

20 July 2022

Michael Cassel
Secretary
Department of Planning and Environment
Locked Bag 5022
Parramatta NSW 2124

Att: Amy van den Nieuwenhof

Planning Proposal:
122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale

Dear Mr Cassel,

This letter makes a submission to the exhibition of a Planning Proposal for 122-130 Pyrmont Bridge Road and 206 Parramatta Road, Annandale. The submission has been prepared on behalf of the applicant of the Planning Proposal.

The Planning Proposal seeks to amend the Leichhardt LEP to implement the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) as it applies to the site by rezoning the site from IN2 Light Industrial to B5 Business Development and applying a maximum height of 35m and a maximum FSR of 4:1. The Planning Proposal seeks to introduce the B5 Business Development zone into the Leichhardt LEP with the objectives and permissible land uses consistent with the draft Inner West Comprehensive LEP.

The Planning Proposal was lodged with Inner West Council in 2021 and an amended Planning Proposal was subsequently prepared by Council. The exhibited Planning Proposal has been updated to be generally consistent with Council's Planning Proposal and to address the conditions of the Gateway approval. This includes a site-specific provision which requires the following to be satisfied for any future development application with the objective of encouraging health, education and cultural uses in the Camperdown-Ultimo Collaboration Area:

- *Deliver at least 75% of the floorspace as uses associated with health, education, research, technology, employment and creative uses*
- *Limit retail uses to the ground floor level*
- *Not include any tourist and visitor accommodation*
- *Apply to the entire site as amalgamated land parcel*
- *Provide active frontages to Mathieson Street, Parramatta Road and Pyrmont Bridge Road*
- *Not significantly increase the amount of traffic on the adjoining street network including but not limited to Parramatta Road, Mathieson Street, Pyrmont Bridge Road, Cahill Street, Cahill Lane, Water Street and Gordon Street*
- *Include end journey facilities to support walking and cycling.*

The Planning Proposal that is currently being exhibited by DPE is supported, except for the proposed inclusion of the site-specific provisions outlined above. In particular the additional control on permissible uses within the B5 Business Development zone is considered to be unnecessarily restrictive, represents poor planning practice, is inconsistent with several Ministerial Directions, is inconsistent with the standard instrument LEP and does not align with the strategic planning context as detailed in this letter.

A key aspect of the strategic context is the establishment of a biomedical hub in the Parramatta Road, Mallet Street and Pyrmont Bridge Road area which includes the subject site and surrounds. The Planning Proposal directly aligns with this vision, however it is considered that the site specific provision is overly restrictive in delivering on this vision.

The requirement for retail uses to be located only at ground level is supported however this could be included with the additional permitted use provision to be added to Schedule 1 of the Leichhardt LEP.

For the other items relating to active frontages, traffic impacts, and end of journey facilities, it would be more appropriate that these matters are addressed in the site-specific development controls which are proposed to be included as a separate section to the Leichhardt DCP.

The applicant contends that, in the context of the relevant policy framework and Section 9.1 Ministerial Directions, the proposed land use and maximum height and FSR are consistent with the strategic objectives for the site. The Site Specific DCP provides an opportunity to include more detailed provisions that are not suited to an LEP.

Parramatta Road Corridor Urban Transformation Strategy

The Parramatta Road Corridor Urban Transformation Strategy was released in 2016, with an implementation update issued in 2021.

The site is located within the Camperdown Precinct of the Parramatta Road Corridor. The PRCUTS identifies an urban renewal opportunity to deliver a biomedical hub within the land bound by Parramatta Road, Mallet Street and Pyrmont Bridge Road to the south and east of the site.

The PRCUTS sets out that the precinct will leverage its proximity to University of Sydney and Royal Prince Alfred Hospital to generate jobs in specialised education and medical industries. It also sets out that:

- The Precinct is already transitioning to a vibrant high-density locality with diverse uses and buildings of different scales. It will continue to evolve into an attractive, highly urbanised neighbourhood with high quality amenities.
- The Precinct will take on a support role to the adjacent specialised activity institutions and their associated research centres by providing employment and ancillary floor space.
- The Precinct will be focussed around the triangular shaped wedge formed by the intersection of Pyrmont Bridge Road, Mallett Street and Parramatta Road, and will form the western entry to the city. It will be marked by taller buildings catering to both residential and business markets, offering a potential home to any number of innovative and incubator businesses and research activities.

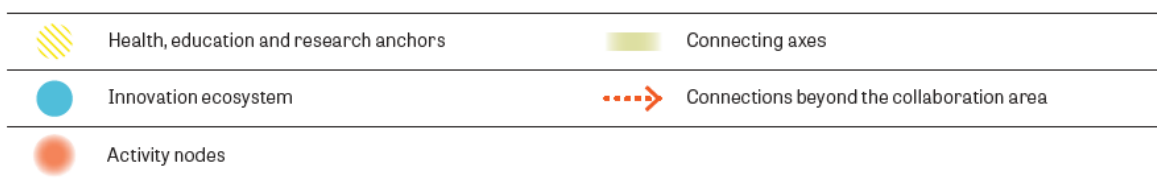
For the subject site it recommends B5 Business Development Zone. The PRCUTS clearly does not recommend that additional restrictions be imposed on the permissible uses within the B5 zone. Further, PRCUTS envisages the area playing a support roll to the Camperdown Health and Education Precinct supporting a range of uses which are envisaged under the B5 zone including office premises to support innovative and incubator businesses and research activities.

It is noted that PRCUTS is given statutory force by way of a Ministerial direction under Section 9.1 of the Environmental Planning and Assessment Act 1979 (EP&A Act) requiring any planning proposal to be consistent with the PRCUTS.

Camperdown-Ultimo Place Strategy

The Camperdown Ultimo Place Strategy was released in February 2019 and identifies a vision, priorities and actions to inform future investment and growth for the Camperdown-Ultimo Health and Education Collaboration Area.

The strategy identifies three activity nodes being Camperdown, Haymarket and Eveleigh. The site is located adjacent to the Camperdown activity node on the periphery of the innovation ecosystem (being the extent of the Collaboration Area). The site is within an area identified as a health, education and research anchor that stretches from Camperdown to Haymarket. The site in the context of the Place Strategy is illustrated below.



Camperdown Ultimo Place Strategy

The vision for the precinct highlights a number of urban challenges for the area, including:

The conversion of industrial and commercial building stocks to residential or mixed-use developments, limiting availability of employment land and affordable spaces for innovation, research, creative industries and artists, and collaborative projects.

The Place Strategy includes a priority to support the role and function of employment lands and seeks to establish a biotechnology hub in Camperdown activity node (Parramatta Road, Mallet Street and Pyrmont Bridge Road area).

It is considered that a range of commercial uses would support a biotechnology hub which are accommodated within the B5 Business Development zone.

Ministerial Direction – Site Specific Provisions

Ministerial Direction 1.4 Site Specific Provisions has been issued by the Minister under the provisions of Section 9.1 of the EP&A Act and aims to discourage unnecessarily restrictive site-specific planning controls.

The Direction sets out the following:

A planning proposal that will amend another environmental planning instrument in order to allow particular development to be carried out must either:

- (a) allow that land use to be carried out in the zone the land is situated on, or*
- (b) rezone the site to an existing zone already in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or*
- (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.*

The Direction allows for inconsistencies only where they are of minor significance.

The introduction of site-specific controls into LEPs creates an unnecessarily restrictive and overly complicated planning system, is contrary to the intent of the Standard LEP and entirely inconsistent with the Ministerial Direction. Accordingly, the proposed site-specific provision should not be supported.

Employment zones reform/Standard Instrument LEP

In December 2021, DPE finalised the reform of employment zones through the introduction of five new employment zones and three supporting zones into the Standard LEP. These zones are currently being implemented into individual council's LEPs.

One of the key objectives was to achieve greater business output potential by providing greater flexibility within the proposed zones through a significant increase in mandated permitted uses within each zone. DPE envisages this will allow for greater access to potential sites and opportunity for diverse businesses to co-locate with associated productivity gains.

The proposed site-specific provision is in direct conflict with the aims and objectives of the recent employment zones reform.

Additionally the use of undefined land use terms undermines the integrity of the Standard LEP as does the restriction of uses with the flexible zone structure of the standard LEP noting the B5 zone proposed by the Inner West Council in their LEP has an open structure allowing all uses except those prohibited.

Summary

As outlined above this submission objects to the inclusion of the proposed site-specific provision as it is inconsistent with the relevant policy context and Section 9.1 Ministerial Directions and has potential to be overly restrictive in terms of innovation and employment and accommodating a variety of uses which would support the wider health and education precinct.

Relevant aspects of the provision would be better dealt in the site-specific controls to be included in the Leichhardt DCP, as outlined in this submission.

Future changes to the employment zones in the Inner West LEP, in line with the Department's employment zones reforms, as well as the Inner West Comprehensive LEP may not be implemented at the time of the proposed LEP being finalised. It is therefore proposed that the Planning Proposal introduce the B5 Business Development zone to the Leichhardt LEP and apply to this site consistent with the draft Inner West LEP as outlined below:

Zone B5 Business Development

1 Objectives of zone

- To enable a mix of business and warehouse uses, and specialised retail premises that require a large floor area, in locations that are close to, and that support the viability of, centres.*
- To encourage innovative businesses and light industries to respond to changing markets.*
- To maintain the productivity and operation of nearby industrial areas, by promoting a pattern of land uses in the zone that provides a buffer between the industrial activities and uses such as residential, that are sensitive to amenity impacts.*
- To enhance the visual appearance of the area by ensuring new development achieves high architectural, urban design and landscape standards.*

2 Permitted without consent

Home occupations

3 Permitted with consent

Business premises; Centre-based child care facilities; Commercial premises; Garden centres; Food and drink premises; Hardware and building supplies; Industrial training facility; Landscaping material supplies; Light industries; Markets; Oyster aquaculture; Office premises; Passenger transport facilities; Respite day care centres; Roads; Serviced apartments; Specialised retail premises; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 4

4 Prohibited

Agriculture; Air transport facilities; Airstrips; Boat launching ramps; Boat sheds; Camping grounds; Caravan parks; Cemeteries; Charter and tourism boating facilities; Correctional centres; Crematoria; Depots; Eco-tourist facilities; Electricity generating works; Environmental facilities; Exhibition homes; Exhibition villages; Extractive industries; Farm buildings; Forestry; Freight transport facilities; Heavy industrial storage establishments; Helipads; Highway service centres; Home occupations (sex services); Hotel or motel accommodation; Industries; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; Open cut mining; Pond-based aquaculture; Port facilities; Recreation facilities (major); Residential accommodation; Retail premises; Rural industries; Sewerage systems; Sex services premises; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshop; Vehicle repair station; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities

The key controls for the subject site are proposed to be amended to:

- B5 Business Development Zoning
- Maximum height of 35m
- Maximum FSR of 4:1

No site-specific provisions should be included in the LEP, but rather all detailed site specific provisions should be included within the Site Specific DCP – a version of which has been agreed with Inner West Council officers, and is being progressed with the Councillors at the August 2022 Council meeting.

The above approach represents good planning practice, is consistent with several Ministerial Directions, is consistent with the standard instrument LEP and aligns with the strategic planning context.

Thank you for the opportunity to make a submission and for your ongoing support in progressing the planning proposal.

Regards,

A handwritten signature in black ink, appearing to read "Michael File", is centered within a light gray rectangular box.

Michael File

Director

Phone: 0433 458 984

E-mail: michael@fileplanning.com