states in Section 3.6 Protect and manage employment and urban services land that a precautionary approach should be taken to rezoning employment and urban services land, "the exception being where there is...an alternative strategy endorsed by the relevant planning authority". In the case of the Lords Road site, there is an endorsed alternate strategy (PRUTS) which has specifically identified land use changes for the site developed on the basis of assessment of economic, environmental and social implications.

In addition, assessment of the employment opportunities and the requirements to maintain an appropriate amount of employment-generating land within the corridor forms part of the overall PRUTS that has been adopted by Government. The outcome of this assessment is that the Lords Road site offers an opportunity to provide for residential uses to ensure that the balance between the needs of maintaining employment land and providing for additional residential development. Notwithstanding the above, we would be willing to further consider the amount of non-residential uses provided on the site, if this would help alleviate community concern.

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We note that the Determination and Statement of Reasons also makes it clear that two of the four Panel members, John Roseth and Sue Francis, consider that the principal consideration is to maintain the credibility of the planning system. They comment that it is not appropriate for the Panel to make a recommendation that is inconsistent with PRUTS and therefore with s117 Direction 7.3, because "such a recommendation would damage the integrity and credibility of the planning system". It goes on to state that "It may be lawful to make a recommendation that is inconsistent with PRUTS, however, the justification for it would have to be extremely strong".

We strongly agree with these statements and we note that justification for the inconsistency between the recommendation and PRUTS has not been provided. Should the final determination be that the proposal, which is entirely consistent with the State Government's vision and strategic plan for the Parramatta Road Corridor (PRUTS) released less than 12 months ago, it would be a strong signal that there can be no reliance or expectation placed upon the provisions contained within such strategic plans. Not only would this be entirely ambiguous for communities, landowners and developers in terms of the desired urban outcomes for an area, surely it will also make it very unclear for town planners working within the Councils implementing PRUTS, the Planning Panels that have been established under the Greater Sydney Commission and the Department of Planning and Environment (DP&E).

The Panel's Determination and Statement of Reasons states that "The Panel considerations related only to the Lords Road site which has unique characteristics and should not be taken as a precedent for any other land within PRUTS". It is our view that a clear precedent would be set by a determination of this Proposal that is inconsistent with PRUTS. It would send a message that it is not necessary to implement PRUTS on any land within the corridor should the RPA not be of a mind to do so.

The Panel's Determination and Statement of Reasons noted that the proposal is out of sequence with the Implementation Plan and that the Submissions Report did not include proponent responses that satisfactorily addressed the Out of Sequence Checklist.

When the Planning Proposal was submitted to Council in 2014, the Greater Sydney Commission nor Urban Growth NSW had been created and the key planning documents that now apply had not been prepared.

At the time of the Gateway Determination, dated 14 July 2016, the Parramatta Road Corridor Urban Transformation Strategy was in draft form. The Implementation Plan 2016-2023 and the Out of Sequence Checklist that now form part of the final PRUTS had not been made publicly available at that time.

Notwithstanding that these documents were not yet available for consideration, the supporting documentation submitted with the Planning Proposal contained a thorough assessment of the issues relating to the proposal's consistency with the relevant s. 117 Directions and the draft PRUTS in relation to the appropriateness of the timing of the proposal.

We therefore consider that the issues pertaining to the out of sequence nature of the proposal have been addressed and do not constitute a strong reason to determine that the proposal should not proceed.

However, if the DP&E considers that an Out of Sequence Checklist needs to be prepared, we will be happy to submit this documentation.

It is requested the issues raised in this letter be taken into consideration in the review being undertaken by DP&E and that the planning proposal be progressed towards finalisation in line with PRUTS.

Should you wish to discuss the contents of this letter, please don't hesitate to contact me.

Yours sincerely



Ben Hendriks
Managing Director

