



IRF22/1918

Gateway determination report – PP-2022-1921

Parramatta Road Corridor Urban Transformation
Strategy (PRCUTS) – Inner West Stage 1

October 22

Published by NSW Department of Planning and Environment

dpie.nsw.gov.au

Title: Gateway determination report – PP-2022-1921

Subtitle: Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) – Inner West Stage 1

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Acknowledgment of Country

The Department of Planning and Environment acknowledges the Traditional Owners and Custodians of the land on which we live and work and pays respect to Elders past, present and future.

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Table 1 Reports and plans supporting the proposal

Relevant reports and plans
Planning Proposal Report (Council) – April 2022
Urban Design Reviews of Leichhardt, Taverners Hill and Kings Bay (Architectus) – June 2021
Draft Structure Plan for Leichhardt, Taverners Hill and Kings Bay (Council) – October 2020
Parramatta Road Urban Design Study (former Leichhardt Council) 2016
Heritage Study and Inventory Sheets (Hector Abrahams Architects) – August 2021
Heritage Inventory Sheet for 794 Parramatta Road, Lewisham (GML Heritage) – March 2022
Economic Feasibility Assessments (SGS Economics & Planning) - Parramatta Road Feasibility Testing – June 2020, Kings Bay Opportunity Sites – June 2021
Flood Management Overview
Preliminary Site Investigations (Contamination) (Douglas Partners) – 2021
Aircraft Noise Impact Assessment – Leichhardt Precinct (EMM Consulting) – March 2021
Draft Affordable Housing Contribution Scheme (Judith Stubbs & Associates) – June 2021
Land Value Sharing Advice (SGS Economics & Planning) – June 2021
High Performance Buildings (Council)
Parramatta Road Corridor Precinct-Wide Traffic and Transport Study (Stantec/Cardno)
Parramatta Road Urban Amenity Improvement Program Masterplan (Tract Consultants) – September 2019
Draft Leichhardt Infrastructure Schedule (Council)
Draft Development Control Plan Amendments Package (Council)

1 Introduction

1.1 Overview of planning proposal

Table 2 Planning proposal details

LGA	Inner West
PPA	Inner West Council
NAME	Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) – Inner West Stage 1
NUMBER	PP-2022-1921
LEPS TO BE AMENDED	Inner West Local Environmental Plan (LEP) 2022
ADDRESS	Parts of Parramatta Road Corridor Precincts: Kings Bay, Leichhardt and Taverners Hill
DESCRIPTION	Various sites
DWELLINGS AND JOBS	Approximately 1,700 new dwellings and 2,000 new jobs
RECEIVED	17/05/2022
FILE NO.	IRF22/1918
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

The planning proposal is Inner West Council's first stage in implementing planning controls recommended in the [Parramatta Road Corridor Urban Transformation Strategy](#) (PRCUTS) 2016.

The proposal facilitates future development in certain parts of the PRCUTS precincts generally in accordance with the PRCUTS. This proposal is intended to initiate the incremental transformation of the Corridor, with future proposals intended by Council in the medium to long term.

The planning proposal comprises the following key elements:

- amend land use zones for various sites in the Parramatta Road corridor;
- introduce additional permitted uses to permit residential flat buildings (RFBs) in certain Zone R3 Medium Density areas;
- introduce new heritage items and new and expanded heritage conservation areas; and
- introduce new incentive provisions for increased height of building and floor space ratios (FSRs) where requirements are met relating to:
 - appropriate development patterns, high-quality built form and heritage response, active street frontages, sustainability targets, parking requirements, affordable housing and community infrastructure contributions (for the Leichhardt precinct), satisfactory

Regional Infrastructure Contributions and development being designed to reflect future transport infrastructure; and

- provisions around commitment from the NSW Government to introduce an on-street rapid transit system along Parramatta Road.

1.1 Site description and surrounding area

The planning proposal applies to land within parts of the PRCUTS Precincts of Leichhardt, Taverners Hill and Kings Bay (**Figures 1 and 2**) in the Inner West Local Government Area (LGA). It also applies to specific sites proposed to be heritage listed that are within the PRCUTS Frame Area boundaries and one area that is outside the PRCUTS boundaries at 38-40 Renwick Street, Leichhardt (see **Appendix A** - proposed heritage maps).

The planning proposal area was selected by Council to respond to the Department's identified 6-10 year housing shortfall of 1,600 dwellings in the Inner West LGA. The proposal states the Stage 1 areas were also chosen to *'focus growth along key local economic centres, such as Norton Street in Leichhardt; and where there is existing transport infrastructure or committed improvements to transport infrastructure, such as Lewisham Railway station, Taverners Hill Light Rail Station and proposed Five Dock Metro Station.'*

The planning proposal area does not include industrial zoned lands as Council advises it is waiting for the finalisation of the Department's Employment Zones Reform work and endorsement of its Employment and Retail Land Strategy¹.



Figure 1 - Map showing the extent of PRCUTS subject to this proposal (source: Planning proposal)

¹ DPE endorsed Council's Employment and Retail Land Strategy on 27 September 2022.

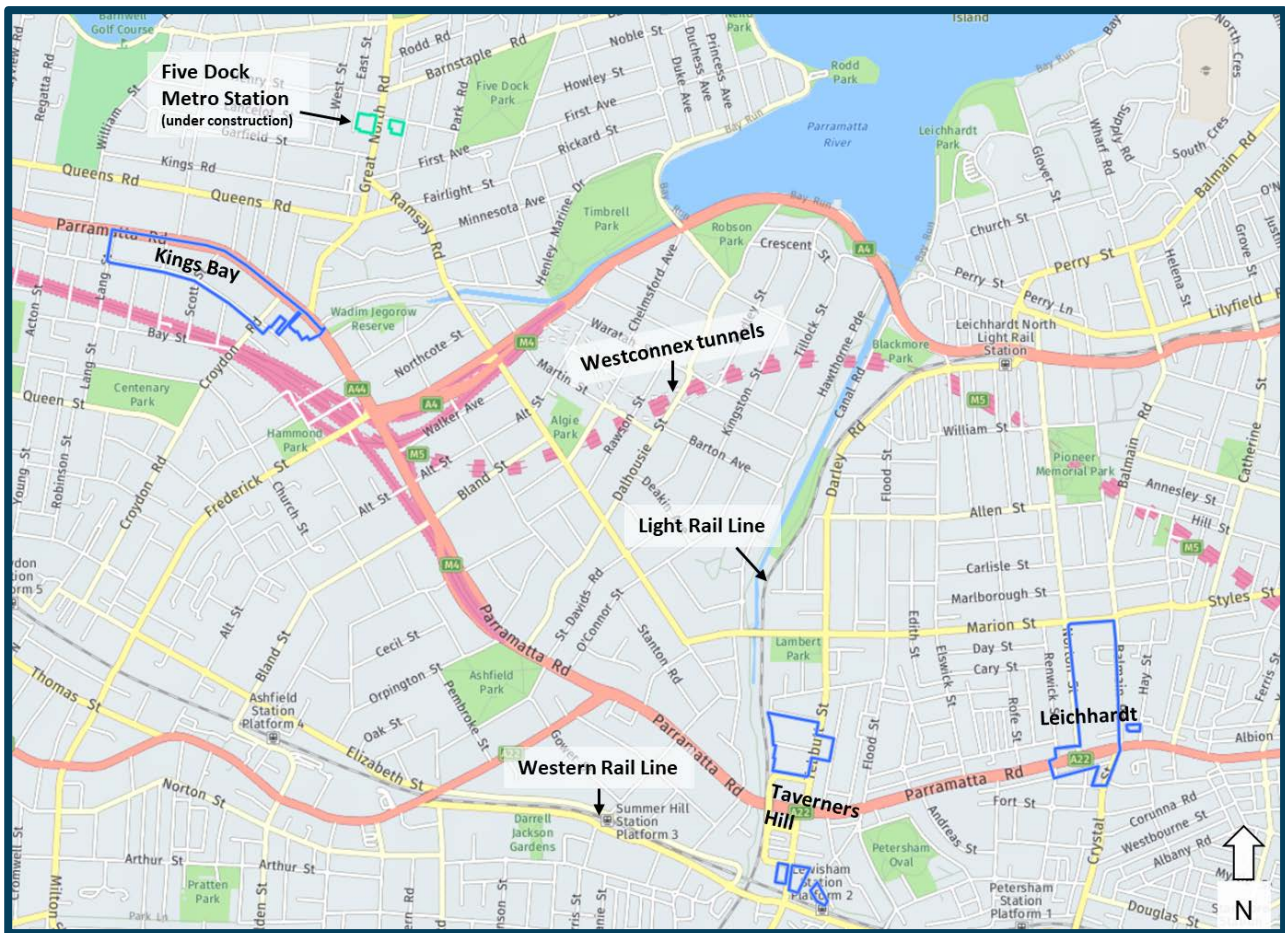


Figure 2 – Broader regional context map (base source: Nearmap)

1.1.1 Leichhardt Precinct

The Leichhardt planning proposal area is located predominately to the north of Parramatta Road, with areas to the south along Crystal Street. Norton Street is the north-south spine of the Precinct, with the eastern side being subject to this proposal. The planning proposal area also includes the Transport for NSW owned car park at 2 Hay Street, Leichhardt, located east of the PRCUTS Precinct area in the frame area (**Figure 3**).

The key intention of the proposal for the Leichhardt Precinct is to revitalise the Norton Street town centre. This area currently includes a range of uses including shops, restaurants, the Norton Street Plaza, the 'Italian Forum' and to the north, Leichhardt Public School. The precinct is surrounded by residential areas to the east and west.

The planning proposal area excludes the west side of Norton Street until (as described in the planning proposal), *'further investigation/studies are undertaken to resolve complex issues such as waste collection, services, parking etc. in the Heritage Conservation Area (HCA).'*

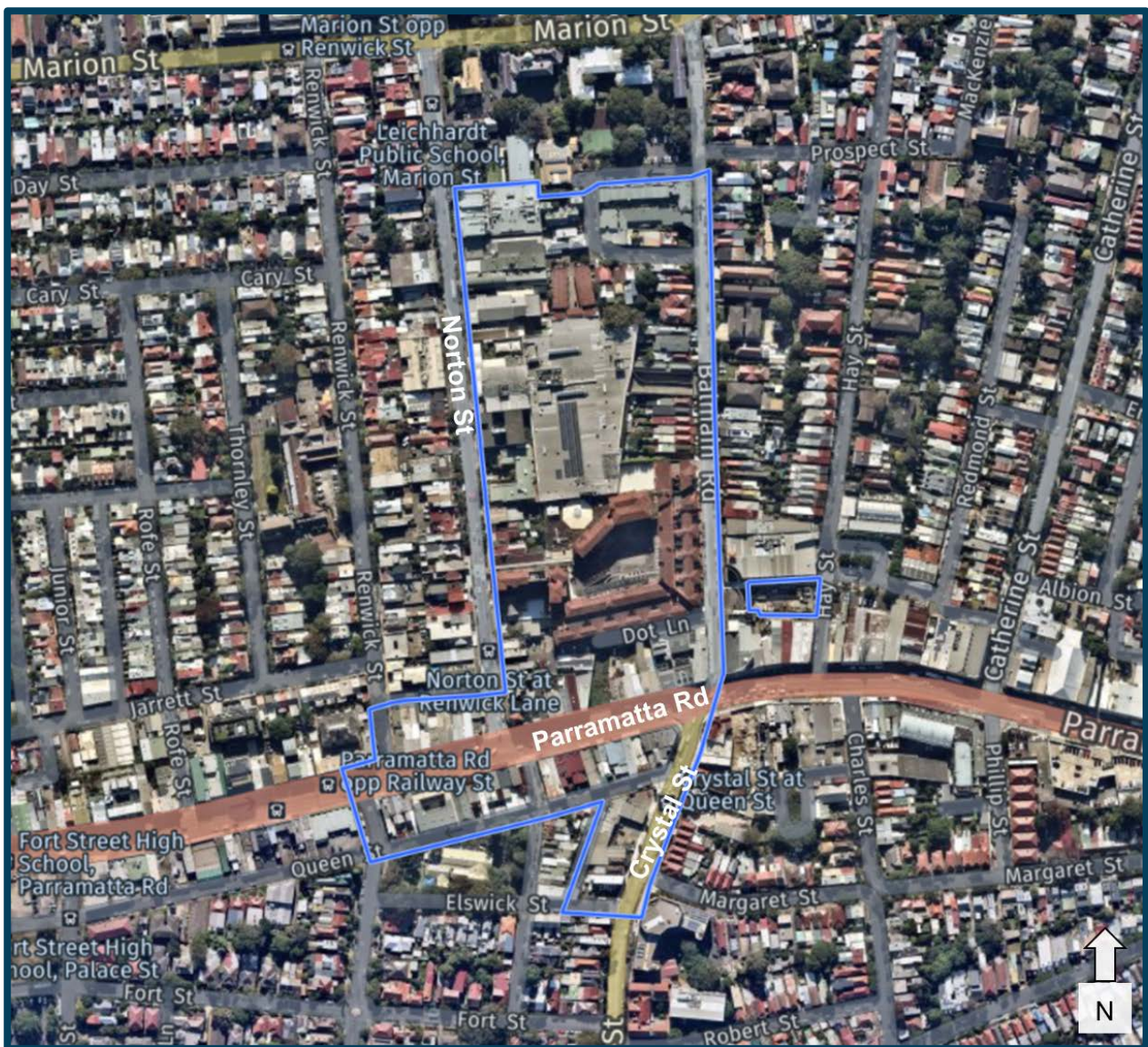


Figure 3 - Land within the Leichhardt Precinct planning proposal area (Base source: Nearmap)

1.1.2 Taverners Hill Precinct

The Taverners Hill Precinct as identified by the PRCUTS is located to the east of Hawthorne Canal, the GreenWay (an environmental and active travel corridor) and the Inner West Light Rail line. It is bound by Lords Road, Lambert Park to the north and the Western Rail Line to the south. Flood and Carrington Streets adjoin to the east (**Figure 1**).

The planning proposal relates to a portion on the northern side of Parramatta Road (the northern portion), in the suburb of Leichhardt. This area is bound by Kegworth Street to the north, Hathern Street to the South and Tebbutt and Upward Streets to the east (**Figure 4**). The proposal makes reference to this area as being 'West Leichhardt' or 'Taverners Hill North.' This area is near to Kegworth Primary School and Leichhardt Marketplace.

The planning proposal area also includes a portion of land to the south of Parramatta Road in the suburb of Lewisham. This area includes three sub areas, located around Old Canterbury Road, Barker Street and Thomas Street which all back onto the Western Rail Line to the south. The proposal refers to this area as being 'Lewisham South' or 'Taverners Hill South.' Both parts of this precinct are generally characterised by low density housing.

The proposal states that the planning proposal area has been strategically selected to locate new residential developments closer to existing public transport infrastructure around Lewisham Station and Taverners Hill Light Rail Station.

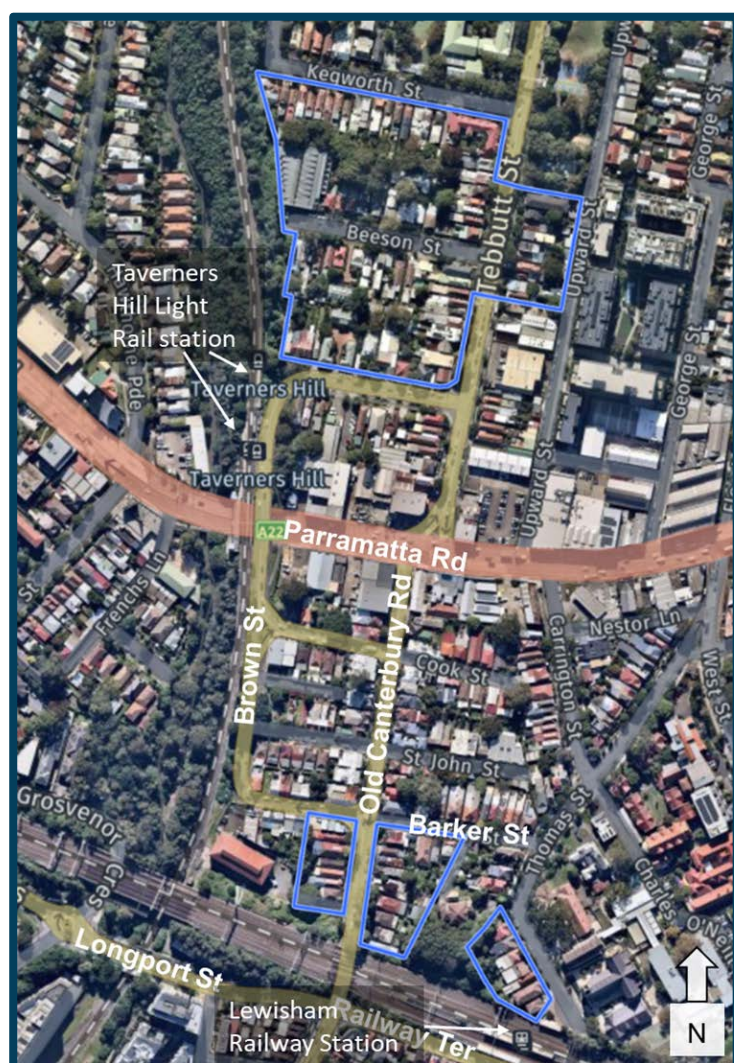


Figure 4 - Land within the Taverners Hill Precinct planning proposal area (Base source: Nearmap)

1.1.3 Kings Bay Precinct

The Kings Bay Precinct is located on the southern side of Parramatta Road in the suburb of Croydon, between Burwood and Five Dock (**Figure 5**). It includes most of the Kings Bay Precinct identified in the Inner West LGA (including the core precinct and frame area).

The Kings Bay Precinct is framed by Parramatta Road to the north, Dalmar and West Streets to the south, Lang Street to the west and Iron Cove Creek to the east.

The precinct is characterised by low scale light industrial developments including car showrooms and repairs, commercial and bulky goods premises fronting Parramatta Road and residential uses (R2 Low Density Residential) fronting Dalmar Street, with mostly single storey dwellings.

The precinct is approximately 800m walking distance south-east from the under construction Five Dock Metro Station located along Great North Road, Five Dock.



Figure 5 - Land within the Kings Bay Precinct planning proposal area (Base source: Nearmap)

1.2 Background

The PRCUTS is the NSW Government's 30-year plan setting out how the Parramatta Road Corridor will grow and bring new life to local communities living and working along the Corridor.

This proposal is the first step in implementing the PRCUTS for the Inner West LGA. It is acknowledged that the progression of this proposal does not preclude future planning proposals on these sites identified for land use and built form changes under the PRCUTS considerations as required through section 9.1 Ministerial Direction 1.5. Future planning proposals in these Precincts are not precluded as a result of this planning proposal.

2 Planning proposal

2.1 Objectives of planning proposal

The planning proposal seeks to implement planning controls in parts of the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) Precincts of Leichhardt, Taverners Hill and Kings Bay.

The proposal seeks to facilitate approximately 1,700 additional new dwellings (including affordable housing) and 2,000 new jobs through incentive provisions.

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The planning proposal's objectives are to:

- *Ensure that Inner West is a place that supports a high quality of life; embraces diversity and adapts to the population needs of the future.*
- *Ensure that Inner West communities are connected to one another through space, social engagement, and transport.*
- *Protect, enhance and expand Inner West's heritage.*
- *Ensure that the new development in the Inner West is commensurate to the provision of physical, social and community infrastructure.*
- *Ensure the ongoing growth of dwelling and employment floor space in the Inner West to meet NSW Government's dwelling and employment targets.*
- *Increase the provision of affordable housing in the Inner West.*
- *Ensure that development in the Inner West sets a new benchmark in regards to ecologically sustainable development.*
- *Reduce energy consumption and greenhouse gas emissions; and improve the resilience of built environment to the impacts of climate change by creating sustainable, liveable and cool neighbourhoods.*

The objectives of this planning proposal are clear and adequate.

2.2 Explanation of provisions

The planning proposal seeks to implement the objectives and intended outcomes by amending the Inner West LEP 2022. To summarise, the key amendments are to:

- amend land use zoning;
- introduce new heritage items and new and expanded heritage conservation areas;
- introduce new incentive increased height of building (HOB) and floor space ratio (FSR) development standards where requirements are met relating to:
 - appropriate development patterns, high-quality built form and heritage response, active street frontages, sustainability targets, parking requirements, affordable housing and community infrastructure contributions (for the Leichhardt precinct), satisfactory Regional Infrastructure Contributions and development being designed to reflect future transport infrastructure. There is also a provision around commitment from the NSW Government to introduce an on-street rapid transit system along Parramatta Road; and
- introduce additional permitted uses to permit residential flat buildings (RFBs) in certain R3 Medium Density areas.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved.

The proposed amendments are described in detailed in **Table 3** below.

The proposed zoning, base and incentive height and FSR controls for each precinct is outlined at **Sections 2.2.2 – 2.2.4** below.

Table 3 Proposed controls – Written instrument and corresponding map sheets

Land Use Zoning	
Proposed amendments	<ul style="list-style-type: none"> • Amend land use zones for specific locations in Leichhardt, Taverners Hill and Kings Bay precincts as per the proposed Land Use Zoning maps in Appendix 1 to the planning proposal and Appendix A of this report (Page 65). • Rezone 2 Hay Street, Leichhardt from B2 Local Centre to RE1 Public Recreation and amend the FSR map to remove the current FSR control.
Council comment	<p>The 2 Hay Street site is currently used as a car park and is proposed to be rezoned for new open space. The proposal states:</p> <p><i>“This rezoning is in accordance with PRCUTS and is considered to be a better use of land which would benefit the community.”</i></p> <p>Council sees the rezoning as “required to deliver the PRCUTS Planning and Design Guideline’s Open Space Requirement to “Provide a new public open space area in the eastern Frame Area that connects Hay Street, Dot Lane, and Balmain Road by repurposing existing at grade car parks.”</p>
Department’s assessment	<p>The proposed land use zones are largely in line with the PRCUTS, and areas of inconsistency are discussed further in Appendix B below this report.</p> <p>The 2 Hay Street rezoning to public recreation is in line with the intention of the PRCUTS to facilitate new public open space, however as discussed in Section 4.5 below, consultation with TfNSW (the landowner) will be required as part of any subsequent Gateway condition.</p>

Additional Permitted Uses	
Proposed amendments	<p>Introduce a new local provision to permit 'Residential Flat Buildings' (RFBs) as an Additional Permitted Use (APU) in the below locations:</p> <ul style="list-style-type: none"> • All land in the proposed R3 Medium Density Residential zone in the Leichhardt, Taverners Hill and Kings Bay Precincts; • 582-624 Parramatta Road, Croydon, 210 Croydon Road, 235-237 Croydon Road, Croydon ('Kings Bay Opportunity Sites'); and • 30-40 George Street, part 24 George Street and part 45 Upward Street, Leichhardt (former Kolotex and Labelcraft site). <p>Accompanying map amendments are in Appendix A of this report.</p>
Council comment	<p>Following a Department request, Council provided additional justification for the proposed R3 Medium Density Residential zoning and RFBs as an APU approach rather than zoning these areas as R4 High Density Residential. Justification includes:</p> <ul style="list-style-type: none"> • position is consistent with the PRCUTS for proposed R3 zoning in the planning proposal area; • position is consistent with Council's Local Housing Strategy which recommends 'Medium rise' as residential building typologies in PRCUTS precincts; • R3 zoning allows diverse housing types consistent with R3 zone objectives; • Council's urban design studies support the approach; and • surrounding residential areas in the precincts are primarily low scale R1 General Residential and R2 Low Density Residential. <p>The change for the R3 Medium Density Residential site at George and Upward Street is for housekeeping purposes to permit RFBs to reflect the site's existing use.</p>
Department's assessment	<p>The Department notes Council's justification above and the intention of the planning proposal to permit 'residential flat buildings' through an additional permitted use (APU) mechanism on all land proposed to be zoned R3 and within the planning proposal area.</p> <p>In practice the use of APUs should be relied upon as a last option mechanism when it is demonstrated a land use zone cannot provide the desired outcome. The Department notes LEP Practice note – PN 11-001 states that '<i>Wherever possible, land uses should be governed by the Land Use Table and Schedule 1 should only be used where council has demonstrated why this cannot be achieved.</i>'</p> <p>Noting the intended outcomes of the planning proposal, the Inner West LEP 2022 land use table already includes the R1 General Residential and R4 High Density Residential zones; both of which permit residential flat buildings. A comparison of the permitted residential uses in these zones with the R3 zone is found in the table below.</p>

Additional Permitted Uses

R1 General Residential	R3 Medium Density Residential	R4 High Density Residential
Residential development permitted with consent <ul style="list-style-type: none"> Attached dwellings; Boarding houses; Dwelling houses; Multi dwelling housing; Secondary dwellings²; Residential flat buildings; Semi-detached dwellings; Seniors housing; Shop top housing. 	Residential development permitted with consent <ul style="list-style-type: none"> Attached dwellings; Boarding houses; Dwelling houses; Multi dwelling housing; Secondary dwellings; Semi-detached dwellings; Seniors housing; Shop top housing. 	Residential development permitted with consent <ul style="list-style-type: none"> Boarding houses; Dwelling houses; Residential flat buildings; Secondary dwellings; Seniors housing; Shop top housing.

These zones share similar objectives, with the points of difference concerning certain objectives of the R3 and R4 zones, which seek to account for appropriate amenity outcomes in either a medium or high-density development context.

With the R1 and R4 residential zones permitting residential flat buildings, it may be more appropriate to utilise the R1 zone as this permits the same residential development permitted under the R3 zone and also includes residential flat buildings.

In this regard, a **Gateway condition** is recommended that requires the planning proposal be updated to contemplate the suitability of an R1 and/or R4 zone (as appropriate) to avoid the need to rely upon an Additional permitted use approach in the LEP. This will be required prior to public exhibition of the planning proposal.

This will provide for a comprehensive consultation process with the community and ensure any subsequent plan made provides for an appropriate zoning mechanism that adequately implements the intended outcomes of the planning proposal.

The proposed RFB APUs for the Kings Bay Opportunity Sites, which are proposed to be zoned B6 are assessed below under 'Site-specific local provisions.'

New heritage items

Proposed amendments

Amend Schedule 5 Environmental heritage as below:

- introduce 24 new local heritage items (16 in the Leichhardt Precinct, with 1 item outside the Precinct boundary at 38-40 Renwick Street, Leichhardt, 6 in the Taverners Hill Precinct and 1 in the Kings Bay Precinct);
- introduce a new archaeological site for Annan Grove Cottage on Parramatta Road in the Leichhardt Precinct;
- introduce a new Heritage Conservation Area (HCA) along Barker Street, Lewisham; and

² Permitted under Housing SEPP 2021.

New heritage items	
	<ul style="list-style-type: none"> extend the Excelsior Subdivision HCA to include 20-24 Norton Street, Leichhardt. <p>Details of the proposed sites are on pages 18 – 21 of the planning proposal and in the Heritage Studies (Appendix 3 to the planning proposal). Indicative mapping is in Appendix 1 to the proposal and excerpts are at Appendix A below to this report.</p>
Council comment	The new items are informed by heritage studies undertaken by Hector Abrahams Architects, and by GML Heritage for 794 Parramatta Road, Lewisham (Lewisham Hotel), which considered the items identified for investigation in the PRCUTS Fine Grain Study.
Department's assessment	No objection to the proposed amendments to Schedule 5. The proposed heritage listings are discussed further in Section 4.5 of this report.

2.2.1 Additional Local Provisions

Additional local provisions are proposed as follows:

- Introduce incentive provisions for additional floor space and building height for all three precincts; and
- Introduce site-specific provisions for four 'Opportunity Sites'.

FSR and Building Height Incentive Provisions

Introduce a new local provision for the Leichhardt, Taverners Hill and Kings Bay Precincts (proposed to be mapped as areas on the Key Sites Map) to introduce an incentive provision where access to increased FSRs and building heights (outlined in **Sections 2.2.2 – 2.2.4**) can be accessed only where the proposed development satisfies relevant criteria as outlined below:

- Additional built form controls** – where development achieves an appropriate development pattern and high-quality built form in terms of bulk, massing, height, separation, setbacks, amenity and modulation;
- Heritage impacts** – where the development provides an adequate response to heritage issues and responds sensitively to heritage items and HCAs;
- Active street frontages** – provides an active street frontage as required;
- Building performance** – where development achieves higher building performance targets;
- Bicycle parking and workers facilities** – provides bicycle parking spaces and workers end of journey facilities in commercial and mixed-use developments;
- Urban heat mitigation** – where development incorporates mechanisms to reduce urban heat, including tree canopy;
- Transport modal shift** – supports sustainable transport modes, minimises traffic congestion and reduces private car dependency;
- Affordable housing** – if in Leichhardt, development is to make appropriate affordable housing contributions under the Housing SEPP (former State Environmental Planning Policy 70 – Affordable Housing Scheme);
- Community Infrastructure Contributions** – if in Leichhardt, development makes appropriate Community Infrastructure Contributions (CICs);
- Transport infrastructure** – ensures that development is designed to reflect future transport infrastructure, and that prior to any redevelopment taking place there is a commitment from NSW Government to introduce an on-street rapid transit system along Parramatta Road; and

11. **State/regional infrastructure contributions** – makes arrangements for contributions to designated State Public Infrastructure.

Each conditional criterion is outlined in further detail below. Note: The proposed incentive bonus heights and FSRs for each precinct are as outlined below in **Sections 2.2.2 – 2.2.4**.

The incentive FSR and building heights can only be accessed if the consent authority is satisfied that the development will comply with all applicable criterion as indicated above and discussed in further detail below.

Table 4 Proposed incentive provisions

Incentive Provisions	
1. Additional built form controls	
Proposed amendments	Introduce an additional local provision which requires developments accessing FSR and height of building (HOB) incentives to achieve an appropriate development pattern and high-quality built form in terms of bulk, massing, height, separation, setbacks, amenity and modulation.
Council comments	Council has clarified that the intent of this provision is to provide consideration of development pattern and high-quality built form. It is intended this will not include detailed development standards. Detailed planning controls for building setbacks, lot amalgamation patterns and other built form amenity will be found in the supporting DCPs.
Department's assessment	<p>The Department understands the intent of this provision is to create a hook to the detailed built form controls set out in the draft DCP amendments. A Gateway condition is recommended to require the planning proposal to include a plain English explanation of what this provision is intended to achieve.</p> <p>In any case, in terms of high-quality built form, the design excellence provisions in clause 6.9 of the Inner West LEP would apply to future development subject to the application of the clause.</p>
2. Heritage impacts provision	
Proposed amendments	Introduce an additional heritage local provision which requires developments accessing FSR and HOB incentives to demonstrate an appropriate relationship to heritage items and HCAs.
Council comments	<p>The intent is that the provision will operate in addition to clause 5.10 of the LEP. This is a precautionary approach to manage PRCUTS and Council's urban design study's recommendation that development to maximum FSR and height controls may not be appropriate for heritage items, sites in HCAs and sites adjacent to heritage items. Clause 5.10 in conjunction with the proposed site-specific merit test of heritage assessment through this new local provision will ensure that new developments accessing incentives for density and height are redeveloped sensitively.</p> <p>The proposal states that <i>'site-by-site testing to determine individual FSRs for these sites cannot be undertaken and therefore, a wider approach has been applied to demonstrate site specific merit at the DA stage.'</i></p>
Department's assessment	The proposed heritage provision seeks to introduce requirements which are already addressed in clause 5.10 <i>Heritage conservation</i> which is a mandated LEP provision in the Standard Instrument – Principal Local Environmental Plan. Clause 5.10 seeks

Incentive Provisions

to conserve heritage and sets out requirements for the assessment of development to heritage items, in HCAs, or in the vicinity of these, as part of the development application process.

The purposes and intent of this proposed additional local heritage provision are also already addressed in the existing LEPs height of building and FSR clauses (4.3 and 4.4) which contain objectives around ensuring the height and FSR of a building is compatible with the character of the locality and to ensure an appropriate transition in built form.

As this requirement is considered redundant a **Gateway condition** is recommended to remove this provision from the planning proposal.

3. Active street frontages

Proposed amendments

Introduce a clause to provide active street frontages (ASF) to attract pedestrian traffic and provide vibrancy, surveillance and activity along certain ground floor street frontages.

The clause intends to prohibit residential accommodation at ground floor level and limit parking infrastructure such as driveways, ground level car parks and servicing areas where ASF are required.

ASFs will be required for all of the ground floor except for any part of the building which is used for residential entrances and lobbies (as part of mixed-use developments), access for fire services and vehicular access.

ASF Maps are proposed to be introduced to identify the locations of ASF in parts of the Leichhardt and Kings Bay Precincts (see **Figures 6 and 7**).



Figure 6 - Proposed ASF in Leichhardt (Source: Planning proposal)

Incentive Provisions

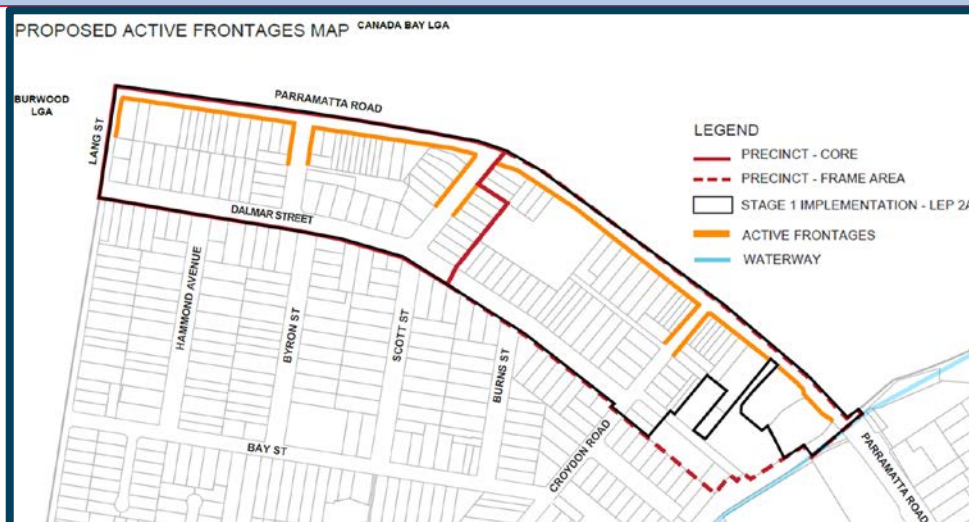


Figure 7 - Proposed ASF in Kings Bay (Source: Planning proposal)

Council comment	These requirements are intended to <i>'ensure appropriate retail and commercial activities are provided to activate streets and plazas as well as facilitating vibrancy and passive surveillance.'</i> Controls to encourage developments to provide ASF are also proposed in the draft DCP.
Department's assessment	<p>The ASF clause would apply in the Leichhardt Precinct along land zoned B2 largely fronting Parramatta Road and Norton Street. It would apply in the Kings Bay Precinct along land zoned B6 fronting Parramatta Road, and land proposed to be rezoned to B6 around the corners of the blocks fronting Parramatta Road.</p> <p>The ASF clause is appropriate because it will provide street level activation and contribute to the vibrancy of the precincts. The proposed locations for ASF largely replicates the locations for active frontages that were identified in the PRCUTS Planning and Design Guidelines.</p>

4. Building performance

Proposed amendments	Introduce a new clause for development, including residential accommodation, commercial development, shopping centres and hotels, that seek an uplift associated with incentive FSR and building height to satisfy energy and water performance standards as outlined in Tables 5 and 6 below.
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Table 5 Proposed performance standards for residential development

Type of development	Minimum energy requirement	Minimum water requirement
Residential buildings 2-3 storeys	BASIX Energy 55	BASIX Water 50 (and up to 60 where recycled water is available for all new dwellings)
Residential buildings 4-5 storeys	BASIX Energy 50	
Residential buildings 6+ storeys	BASIX Energy 40	

Incentive Provisions

Residential as a component of mixed-use development

As above relevant to the number of storeys

Table 6 Proposed performance standards for non-residential development

Development type and thresholds	Energy requirements	Water requirements
Commercial development (base building)		
<ul style="list-style-type: none"> A new commercial building $\geq 1,000\text{m}^2$ nett lettable area (NLA) or more, or A refurbishment to an existing commercial building that contains a NLA or $1,000\text{m}^2$ or more, or An existing commercial building of $1,000\text{m}^2$ NLA or more with an addition of 50% or more NLA 	<ul style="list-style-type: none"> Maximum 45 kWh/yr/m^2 of gross floor area (GFA) or, 5.5 Star NABERS Energy Commitment Agreement (CA) + 25% or, Certified Green Star Buildings rating with a “credit achievement” in Credit 22: Energy Use, or Equivalent 	NABERS Water 4 Star (5 Star where recycled water is available)
Shopping centre development (base building)		
<ul style="list-style-type: none"> A new shopping centre containing a gross lettable area – retail (GLAR) of $5,000\text{m}^2$ or more An existing shopping centre of $5,000\text{m}^2$ GLAR or more with an addition of 50% or more GLAR 	<ul style="list-style-type: none"> Maximum 55 kWh/yr/m^2 of GFA or, 4-star NABERS Energy CA, or Certified Green Star Buildings rating achieving the “minimum expectation” in Credit 22: Energy Use, or Equivalent 	NABERS Water 4 star (5 star where recycled water is available)
Hotel (whole building)		
<ul style="list-style-type: none"> A new hotel of 100 rooms or more A refurbishment to an existing hotel 	<ul style="list-style-type: none"> Maximum 245 kWh/yr/m^2 of GFA or, 	NABERS Water 4 Star (5 Star where recycled water is available)

Incentive Provisions

that contains 100 rooms or more

- 4-star NABERS Energy CA, or
- Certified Green Star Buildings rating achieving the “minimum expectation” in Credit 22: Energy Use, or
- Equivalent

Mixed Use

As above relevant to proposed commercial uses and **Table 5** above for residential uses.

The proposal intends that the above standards for residential and non-residential development would apply to development applications (DAs) submitted between 1 January 2023, or when the LEP amendment comes into effect (whichever is earlier) to 31 December 2025. This is based on the staged implementation approach in the City of Sydney (CoS) planning proposal. After the December 2025 date, subsequent implementation stages of the PRCUTS and amendments to the Inner West LEP will review the performance standards and feasibility to determine if the targets are appropriate or require enhancement.

Further details are in *Parramatta Road Corridor High Performance Buildings* (**Appendix 10** to the proposal).

Council comment

Council emphasises that the proposed higher energy and water performance targets will only have to be met if a proposed development relies on the incentive FSR and HOB standards.

The controls are based on: the *Parramatta Road Corridor Sustainability Implementation Plan*; *Parramatta Road Corridor Planning and Design Guidelines* for residential developments; and City of Sydney’s (CoS) planning proposal – *Performance for Net Zero Buildings* dated November 2021 for non-residential developments.

Council considers ‘*implementing these hybrid of sustainability provisions based on PRCUTS and City of Sydney’s latest research as a step-change towards achieving the overall goals of low carbon, sustainability and resilience. These standards will ensure current practice is enhanced and future best practice is not precluded.*’

The staged implementation approach is based on the CoS planning proposal. However, unlike the CoS proposal which then seeks to then implement higher Stage 2 targets, this proposal seeks at this time to only implement the above targets and consider implementation higher targets upon review.

Department’s assessment

In August 2022, the Department released the Sustainable Buildings SEPP. This SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of measuring and reporting on the embodied emissions of construction materials. The provisions of the SEPP commence on 1 October 2023.

Incentive Provisions

The planning proposal provides incentive bonuses on the condition that specific BASIX and non-residential targets, such as NABERS ratings, are met. The planning proposal does not include a comparison of the proposed incentive provisions with the standards set out in the Sustainable Buildings SEPP. Nonetheless, it is noted that the SEPP does allow for incentive provisions to require sustainability standards in addition to those in the SEPP through clause 2.2(2)(b) and (3).

It is also noted that clause 2.2(2)(b) only applies to “...a competing provision that encourages, or offers incentives for, the adoption of measures beyond the measures required by provisions...” in the SEPP. The Department notes that the proposal includes sustainability provision which are below those set by the SEPP, including BASIX energy requirements.

Despite this, the Department supports the progression of the proposed sustainability provisions because the provisions of the SEPP do not commence until 1 October 2023.

Nonetheless, the Gateway has been conditioned to require the proposal be updated:

- prior to community consultation - include an assessment of the proposal's sustainability provisions against those in the SEPP.

It is noted this should include identifying any inconsistencies and whether these will have any effect once the SEPP comes into effect; and

- prior to finalisation - ensure that the thresholds for BASIX standards which trigger the incentive provisions are appropriate having regard to *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP).

It is noted this may result in some proposed provisions being removed where they may have no effect in regards to the SEPP.

Performance standards for residential development

The proposed energy and water BASIX targets are consistent with the recommended targets in the PRCUTS and would encourage high performing buildings. Further assessment, including consistency with the Sustainable Buildings SEPP and proposed higher BASIX standards is discussed in **Section 4.6**. As outlined above, the planning proposal will need to be updated to provide an assessment against the Sustainable Buildings SEPP.

Performance standards for non-residential development

The performance standards for non-residential development have been taken from the City of Sydney Council Performance Standards for Net Zero Energy Buildings planning proposal (PP-2021-3645) which at the time of writing is at post-exhibition stage.

The time limited implementation and application of the proposed sustainability targets and scheduled review in a future planning proposal is supported to ensure the targets remain suitable over time.

The planning proposal seeks to apply the targets to ‘commercial development’ (base building) rather than ‘Office’ (base building) as worded in the City of Sydney Council planning proposal. The reference to commercial development could be interpreted as commercial premises, which as per the Standard Instrument LEP includes business premises, office premises and retail premises i.e. a wider range of land uses. The term office, as used in the City of Sydney Council planning proposal corresponds with

Incentive Provisions

the spaces that NABERS rates. A **Gateway condition** is required to update the proposal to use the term 'office' rather than 'commercial development' or provide justification as to why the term commercial development is recommended.

The planning proposal includes a note under the proposed targets that these provisions may change in response to the finalisation of the draft Design and Place (D&P) SEPP 2021. Since the progression of this planning proposal to the Department, the Minister for Planning announced that the draft D&P SEPP is not proceeding.

Hence a **Gateway condition** is recommended to revise the reference to the finalisation of the draft D&P SEPP, to instead refer to the requirements set out in the Sustainable Buildings SEPP.

Sustainability requirements and heritage items

Proposed amendment	Related to the above, introduce a clause that considers a reduction in sustainability requirements for development that is a refurbishment of or addition to a heritage item, where it is demonstrated compliance causes unacceptable impact to the heritage item.
Council comment	(No specific detailed commentary)
Department's assessment	The level of reduction proposed to be permitted by this clause is unclear, including whether the level of reduction would be determined by the consent authority at the DA stage on a case-by-case basis. This clause is considered too subjective and counter to existing provisions around heritage items and BASIX requirements. A Gateway condition is recommended to require this provision to be removed from the planning proposal.

Definitions for sustainability targets

Proposed amendment	Related to the above, the planning proposal seeks to introduce new definitions specific to the local provision for gross-lettable area – retail, net lettable area, shopping centre and refurbishment (definitions are set out in page 25 of the proposal).
Department assessment	The proposal is adopting the City of Sydney Council's planning proposal's approach in seeking these new definitions. The including of these definition and drafting of these definitions is subject to consideration and subsequent legal drafting process by the Parliamentary Counsel's Office (PCO) before these could be included in the LEP. This will occur at the finalisation stage of the process.

5. Bicycle parking and workers facilities

Proposed amendment	Introduce a clause requiring provision of bicycle parking and facilities for workers (including showers, lockers and change rooms) within commercial or mixed-use developments.
Council comment	The intent of this clause is to improve the amenity of workplaces, encourage alternative forms of transport to work such as walking and cycling and for businesses to attract and retain staff.

Incentive Provisions

Department's assessment	<p>The requirement to provide bicycle parking and workers facilities (end of journey facilities) should be situated in the DCP, where the draft requirements and rates are currently located. The proposed clause should be amended to specify the intended outcomes in the form of aims and objectives around the intent to improving the amenity of workplaces and encouraging alternative forms of transport to work. A Gateway condition is recommended to update the proposal prior to public exhibition.</p> <p>The Department recommends that consideration be given to the extent to which the clause is intended to apply to mixed-use developments that would warrant the provision of workers facilities, including the minimum amount of commercial floor space required to trigger this clause.</p>
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6. Urban heat mitigation

Proposed amendment	<ul style="list-style-type: none"> • Include an objective to mitigate the effects of urban heat island and climate change by expanding tree canopy cover and incorporating measures for cooling the private and public domain. • Introduce a local provision to achieve specific deep soil and tree canopy targets as set out in Table 7 below. • Where sites are constrained (e.g. existing high-density mixed-use urban sites, existing high streets), consider alternative design solutions for greening.
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Table 7 Proposed tree canopy and deep soil targets

Zone	Overall canopy target (including streets)	Canopy target (% of site area)	Deep soil
R3 Medium Density Residential	40%	20% for site area < 1,500 m ² 25% for site area > 1,500 m ²	-
B6 Enterprise Corridor	35%	35% (25% for bulky goods)	25%

Council comment	<p>The above provisions are based on the vision of <i>Parramatta Road Corridor Planning and Design Guidelines</i> and <i>Sustainability Implementation Plan</i> which recommend measures to address urban heat island effect.</p>
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The canopy and deep soil targets are adopted directly from the draft Design and Place (D&P) SEPP 2021 package. The canopy targets for the R3 zone are based on the draft updated Apartment Design Guide (ADG). The overall canopy targets, and the canopy target and deep soil targets for the B6 zone are based on the draft Urban Design Guide (UDG). The proposal indicates that these provisions may change in response to the finalisation of the draft D&P SEPP.

Department's assessment	<p>As the draft D&P SEPP is not proceeding a Gateway condition is recommended to require the proposal to be updated to remove references to the finalisation of the draft D&P SEPP 2021.</p> <p>If the proposal seeks to continue to use the proposed former draft revised ADG and UDG targets, it will need to justify this. It is noted that for bulky goods – the draft UDG proposed a deep soil target of 15%, with a minimum 6m dimension, rather than 25%.</p> <p>A Gateway condition is recommended that prior to finalisation, Council provide additional analysis demonstrating that the tree canopy (% of site area) and the deep soil targets can be achieved on a site-by-site basis. Council should refer to the Department's <i>Greener neighbourhoods guide</i> (December 2021). Consideration should also be given to how this corresponds to the ADG.</p>
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Incentive Provisions

In relation to the overall tree canopy targets (including streets), it would be difficult to assess whether the proposed targets are satisfied at the DA stage as the targets do not apply on a site-by-site basis. A **Gateway condition** is recommended to remove this aspect from the proposal.

7. Transport modal shift - car parking

Proposed amendment

Introduce a clause that:

- outlines the objective to minimise the amount of vehicular traffic generated from proposed developments which rely on FSR/HOB incentive provisions;
- identifies the maximum number of car parking spaces that may be provided as set out in **Table 8** below;
- introduces the following local provisions:
 - All car parking is to be provided as unbundled parking in new developments (i.e. separated from dwelling, commercial units and building ownership.); and
 - Support sustainable transport including active and public transport by minimising private car parking and encouraging the provision of car share schemes and decoupled parking
- Introduces definitions in the clause for: unbundled parking, car share scheme and decoupled parking.

Land Use and Transport Integration Maps are proposed and map the precinct areas as Category A or B parking rates (see **Appendix 1** to the proposal and **Appendix A** to this report).

Table 8 Proposed maximum car parking space rates

Category	Residential (max car space per dwelling)	Other uses (max car space per sqm of GFA)
Category A (Leichhardt and Taverners Hill Precinct)	<ul style="list-style-type: none"> • Studio – 0 • 1 Bed – 0.3 • 2 Bed – 0.7 • 3 Bed – 1 • Visitor – 0 	Commercial <ul style="list-style-type: none"> • Commercial and office premises – 1 space per 150m² • Restaurants – 1 per 50m² • Retail – 1 space per 100m² • Bulky goods – 1 space per 50m² Industrial <ul style="list-style-type: none"> • 1 space per 150m²
Category B (Kings Bay Precinct)	<ul style="list-style-type: none"> • Studio – 0.3 • 1 Bed – 0.5 • 2 Bed – 0.9 • 3 Bed – 1.2 • Visitor – 0.1 	Commercial <ul style="list-style-type: none"> • Commercial and office premises – 1 space per 100 sqm • Restaurants – 1 per 50m² • Retail – 1 space per 70m² • Bulky goods – 1 space per 50m² Industrial <ul style="list-style-type: none"> • 1 space per 120m²

Council comment

The proposed maximum car parking rates are based on the PRCUTS Planning and Design Guidelines for the majority of land uses except restaurants and bulky goods. For these two land uses, the rates are based on rates proposed in the *Parramatta Road precinct-wide Traffic and Transport Studies* by Cardno (**Appendix 11** to the planning proposal) which are slightly higher than the PRCUTS maximum rates. The proposal states 'this approach is necessary to address the specific needs of these specialist land uses.'

Incentive Provisions

	<p>The proposal considers that <i>'the approach requiring provision of all car parking as unbundled parking and encouraging car share schemes and decoupled parking is also consistent with PRCUTS.'</i></p> <p>Supporting DCP amendments will also include minimum rates for bicycle parking, provision of worker facilities and electric vehicle charging infrastructure.</p>
Department's assessment	<p>The proposed maximum spaces are in line with the PRCUTS except the proposal has added in maximum spaces for restaurants for all three precincts, and for the Kings Bay Precinct – maximum spaces for bulky goods. There is no objection to this provision as parking across the Corridor should be delivered and designed to transition future communities to low car dependency as per the PRCUTS Planning and Design Guidelines.</p> <p>It is recognised that the PRCUTS encourages parking that is unbundled or separated from dwellings and building ownership in developments. However, Council's proposed approach to make it an LEP requirement for developments seeking to access the incentive heights and FSRs is not supported. The PRCUTS Planning and Design Guidelines encourage unbundled car parking in developments but does not specify that this is to be mandatory. Despite this not being supported for inclusion in the LEP, this does not preclude the investigation and/or encouragement of unbundled parking through other mechanisms.</p> <p>Council has provided indicative definitions for certain terms. The wording of the definitions may be subject to change as a result of the drafting process as the wording is for the PCO to determine.</p>

8. Affordable Housing

Proposed amendment	<p>Introduce a new local provision to require contributions for affordable housing to be made in accordance with Council's draft Affordable Housing Contributions Scheme (AHCS) (Appendix 8 to the planning proposal) for new residential developments in the Leichhardt Precinct (to be mapped as Key Site Area 1).</p> <p>The proposed rate is <i>2% of the Residential Strata Area in the Leichhardt Precinct</i>, which is defined as <i>'the sum of areas attributed to lots under a plan of subdivision for the development that are to be used for residential purposes including related parking and storage areas.'</i></p> <p>Council's draft AHCS allows for in-kind, monetary, or a combination of both, subject to the provisions of the AHCS.</p>
Council comment	<p>Council outlines in their planning proposal that <i>'The intent of this provision is that development for residential purposes identified within urban renewal areas in the Inner West Council LGA must contribute towards affordable housing, specifically for Leichhardt precinct.'</i></p> <p>The planning proposal states that the Department's viability tool indicates that AHCS would not be viable for Taverners Hill and Kings Bay Precincts.</p>
Department assessment	<p>No objection. The draft AHCS has been prepared in accordance with section 7.32 of the Act, Chapter 2 of the Housing SEPP (former SEPP 70) and the Department's <i>Guideline for Developing an Affordable Housing Contribution Scheme</i>.</p> <p>The proposal includes a feasibility analysis of the proposed affordable housing contribution which supports a rate of 2%. This has considered the Department's viability tool as required by the <i>Guideline for Developing an Affordable Housing Contribution Scheme</i>.</p>

9. Community Infrastructure Contributions

Proposed amendment	<p>The planning proposal seeks to introduce a provision to require Community Infrastructure Contributions (CIC) to be made in accordance with a Community Infrastructure Contributions Scheme policy for new developments in the Leichhardt</p>
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Incentive Provisions

	<p>Precinct. This is intended to be in addition to Council's Development Contributions Plan.</p> <p>Council is seeking to utilise this approach in addition to its development contribution plan because this will ensure the delivery of community infrastructure on the identified land concurrently with growth. Council considers this will ensure delivery of key local infrastructure identified in PRCUTS.</p>
Council comment	<p>The intent of this provision is to provide funding for community infrastructure in the Leichhardt Precinct. Council commissioned Land Value Sharing Advice (Appendix 9 to the planning proposal) that indicated a precinct-based CIC could be applied to Leichhardt as it is feasible. Specifically, it considered that for sites proposed to be uplifted to a FSR of 3:1 and above, value sharing should be applied to 0.2:1 of the FSR at a rate of \$1,409 per sqm of residential uplift.</p> <p>The proposal states that a CIC Scheme will be prepared to support the new clause and will detail how the contributions are collected (secured via Voluntary Planning Agreements), at what monetary rate they are to be applied and will include a schedule of infrastructure to be delivered by the funds collected.</p> <p>A list of community infrastructure required by the PRCUTS was identified in the Parramatta Road Corridor Infrastructure Schedule 2016 and is intended by Council to be used as a starting point to implement the CIC Scheme. Appendix 14 to the planning proposal includes the list of infrastructure relevant to the Leichhardt Precinct.</p> <p>Council states it is reviewing this Infrastructure Schedule as the schedule of costs are out of date, contains some costing gaps, and Council is seeking to include the 'active transport infrastructure' recommendations from the Parramatta Road Corridor Precinct-wide Traffic and Transport Study.</p> <p>The planning proposal indicates the CIC funds would be used to fund towards community infrastructure including but not limited to: <i>'coordinated development outcomes; public domain enhancements, public open spaces, including high quality landscaped area; active transport infrastructure and pedestrian and cycling through-site links.'</i></p> <p>Council intends to complete a review of the CIC Schedule prior to finalisation of this proposal.</p>
Department comment	<p>The proposal seeks to ensure local infrastructure items identified in the PRCUTS Infrastructure Schedule are delivered in the Leichhardt Precinct through the LEP. The CIC scheme proposed by Council seeks to operate as a value capture mechanism.</p> <p>The Department supports the delivery of infrastructure to support growth. However, the levying of development contributions to deliver this infrastructure must be in accordance with the requirements of the EP&A Act.</p> <p>In this regard, the proposal does not contradict the provisions of the EP&A Act by creating, in effect, a developer contribution regime other than the existing section 7.11 and 7.12 contributions plans, because it identifies:</p> <ul style="list-style-type: none"> • that the community infrastructure sought by the proposal directly relates to and be provided on the respective development site, and not on other sites in PRCUTS or elsewhere; • that the clause for community infrastructure be limited to essential infrastructure; and • an incentive approach is proposed, whereby the additional uplift can be attained if the identified community infrastructure is provided. <p>Further detail on these sites can be found below regarding the four opportunity sites.</p>

Incentive Provisions

Despite this, the proposed CIC levy includes additional requirements which do not conform with the existing legislative framework under the EP&A Act.

The proposal seeks to secure the contribution through a Voluntary Planning Agreements (VPAs) mechanism. The planning proposal intends these to be lodged with the corresponding development application. Once the VPA is executed the increased bonus height and FSR under the LEP is activated (provided the other requirements are also met). Should a developer choose not to enter into a VPA for the CIC, the 'base' or current height and FSR controls under the LEPs would continue to apply.

Section 7.7 of the EP&A Act provides that that an EPI (i.e. a LEP) that expressly requires a planning agreement to be entered into before a DA can be considered or determined, has no effect. The Department raises concerns that this approach would result in a requirement to enter into a VPA to access additional height and FSR anticipated by the planning proposal, and whether the clause can be legally made as it is not considered to be 'voluntary' but rather enforced to then activate the proposal.

In response, a **Gateway condition** is recommended for this provision to be updated to be a plain English explanation of intent with regard given to suitable legislative mechanisms. This approach is consistent with the Department's *LEP Making Guidelines* (2021) practice as it ensures that the intent of implementing the community infrastructure provision is clear to the community, referral agencies and other stakeholders when the planning proposal is exhibited for public comment.

A **Gateway condition** is recommended to require updated feasibility advice prior to finalisation to ensure the proposed provisions can be delivered. This additional testing should also confirm that the assumptions and findings of the previous testing remaining valid. This should also account for any amendments to the planning proposal that occur as part of the plan making process.

10. State/regional infrastructure contributions

Proposed amendment

The planning proposal seeks to include a new clause that requires satisfactory arrangements to be made for the provision of 'designated State public infrastructure' before the development of land for residential or commercial purposes in all Precincts (to be mapped as Key Sites Area 1, 2, 3).

It is intended that development consent would not be granted unless the Secretary of the Department has certified in writing to the consent authority that satisfactory arrangements have been made to contribute to the provision of designated State public infrastructure in relation to that development.

The clause will not apply if a development does not result in an increase in residential or commercial floor space, or if a Regional Infrastructure Contribution (RIC) is introduced by the State Government in the Parramatta Road Corridor.

In the proposed clause, 'designated State public infrastructure' is intended to include:

- State and regional roads;
- bus interchanges and bus lanes;
- land required for regional open space;
- social infrastructure and facilities (such as schools, hospitals, emergency services and justice purposes); and
- light rail infrastructure.

Department's assessment

In accordance with the PRCUTS and the PRCUTS Implementation Update 2021, planning proposals must address state infrastructure requirements. A **Gateway condition** has been recommended to provide an explanatory note that contributions to state infrastructure are required in accordance with the PRCUTS and the Implementation Update.

Incentive Provisions

As acknowledged by Council, it is noted that infrastructure reforms currently being progressed by NSW Government may or may not result in the introduction of a RIC for all development in Greater Sydney. The planning proposal may need to be revised pending the progression and implementation of the infrastructure reforms. The Department will work with Council as part of the finalisation of the proposal to identify any implications.

11. Transport infrastructure provisions

Proposed amendment	<p>The planning proposal seeks to include:</p> <ul style="list-style-type: none"> a provision that new development relying on FSR/HOB incentives is designed to reflect future transport infrastructure. a provision that prior to any redevelopment taking place there is a commitment from NSW Government to introduce an on-street rapid transit system along Parramatta Road as required under the PRCUTS.
Council comment	<p>The objective of these provisions is to ensure that land use growth and provision of public transport infrastructure are aligned to serve the future residents and population in the Corridor.</p> <p>The proposal states that these are consistent with the Parramatta Road Corridor Ministerial Direction that requires a planning proposal that applies within the Parramatta Road Corridor to <i>'contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023.'</i></p> <p>Council also seek these as the Precinct wide Traffic and Transport study Implementation Plan (Appendix 11 to the planning proposal) requires <i>'TfNSW implement enhanced public transport solutions through service planning and project business cases.'</i></p>
Department's assessment	<p>It is not appropriate to include the proposed transport provisions.</p> <p>In relation to the proposed clause around future transport infrastructure, the proposed requirements of this clause are considered broad and provide no certainty in terms of how the clause could be satisfied.</p> <p>The proposed clause around commitment from NSW Government to introduce an on-street rapid transit system along Parramatta Road is not a matter to be included in an EPI and should not preclude development in the corridor.</p> <p>The proposal is consistent with the PRCUTS Implementation Update 2021, and public transport actions have been considered, including that planning proposals must have regard to any relevant published plans by Transport for NSW for improved public transport in the corridor.</p> <p>The proposal already includes provisions for developments seeking to access additional development capacity to make community (in the Leichhardt Precinct) and State infrastructure contributions.</p> <p>A Gateway condition is recommended to remove the proposed on-street rapid transit provision and future transport infrastructure provision.</p> <p>Refer to the transport assessment below in Section 5.2.</p>

Site-specific local provisions

The proposal seeks to introduce the following site-specific provisions for four sites, referred to as 'Opportunity Sites'.

Opportunity Sites 1-3 are in the Kings Bay Precinct (**Figure 8**), and Opportunity Site 4 is in the Leichhardt Precinct (**Figure 9**). The proposed provisions for each site are outlined below:

612-624 Parramatta Road and 210 Croydon Road, Croydon (Opportunity Site 1)

Proposed amendment

- permit redevelopment of the land as an amalgamated site to allow access to FSR and HOB incentives.
- permit RFBs as an APU, but only if the proposed development provides commercial/business uses on the entirety of the ground floor that are compatible with residential uses above.
- manage urban hazards of environmental impacts including air quality and noise.
- provide a minimum of 1.5m setback to Parramatta Road, 3m to Croydon Road and associated public domain improvements.

590-610 Parramatta Road and 235-237 Croydon Road, Croydon (Opportunity Site 2)

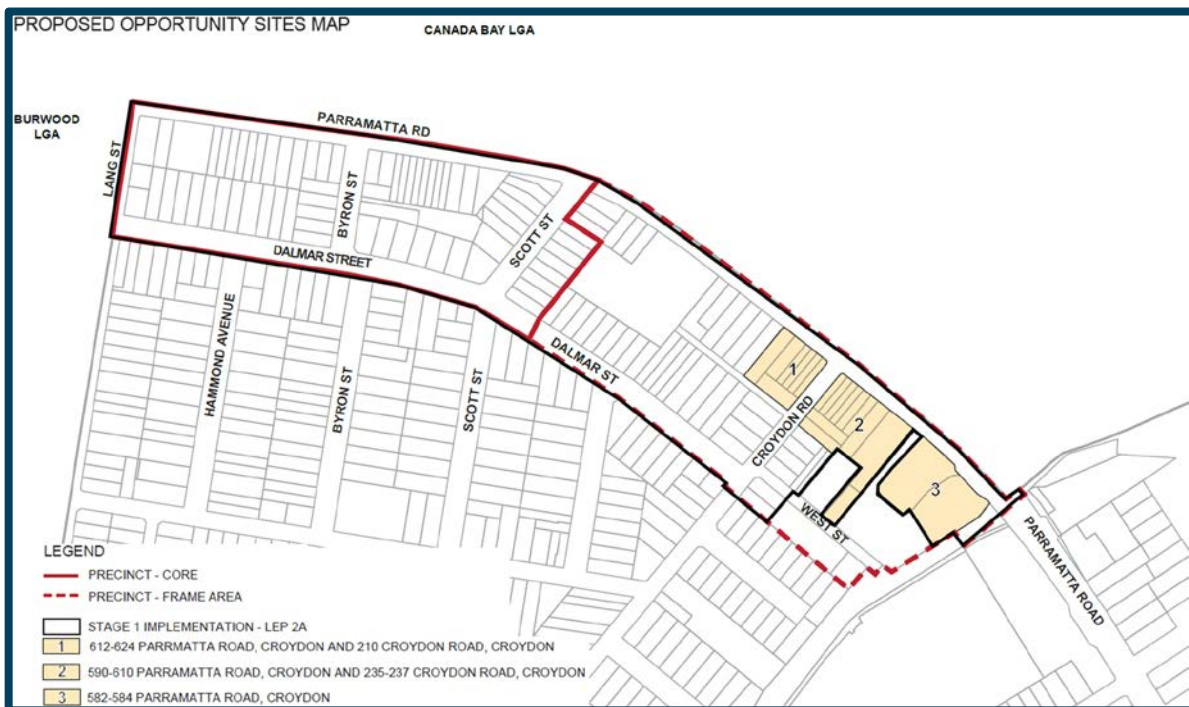
Proposed amendment

- permit redevelopment of the land as an amalgamated site to allow access to FSR and HOB incentives.
- permit RFBs as an APU, but only if the proposed development provides commercial/business uses on the entirety of the ground floor that are compatible with residential uses above.
- manage urban hazards of environmental impacts including air quality and noise.
- provide a minimum of 1.5m setback to Parramatta Road, 3m to Croydon Road and associated public domain improvements.

582-584 Parramatta Road, Croydon (Opportunity Site 3)

Proposed amendment

- permit redevelopment of the land as an amalgamated site to allow access to FSR and HOB incentives.
- permit RFBs as an APU, but only if the proposed development provides commercial/business uses on the entirety of the ground floor that are compatible with residential uses above.
- manage urban hazards of environmental impacts including air quality and noise.
- provide a minimum of 8m wide pedestrian and cycling link with landscaping and public domain improvements along the site's boundary with Iron Cove Creek.
- provide a minimum of 1.5m setback to Parramatta Road and associated public domain improvements.

**Figure 8 - Proposed Kings Bay Opportunity Sites 1-3 Map (Source: Planning proposal)**

29-67 Norton Street and 40-50 Balmain Road, Leichhardt (Opportunity Site 4)

Proposed
amendment

- permit redevelopment of the land as an amalgamated site to allow access to FSR and HOB incentives.
- provide a minimum of 18m wide landscaped through-site link for active transport connections and public domain improvements between Norton Street and Balmain Road.
- manage urban hazards of environmental impacts including air quality and aircraft noise.
- provide a minimum of 25m wide public open space/ plaza with appropriate landscaping at the Norton Street frontage of the existing Plaza Shopping Centre.
- provide active street frontage along the proposed through-site link between Norton Street and Balmain Road.

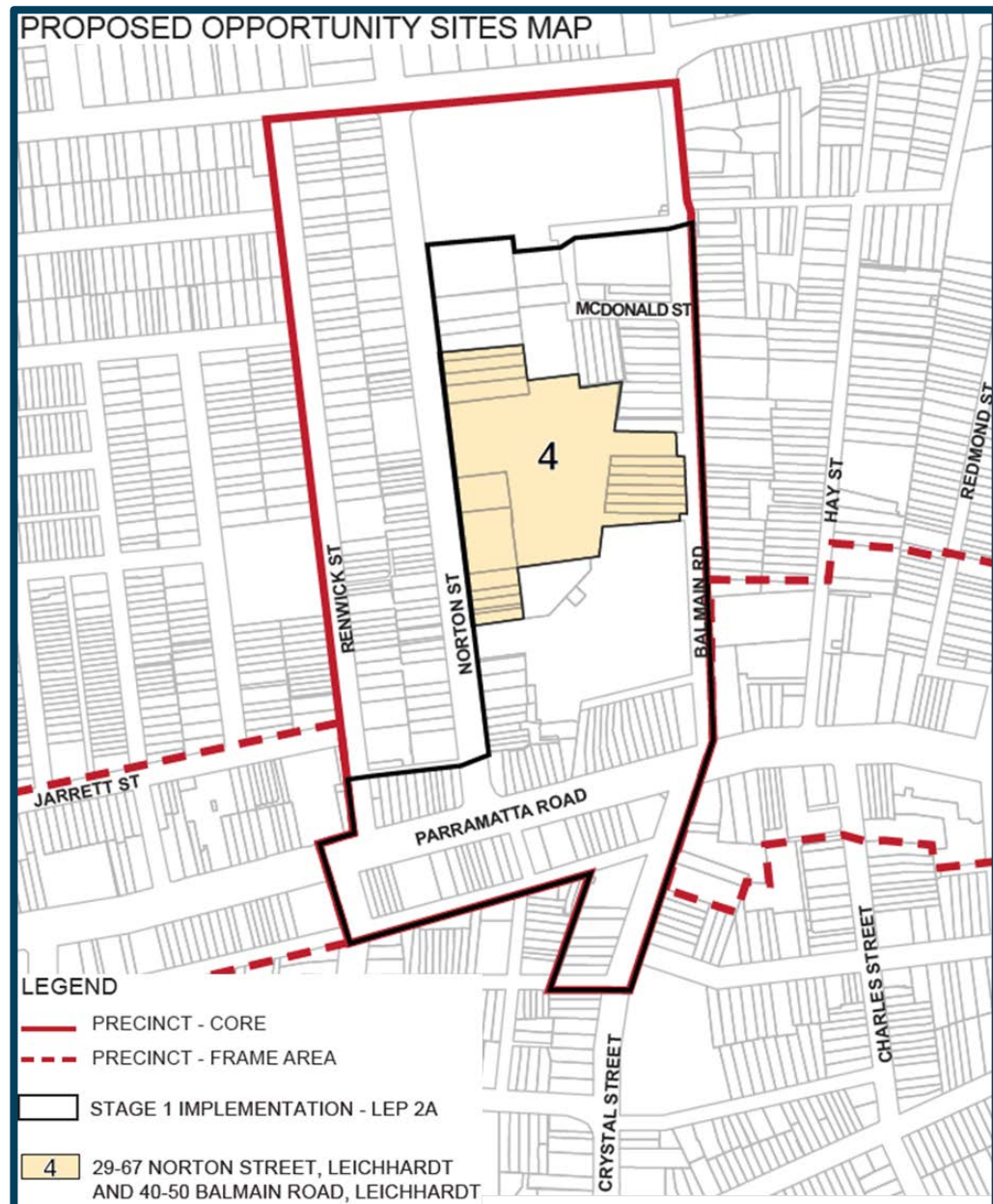


Figure 9 - Proposed Leichhardt Opportunity Sites Map (Source: Planning proposal)

Council comment	<p>The purpose of the above site-specific provisions is to <i>‘ensure suitable redevelopment and amalgamation of lots, to achieve built form outcomes which are proportional to the site’s area and consistent with the objectives.’</i></p> <p>The proposal outlines these sites as <i>‘unique opportunities for new housing in key locations of Leichhardt and Kings Bay precincts; and the opportunity to contribute towards on-site public domain improvements which will enhance the precinct’s connectivity and accessibility.’</i> The sites are also identified as unique in the context of the PRCUTS as urban design studies have recommended potential for intensified use and density beyond the PRCUTS vision.</p> <p>Accompanying DCP provisions have been prepared which further outline built form and design measures to mitigate environmental impacts, urban hazards and any potential land-use conflicts for the mixed-use opportunity sites in Kings Bay.</p>
Department’s assessment	<p>It is acknowledged that the Kings Bay B6 sites were selected for RFBs as an APU due to being within 800m walking distance from the proposed Five Dock Metro Station along Great North Road where site establishment works are currently underway.</p> <p>No objection to the site-specific provisions, except for the proposed provision for each Opportunity Site to manage urban hazards of environmental impacts including air quality and noise. This requirement is too broad, and it is not clear how the provision would be proven to be satisfied. In any case, environmental impacts including air quality and noise are otherwise already addressed in the planning framework at the development application stage. Hence, a Gateway condition is recommended to require these provisions to be removed from the proposal.</p> <p>The site-specific public domain and set back provisions will ensure important opportunities for improved accessibility through pedestrian links, setbacks and open space outcomes are achieved as part of future development. The proposed provisions promote active transport links, for example Opportunity Site 3 intends to facilitate a shared path to deliver the Iron Cove Creek active green transport link.</p>

Employment Zones Reform

The Department exhibited a proposal *Employment Zones Reform* from 20 May to 30 June 2021 to simplify the employment zones framework. The Explanation of Intended Effect (EIE) titled *Employment Zones Reform Implementation*, which shows the proposed amendment to individual LEPs, was exhibited from 31 May to 12 July 2022. At the time of writing, the Department is reviewing the feedback which will inform policy finalisation.

The planning proposal acknowledges this work and states that the B2 Local Centre zone will transition to E1 Local Centre, and B6 Enterprise Corridor to E3 Productivity Support.

It is anticipated that the employment zones will be in place within individual LEPs by 1 December 2022 and the existing Business and Industrial zones will be repealed.

Further information on the proposed changes to the employment zones is available at the Department’s website - www.planning.nsw.gov.au/Employment-Zones-Reform

The Department will work closely with Council post any subsequent Gateway determination to address any implications or issues.

Draft Development Control Plan amendments

The planning proposal is accompanied by associated draft amendments to the Council’s DCPs (Leichhardt, Marrickville and Inner West Comprehensive (Ashfield)), which have also been endorsed by Council and sought to be publicly exhibited in conjunction with the planning proposal.

The draft amendments to the DCPs contains detailed controls regarding built form and supports proposed LEP amendments in relation to matters including sustainability, active street frontages and heritage.

Draft Inner West Development Contributions Plan – Sections 7.11 and 7.12

Council has prepared a new comprehensive draft Development Contributions Plan 'draft Inner West Local Infrastructure Contributions Plan 2022' that assesses the local infrastructure demands of the new population and workers across the LGA to 2036. The draft Contributions Plan seeks to ensure that an appropriate framework is in place to support the level of growth anticipated under this planning proposal and future proposals across the Inner West.

Council states that the growth anticipated by this proposal is encapsulated by the works schedule in the draft Contributions Plan and supporting needs studies. The draft Contributions Plan was exhibited from 6 June to 17 July 2022 and Council intends that it will be in effect prior to finalisation of this planning proposal.

Inner West Local Environmental Plan (LEP) 2022

The Inner West Consolidated LEP which harmonises 3 EPIs (Ashfield, Leichhardt and Marrickville LEPs) into a single new LEP – Inner West LEP has now been finalised and is in place. The planning proposal assumed that the Inner West LEP will be amended and includes references to amending the Inner West LEP.

Design Excellence

The new Inner West LEP 2022 includes design excellence requirements that apply to development involving the construction of a new building or external alterations to an existing building, that will result in a building height that is equal to or greater than 14m.

The design excellence requirements include:

- considering the requirements of the relevant DCP;
- whether a high standard of architectural design, materials and detailing appropriate to the building type and location will be achieved;
- whether the form and external appearance of the development will improve the quality and amenity of the public domain; and
- the relationship of the development with other existing or proposed development on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form.

2.2.2 Leichhardt Precinct

The planning proposal outlines a key intention of the proposal for the Leichhardt Precinct is to revitalise the Norton Street town centre. New local open space is proposed at 2 Hay Street as previously mentioned. The proposal states that the Leichhardt Precinct has the capacity to deliver approximately 764 additional new dwellings with 1,528 new residents and 1,378 new jobs.

The proposed land zoning and incentive FSRs and HOBs are outlined in **Table 9** below.

Refer to **Appendix A** of this report for an excerpt of the proposed mapping amendments.

Table 9 Current and proposed Leichhardt Precinct controls

Area	Current zone	Proposed zone	Current FSR	Proposed incentive FSR	Current HOB	Proposed incentive HOB
	B2 Local Centre	B2 Local Centre (no change)	1:1 + 0.5:1 ASF bonus	1.9:1, 3:1	Not defined	18m, 23m, 26m, 30.5m

Area	Current zone	Proposed zone	Current FSR	Proposed incentive FSR	Current HOB	Proposed incentive HOB
North of Parramatta Rd	R1 General Residential	R3 Medium Density Residential (+ RFB as APU)	0.5:1 – 0.8:1 as per site area	1.9:1	Not defined	18m
2 Hay St	B2 Local Centre	RE1 Public Recreation	1:1 + 0.5:1 ASF bonus	N/A	Not defined	N/A
South of Parramatta Rd	B2 Local Centre	B2 Local Centre (<i>no change</i>)	1.5:1	3:1	14m	23m
	B2 Local Centre	R3 Medium Density Residential (+ RFB as APU)	1.5:1	2.2:1	14m	18m

2.2.3 Taverners Hill Precinct

The proposal states that the Taverners Hill Precinct has the capacity to deliver approximately 438 additional new dwellings with 876 new residents. The proposed land zoning and incentive FSRs and HOBs are outlined in **Table 10** below.

Refer to **Appendix A** of this report for an excerpt of the proposed mapping amendments.

Table 10 Current and proposed Taverners Hill Precinct controls

Area	Current zone	Proposed zone	Current FSR	Proposed incentive FSR	Current HOB	Proposed incentive HOB
Lewisham South	R2 Low Density Residential	R3 Medium Density Residential (+ RFB as APU)	0.6:1 - 1:1 as per site area	1:1	9.5m	12m, 15m
	R4 High Density Residential	R3 Medium Density Residential (+ RFB as APU)	1:1, 1.1:1	1.1:1, 1.2:1	17m	18m
West Leichhardt	R1 General Residential	R3 Medium Density Residential (+ RFB as APU)	0.5:1 - 0.8:1 as per site area	1:1, 1.4:1, 1.5:1	Not defined	12m, 15m, 21m

2.2.4 Kings Bay Precinct

The proposal seeks to facilitate new residential and employment opportunities close to the proposed Kings Bay (Five Dock) Metro Station which will be approximately 800m from the Precinct. The B6 zoning will remain a key feature along Parramatta Road, with the existing R2 zoning proposed to be R3 Medium Density Residential.

The proposal states that the Kings Bay Precinct has the capacity to deliver approximately 515 new additional dwellings with 1,030 new residents and 644 new jobs.

The proposed land zoning and incentive FSRs and HOBs are outlined in **Table 11** below.

Refer to **Appendix A** of this report for an excerpt of the proposed mapping amendments.

Table 11 Current and proposed Kings Bay Precinct controls

Area	Current zone	Proposed zone	Current FSR	Proposed incentive FSR	Current HOB	Proposed incentive HOB
Kings Bay	B6 Enterprise Corridor	B6 Enterprise Corridor (no change)	1.5:1, 2:1	2.4	10m, 15m	17.5m
	R2 Low Density Residential	B6 Enterprise Corridor	0.7:1	2.4	8.5m	17.5m
	R2 Low Density Residential	R3 Medium Density Residential (+ RFB as APU)	0.5:1, 0.7:1	1:1, 1.3:1	8.5m	12m, 15m
Opportunity Sites 1 - 3	R2 Low Density Residential, R3 Medium Density Residential and B6 Enterprise Corridor	B6 Enterprise Corridor (+ RFB as APU)	0.7:1, 1.5:1, 2:1	2.4:1 (Site 1), 2.1:1 (Sites 2 and 3)	8.5m, 12.5m, 15m	19m (Sites 1 and 2), 22m (Site 3)

2.3 Mapping

The planning proposal includes mapping showing the proposed changes to the maps listed below, which are suitable for community consultation.

- Land Zoning Maps
- Heritage Maps
- Floor Space Ratio Map

Introduce following map sheets

- Incentive Height of Buildings Maps
- Incentive Floor Space Ratio Maps
- Key Sites Maps
- Active Street Frontages Maps
- Land Use and Transport Integration Maps
- Opportunity Sites Map
- Additional Permitted Uses Maps

Excerpts of the proposed mapping amendments are shown at **Appendix A** to this report. Proposed map sheets are available at **Appendix 1** to the planning proposal.

3 Need for the planning proposal

The proposal has been prepared in response to implement the PRCUTS. The proposal is Stage 1 in implementing the PRCUTS and brings forward development in only certain parts of the PRCUTS precincts to initiate the incremental transformation of the Corridor.

The proposal states it also responds to the recommendations of local strategies and studies, including the: Inner West Local Strategic Planning Statement (LSPS), Inner West Local Housing Strategy (LHS), Employment and Retail Land Strategy (EaRLS) and Integrated Transport Strategy (ITS).

The proposal is informed by technical studies which Council state support and refine the implementation of PRCUTS recommendations, including Urban Design Studies for each Precinct, Heritage Studies, Feasibility Assessment, Flood and Contamination studies, Aircraft Noise Assessment, a draft Affordable Housing Contributions Scheme, Land Value Sharing Study, Parramatta Road Corridor High Performance Buildings Background Information, Parramatta Road Corridor Precinct-wide Traffic and Transport Study, Parramatta Road Corridor Stage 1 Justification Study, Parramatta Road Urban Amenity Improvement Plan (Inner West Council Masterplan) and the Parramatta Road Corridor Draft Infrastructure Schedule (Leichhardt Precinct).

A planning proposal is the appropriate and best means of achieving the intended outcomes as an LEP amendment is the only mechanism to alter existing clauses and amend land use zones. A planning proposal is also required for councils to levy affordable housing contributions under the Housing SEPP (former *SEPP 70 – Affordable Housing (Revised Schemes)*).

Many of the additional local provisions however duplicate other assessment provisions like the ADG, are subjective in nature and/or are controls that are better regulated at the DA stage or through DCPs. Therefore, these aspects of the proposal are not necessary and are required to be excluded from the planning proposal (see relevant recommendations in **Section 2.2**).

The Department notes the intention of the planning proposal to permit residential flat buildings through an Additional Permitted Use (APU) in conjunction with the R3 zone on certain land. As discussed earlier, the Department has recommended a **Gateway condition** for Council to contemplate the suitability of the use of the R1 and/or R4 zones to remove the need to rely upon an APU to permit residential flat buildings on the R3 sites. As outlined above, a planning proposal is the appropriate mechanism to amend the land use zones.

4 Strategic assessment

4.1 Region and District Plan

The Greater Sydney Region Plan - *A Metropolis of Three Cities* identifies a vision of three cities where most residents live within 30 minutes of their jobs, education and health facilities, services and great places.

The site is within the Eastern City District and the then Greater Sydney Commission (now Greater Cities Commission) released the Eastern City District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions of the Greater Sydney Region Plan and the District Plan.

Table 12 Region Plan and District Plan assessment

Region Plan Objectives	District Plan Planning Priorities	Assessment
Infrastructure and Collaboration		
<p>Objective 1: Infrastructure supports the three cities</p> <p>Objective 2: Infrastructure aligns with forecast growth – growth infrastructure compact</p> <p>Objective 4: Infrastructure use is optimised</p>	E1: Planning for a city supported by infrastructure	<p>The planning proposal is consistent with these objectives and priorities as it seeks to align increased residential and commercial density with infrastructure (including transport, community and energy and water infrastructure), jobs and services. Focus is placed on encouraging sustainable transport modes through the proposed maximum car parking rates and encouragement of decoupled and unbundled car parking and end of trip/workers facilities.</p> <p>The planning proposal includes requirements for the delivery of local infrastructure to support the proposed uplift. Provisions are included for state and community infrastructure contributions. The infrastructure requirements have been informed by the PRCUTS infrastructure schedule, Council's draft Development Contributions Plan and the Parramatta Road Urban Amenity Improvement Plan (UAIP) Inner West Council Masterplan (Appendix 13 to the planning proposal).</p>
Liveability		
Objective 6: Services and infrastructure meet communities' changing needs	E3: Providing services and social infrastructure to meet people's changing needs	<p>The proposal is consistent with this objective and priority as it:</p> <ul style="list-style-type: none"> encourages new housing and increased commercial uses in close proximity to transport, jobs and services to improve accessibility, social inclusion and economic opportunities. incentivises development to deliver local infrastructure including new open space plazas, through site links and public domain improvements to support the growing community. provides incentive increased height and FSRs in employment zones that would provide services to meet needs of the existing and future community and help protect the long-term sustainability of various centres.
<p>Objective 7: Communities are healthy, resilient and socially connected</p> <p>Objective 8: Greater Sydney's communities are culturally rich with diverse neighbourhoods</p> <p>Objective 9: Greater Sydney celebrates the</p>	E4: Fostering healthy, creative, culturally rich and socially connected communities.	<p>The proposal is consistent with the objectives and priority as it:</p> <ul style="list-style-type: none"> adopts a place-based approach to housing and jobs which is sensitive to character, amenity, and heritage conservation. seeks to enhance business and activities in and around centres. This would enhance a sense of place, vibrancy and a more connected community. promotes walkable places, active street life and socially connected communities by facilitating ground floor

Region Plan Objectives	District Plan Planning Priorities	Assessment
arts and supports creative industries and innovation		commercial uses that have capacity to activate and connect with the streets.
<p>Objective 10: Greater housing supply</p> <p>Objective 11: Housing is more diverse and affordable</p>	E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport.	<p>The proposal is consistent with the objectives and priority as it:</p> <ul style="list-style-type: none"> • is based on implementing opportunities for new residential development as identified in the PRCUTS. The subject areas are near to and within walking distance from various public transport options, including railway stations, bus stops, light rail and the future metro station at Five Dock. • seeks to contribute to the medium term (6-10 year) housing supply targets identified in the Department's requirement on the approval of the Inner West Local Housing Strategy (LHS), which identified a shortfall of up to 1,600 dwellings in the Inner West. • seeks to facilitate approximately 1,700 new dwellings to meet the growing needs of households in the Inner West LGA. • responds to the need for housing affordability by seeking to introduce an Affordable Housing Contributions Scheme in the Leichhardt Precinct. This progresses Action 17 to prepare affordable rental housing target schemes. <p>The proposal indicates that the supporting studies with this proposal have identified opportunities for additional growth beyond this proposal which will be delivered through future LEP amendments.</p>
<p>Objective 12: Great places that bring people together</p> <p>Objective 13: Environmental heritage is identified, conserved and enhanced</p>	E6: Creating and renewing great places and local centres, and respecting the District's heritage	<p>The objectives and priority aim to create great places which bring people together and where heritage is identified, conserved and enhanced. The proposal is consistent with the objectives and priority as it:</p> <ul style="list-style-type: none"> • will recognise and provide on-going protection of the heritage significance of the new local heritage items and HCA through listing these in the LEP as supported by heritage studies. • is supported by a comprehensive evidence base, including Precinct structure plans and urban design testing of certain areas and sites to ensure a place-based approach to renewal. • provides incentive standards to facilitate more employment floor space to promote a vibrant and liveable place with access to jobs and services • promotes active street frontages to activate centres and create people focussed street frontages.

Region Plan Objectives	District Plan Planning Priorities	Assessment
Productivity		
Objective 14: <i>A Metropolis of Three Cities</i> – integrated land use and transport creates walkable and 30-minute cities	E10: Delivering integrated land use and transport planning and a 30-minute city	<p>The proposal is consistent with this objective and priority which encourages integrated land use and transport to deliver a 30-minute city as it:</p> <ul style="list-style-type: none"> • provides opportunities for increased housing growth near existing centres and transport. • promotes mixed-used centres, providing local jobs, services and amenities close to new homes. • proposes new connections and an improved public domain to encourage walking and cycling.
<p>Objective 23: Industrial and urban services land is planned, retained and managed</p> <p>Objective 24: Economic sectors are targeted for success</p>	<p>E12: Retaining and managing industrial and urban services land</p> <p>E13: Supporting growth of targeted industry sectors.</p>	<p>The proposal does not include any industrial lands and indicates that industrial lands will be explored in a future proposal after the Department's Employment Zones Reforms are finalised.</p> <p>Three B6 sites in the Kings Bay Precinct are proposed to include RFBs as APUs and provisions have been incorporated in the proposal and accompanying DCP to ensure the sites continue to provide commercial uses on the ground floor.</p> <p>The proposal seeks to facilitate urban support services in the Kings Bay Precinct and the DCP includes provisions to ensure that ground floor commercial areas are flexible spaces and provide for functional requirements of these services.</p> <p>It is acknowledged that the PRCUTS is not subject to the retain and manage approach of the Eastern City District Plan, as stated in the District Plan.</p>
Sustainability		
Objective 25: The coast and waterways are protected and healthier	E14: Protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways	The proposal's accompanying draft DCP amendments have incorporated requirements regarding stormwater management measures including provision of water sensitive urban design.
<p>Objective 30: Urban tree canopy cover is increased</p> <p>Objective 31: Public open space is accessible, protected and enhanced.</p>	<p>E17: Increasing urban tree canopy cover and delivering Green Grid connections</p> <p>E18: Delivering high quality open space</p>	<p>The proposal is consistent with these objectives and priorities as it seeks to:</p> <ul style="list-style-type: none"> • introduce a requirement for sites accessing incentive height and FSR, to comply with urban tree canopy and deep soil requirements. • create site-specific provisions for certain Opportunity Sites to facilitate new through-sites and setbacks to

Region Plan Objectives	District Plan Planning Priorities	Assessment
Objective 32: The Green Grid links parks, open spaces, bushland and walking and cycling paths		<p>enhance public access and open space. Such as the provision for the Opportunity Site at the Norton Plaza, Leichhardt to require an open space/plaza at the Norton Street frontage. These provisions also promote active transport links</p> <ul style="list-style-type: none"> The proposed rezoning of the car park at 2 Hay Street, Leichhardt to RE1 creates potential for new public open space.
Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change	E19: Reducing carbon emissions and managing energy, water and waste efficiently	The proposal states that it reflects this objective and priority, as well as the aspirations in the PRCUTS as it includes provisions for new developments relying on bonus incentives to provide high performing buildings with improved water and energy targets, reduced car parking and end of trip facilities for workers.
<p>Objective 36: People and places adapt to climate change and future shocks and stresses</p> <p>Objective 37: Exposure to natural and urban hazards is reduced</p> <p>Objective 38: Heatwaves and extreme heat are managed</p>	E20: Adapting to the impacts of urban and natural hazards and climate change	<p>The proposal is consistent with the objectives and priority as it includes incentive provisions to mitigate the effects of urban heat island effect and climate change by requiring specific tree canopy targets to be met in the R3 and B6 zones. These will promote improved liveability and cooler environments.</p> <p>The proposal is informed by several studies, including aircraft noise, flooding and urban design which seek to limit and manage environmental impacts and hazards.</p>

4.2 Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)

The planning proposal seeks to implement the PRCUTS. The PRCUTS was released in November 2016 by UrbanGrowth NSW and is the NSW Government's 30-year plan for the renewal of the Parramatta Road Corridor. The Strategy is an integrated land use planning and transport framework for the transformation of the Corridor. The sites to which this planning proposal relates are largely located within three of these Precincts.

The Strategy seeks to deliver a high quality multi use corridor with improved transport choices, to provide better amenity and balanced growth of housing and jobs in eight Precincts.

The PRCUTS is supported by an Implementation Tool Kit which is a suite of documents that guide stakeholders including state and local government. These guidelines inform future controls in local environmental 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.

These recommendations to guide future development include land use zonings, height and density controls, infrastructure upgrades including new open space and connections, affordable housing contributions, carparking rates, and sustainability outcomes.

A section 9.1 Ministerial Direction provides for the implementation of the PRCUTS and the supporting Implementation Tool Kit by requiring planning proposals to demonstrate consistency.

The proposal states that the guidelines and recommendations of the PRCUTS have informed the proposed provisions. The proposal states that the proposed amendments are generally consistent with the PRCUTS recommendations.

The Department's analysis of the planning proposal's consistency against the Strategy is also addressed where an assessment of the proposal against Section 9.1 Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy is outlined in **Section 4.5** of this report.

Overall, the planning proposal is consistent with the PRCUTS, except for:

- In terms of implementation staging, not all of the planning proposal area is located within the 2016-2023 release areas of the precincts.
- In terms of heights and density, there are areas and sites where the proposal seeks higher incentive HOBs and FSRs, and areas and sites where the proposal seeks lower incentive HOBs and FSRs.
- The proposal seeks different land use zones in parts of the Leichhardt precinct, north of Parramatta Road and in for an area between Tebbutt and Upward Streets in the Taverners Hill Precinct – West Leichhardt.

The inconsistencies are justified as per the Direction's criteria. The Department's detailed analysis of the proposed variations to the PRCUTS is discussed in **Appendix B** of this report.

4.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

Table 13 Local strategic planning assessment

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The Inner West Local Strategic Planning Statement (LSPS) <i>Our Place Inner West – Local Strategic Planning Statement</i> was endorsed by then GSC in 2020. The LSPS seeks to implement the priorities of the Greater Sydney Region Plan and Eastern City District Plan at the local level and guide development in the Inner West LGA to 2036.</p> <p>The discussion in Table 12 of this report previously on the Region and District Plans also largely applies as the LSPS gives effect to those objectives and priorities.</p> <p>The proposal responds to some of the key planning priorities and actions more specific to the LSPS including:</p> <ul style="list-style-type: none"> • <i>Planning Priority 2 Inner West is a zero emissions community and Action 2.3: Update planning controls to improve the overall environmental performance of new buildings and precincts.</i> • <i>Planning Priority 13 Inner West involves and listens to the community.</i> <p>An objective of this Priority is that the <i>'incremental redevelopment of the Parramatta Road Corridor delivers a high quality, multi-use corridor with excellent transport and</i></p>

Local Strategies	Justification
	<p><i>amenity, balanced growth of housing and jobs</i>'. There are various actions for the Parramatta Road Corridor, including:</p> <ul style="list-style-type: none"> • Action 13.6: Around implementing the finalised housing, employment and transport strategies and the Corridor Transport Study, and preparing urban design studies to inform planning proposals to implement the PRCUTS and the UAIP. This action is <i>'subject to the provision of public mass transit being provided on dedicated lanes on Parramatta Road'</i> • Action 13.7: <i>Collaborate with Parramatta Road Corridor councils to ensure planning for Parramatta Road is integrated across LGA boundaries</i> • Action 13.8: <i>Prepare Parramatta Road Corridor councils to ensure planning for Parramatta Road is integrated across LGA boundaries</i> <p>The LSPS also notes inconsistencies in the PRCUTS projected dwelling and job numbers. In response, Council and the Department re-analysed growth projections and further investigations were undertaken during preparation of the Inner West LHS and Parramatta Road Corridor Precinct-wide Traffic and Transport Study.</p>
Local Housing Strategy	<p>Local housing strategies are required to link Council's vision for housing with the housing objectives and targets of the NSW government and District Plan. On 8 July 2021, the Department approved Council's LHS subject to requirements and advisory notes.</p> <p>The LHS acknowledges there is a legislative driver for the PRCUTS Precincts to be delivered and accounts for the delivery of the Precincts to inform medium and long term housing targets.</p> <p>The LHS calculates a total of 2,204 new dwellings around the Leichhardt, Taverners Hill and Kings Bay Precincts. The proposal seeks to facilitate around 1,700 new dwellings in this first stage of implementation in parts of the Corridor. The proposal states that <i>'Stage 2 will provide for additional dwellings to meet or exceed the LHS projection.'</i></p> <p>The submission of this planning proposal is in accordance with the Department's LHS Requirement No. 2, which requires Council to submit its planning proposal for the areas of the PRCUTS (Leichhardt, Taverners Hill and part of Kings Bay) as this is necessary for Council to achieve its 6-10 (2021-2026) year housing target. The Department's review of Council's LHS identified a short fall of 1,600 dwellings for the 6-10 year housing target.</p> <p>The proposal also complies with the Department's LHS Requirement No. 8. – <i>'Council is to prepare an Affordable Housing Contribution Scheme that commits Council to examining the feasibility of levying affordable housing contributions for any new planning proposals that would result in development uplift or an increase in land value.'</i></p> <p>The proposal also supports various actions in the LHS, including:</p> <ul style="list-style-type: none"> • 2B <i>Continue to identify and conserve items of environmental heritage, and heritage conservation areas</i> • 4B <i>Establish an affordable housing contributions scheme to apply to sites with significant uplift to align with Council's affordable housing policy</i> • 4E <i>Investigate reduced car parking provision rates and other development standard variations to incentivise the delivery of affordable housing</i> • 5A <i>Locate increased housing opportunities predominantly within a ten-minute walk of centres, urban hubs, good public and active transport networks, and open space</i>

Local Strategies	Justification
	<ul style="list-style-type: none"> • 5K Review car parking standards to promote increased use of public transport • 7B Increase canopy trees and greenery • 7D Develop planning controls that protect and support a sustainable environment and contribute to a zero emissions and zero waste community
Community Strategic Plan	<p>Council's Community Strategic Plan (CSP) 'Our Inner West 2036' identifies the community's vision for the future, long-term goals, strategies to get there and how to measure progress towards that vision. The CSP seeks to create a sustainable, progressive, networked, vibrant and creative future for the Inner West LGA.</p> <p>The proposal implements various actions from the CSP as it seeks to enhance employment and residential opportunities, liveability and amenity of the LGA.</p>
Employment and Retail Lands Strategy	<p>The Inner West <i>Employment and Retail Lands Strategy</i> (EaRLS) was adopted by Council on 8 September 2020. The Department endorsed Council's Employment and Retail Land Strategy on 27 September 2022.</p> <p>The EaRLS provides a strategic approach for the management of land to maximise productivity, facilitate job growth and contribution to the long-term prosperity of the Inner West LGA. It sets out principles to guide planning of the employment and retail lands and also specific actions related to the PRCUTS Precincts of Leichhardt and Kings Bay, which have been considered where applicable by this planning proposal.</p>

4.4 Local planning panel (LPP) recommendation

On 29 March 2022 the Inner West Local Planning Panel (LPP) considered the planning proposal and advised the proposal has sufficient strategic and site-specific merit for submission to the Department for Gateway determination.

The LPP's reasons for the recommendation were that the proposal:

- generally complies with and gives effect to the PRCUTS 2016 and Parramatta Road Corridor Implementation Plan 2016-2023;
- gives effect to the NSW Government's Greater Sydney Region Plan, the Eastern City District Plan and the NSW Housing Strategy 2021-2022 Action Plan;
- is consistent with the applicable State Environmental Planning Policies; and
- complies with and gives effect to Council adopted policies including the Inner West: Community Strategic Plan, Local Strategic Planning Statement, Local Housing Strategy and Integrated Transport Strategy.

The LPP noted that the proposal states that it relies on commitment from the NSW Government to introduce an on-street rapid transit system along Parramatta Road, and stated it supports this intent.

4.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

Table 14 9.1 Ministerial Direction assessment

Direction	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
1.1 Implementation of Regional Plans	Consistent	The proposal is consistent with this Direction, see section 4.1 of this report for assessment against the Greater Sydney Region Plan.
1.3 Approval and Referral Requirements	Consistent	<p>This Direction seeks to ensure that LEP provisions encourage the efficient and appropriate assessment of development. The proposal states this is consistent with section 9.1 Ministerial Direction 1.5(e).</p> <p>The planning proposal does seek to introduce a satisfactory arrangements clause with respect to regional infrastructure contributions that would require approval from the Department prior to any development consent being granted.</p>
1.4 Site Specific Provisions	Inconsistent – Minor and justified	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>The proposal is inconsistent with this Direction as it seeks to create a complicated incentive mechanism where numerous additional requirements are to be met if development seeks to access incentivised/bonus FSR and HOB controls.</p> <p>The proposal is considered to be justified as the incentive development standards are optional and intended to ensure that resulting development minimises environmental and amenity impacts on the surrounding area and provides improved sustainability outcomes and infrastructure.</p> <p>The proposed provisions are not considered to be unnecessarily restrictive and the inconsistency is considered to be of minor significance.</p>
1.5 Parramatta Road Corridor Urban Transformation Strategy	Inconsistent and unresolved. Gateway condition recommended – see discussion at the end of this table.	
3.2 Heritage Conservation	Consistent	<p>Direction 3.2 requires that a planning proposal contain provisions which facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage of the area.</p> <p>This Direction applies as the proposal seeks to introduce new items and an additional HCA, expand existing HCA boundaries, and locate housing growth near existing items and HCAs.</p> <p>The proposal considered items identified for investigation in the</p>

Direction	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
		<p>PRCUTS Fine Grain Study and is supported by a number of heritage studies including:</p> <ul style="list-style-type: none"> Heritage Study and Inventory Sheets by Hector Abrahams Architects; and Heritage Study and Inventory Sheet by GML Heritage - for 794 Parramatta Road, Lewisham (Lewisham Hotel) <p>The assessments were undertaken in accordance with the NSW Heritage Office (now Heritage NSW) Guidelines, <i>Assessing Heritage Significance</i>. The reports concluded that the subject sites satisfy the relevant criteria for local heritage listing. The proposal will facilitate the conservation and protection of these sites and is therefore considered to be consistent with this Direction.</p> <p>The proposal is consistent with this Direction as the provisions strengthen heritage conservation by implementing the recommendations of the heritage studies. These studies are supported by heritage data sheets which include an assessment against the NSW Heritage Office Guideline and statements of significance.</p>
4.1 Flooding	Inconsistent and unresolved.	Inconsistent and unresolved. Gateway condition recommended – see discussion at the end of this table.
4.4 Remediation of Contaminated Land	Consistent	<p>Direction 4.4 aims to reduce the risk of harm to human health and the environment from contaminated land. This Direction applies as the planning proposal seeks to rezone areas to more sensitive uses or permit more sensitive uses on sites.</p> <p>The proposal is supported by Preliminary Site Investigations (PSIs) (Appendix 6 to the planning proposal) for certain sites (outlined below) which reviewed site history including historical and current land uses on the site and surrounding sites and identified potential sources of contamination at the sites.</p> <p>The PSIs investigated the implications of introducing sensitive uses or rezoning sites to permit sensitive uses (such as residential) on the following sites which may be potentially contaminated:</p> <ul style="list-style-type: none"> Kings Bay Precinct - includes sites currently zoned B6 Enterprise Corridor where RFBs are proposed to be introduced as an APU <ul style="list-style-type: none"> Sites: 582-584, 590, 596-598, 600-610 and 612-624 Parramatta Road, 210 Croydon Road and 10 West Street, Croydon Leichhardt Precinct - where sites are proposed to be rezoned from B2 Local Centre to R3 Medium Density Residential. <ul style="list-style-type: none"> Sites: 2-18 Crystal Street, Petersham <p>The proposal states that <i>'The desktop analysis undertaken as part of this study concludes that these sites can be made suitable for the proposed uses subject to appropriate site-by-site contamination management and/or remediation at the development application</i></p>

Direction	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
		<p><i>stage.</i></p> <p>SEPP (Resilience and Hazards) 2021 includes guidance for the remediation of land which can be considered further through future DAs.</p> <p>The Department is satisfied that this Direction has been considered and satisfactory measures are in place to provide for the remediation of contaminated land.</p>
4.5 Acid Sulfate Soils	Inconsistent – Minor.	<p>Direction 4.5 aims to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The proposal seeks to intensify land uses on land identified as having a probability of containing Class 5 acid sulfate soils (in the Kings Bay Precinct and land north of Parramatta Road in the Taverners Hill and Leichhardt Precincts). Future development will need to consider Clause 6.1 <i>Acid sulfate soils</i> in the LEP, including the requirement for an acid sulfate soils management plan to be prepared prior to development consent being granted.</p> <p>The existing provisions in the LEPs are considered adequate to manage and prevent environmental damage arising from exposure of acid sulfate soils. The inconsistency is considered minor.</p>
5.1 Integrating Land Use and Transport	Consistent	<p>Direction 5.1 requires a planning proposal to consider improving access to housing, jobs and services by walking, cycling and public transport and reducing reliance on cars.</p> <p>This Direction applies as the proposal will create, alter or remove a zone or a provision relating to urban land.</p> <p>The proposal is consistent with this Direction as it:</p> <ul style="list-style-type: none"> • seeks to concentrate new residential and commercial development and services in areas aligned with the PRCUTS, an integrated land use planning and transport policy framework. • will facilitate an improved walking and cycling network and permeability with local provisions proposed to create through site links and plazas on certain sites and require the provision of bicycle parking and facilities for workers to access incentive development standards. • seeks to reduce car dependency by setting maximum parking rates for developments seeking to access incentive development standards. • aims to improve road management by prioritising movement along Parramatta Road, and in the draft DCP limiting vehicular access from Parramatta Road. <p>The planning proposal considers the recommendations of the Parramatta Road Corridor Precinct-wide Traffic and Transport Study for Camperdown, Leichhardt and Taverners Hill (Appendix 11 to the planning proposal).</p>

Direction	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
		A Gateway condition is recommended to require the planning proposal to be updated to address the recommendations of the Precinct-wide traffic studies.
5.2 Reserving Land for Public Purposes	Inconsistent and unresolved Gateway condition recommended	<p>Under this Direction a proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Planning Secretary or delegate. The proposal does not seek to identify or remove land for acquisition for public purpose.</p> <p>This proposal seeks to rezone the Transport for NSW owned car park at 2 Hay Street, Leichhardt from B2 Local Centre to RE1 Public Recreation. The proposal states <i>'this has been agreed in principle with TfNSW and DPE to complement the implementation of PRCUTS Urban Amenity Improvement Plan'</i>.</p> <p>A Gateway condition is recommended to require consultation with TfNSW during exhibition. The proposal's consistency is unresolved at this stage, pending comments from TfNSW.</p>
5.3 Development Near Regulated Airports and Defence Airfields	Inconsistent – Justified by study	<p>Direction 5.3 aims to ensure effective and safe airport operations and minimise the impacts of aircraft noise on development. It also seeks that the operation of airports is not compromised by development that constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.</p> <p>The Direction applies as the planning proposal seeks to create incentivised increases to density (height and FSR) of new and existing residential and commercial uses near a regulated airport.</p> <p>This Direction has two relevant considerations being the location of the site in the Australian Noise Exposure Forecast (ANEF) contour and associated noise impacts, and the position of the Obstacle Limitation Surface (OLS) which affects airport operations and safety of urban structures.</p> <p><u>Aircraft noise – ANEF Contours</u></p> <p>The proposal identifies that the Kings Bay and Taverners Hill Precincts are within the Sydney Kingsford Smith Airport ANEF 2039 15-20 contour. The Leichhardt Precinct is affected by ANEF contour 15-20 (small portion), ANEF 20-25 and ANEF 25-30.</p> <p>An Aircraft Noise Impact Assessment (Appendix 7 to the planning proposal) was carried out to investigate the implications of introducing additional residential capacity in the Leichhardt Precinct which is affected by the ANEF 25-30 contour.</p> <p>The Direction states proposals must include a provision ensuring development meets <i>Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction</i> with respect to interior noise levels, if the proposal seeks to rezone land for residential purposes or to increase residential densities in areas of ANEF 20-25, or for hotels, motels, offices or public buildings in the</p>

Direction	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
		<p>ANEF 25-30.</p> <p>The Aircraft Noise Impact Assessment reviewed potential noise constraints for the precinct to determine the suitability to accommodate residential use within the precinct. It concluded <i>‘....notwithstanding that a portion of the precinct is located within the 25-30 ANEF zone, any residential buildings could be designed and constructed to satisfy the internal design levels of AS 2021 in all areas of the precinct.’</i></p> <p>The proposal states that it has been informed by the recommended mitigation measures in relation to internal noise levels in new dwellings.</p> <p><u>Airport operations – Obstacle Limitation Surface (OLS)</u></p> <p>The proposal notes land in the Leichhardt Precinct is identified on the OLS chart for Sydney Airport as being in the 80m to 100m OLS and the area has a ground level of 28m to 36m. Proposed bonus incentive heights would allow a maximum building height of 30.5m, which would result in a height approximately 60m to 64m above ground level which would not breach this.</p> <p>The proposal states that preliminary consultation occurred with Sydney Airport and the Commonwealth Department of Infrastructure, Regional Infrastructure and Communications.</p> <p>The proposal indicates it will consult again with the above, and this forms part of the proposed Gateway conditions.</p> <p>Overall, it is considered that inconsistency with this Direction is justified by the Aircraft Noise Impact Assessment.</p>
6.1 Residential Zones	Consistent	<p>Direction 6.1 aims to encourage a variety of housing types, make efficient use of infrastructure and service and minimise the impact of residential development on the environment and resource lands.</p> <p>The proposal seeks to facilitate new housing and ensure there is adequate infrastructure for the increased housing capacity. The planning proposal seeks to deliver the first stage of the PRCUTS and would facilitate approximately 1,700 new dwellings across the Precincts:</p> <ul style="list-style-type: none"> • 764 dwellings in Leichhardt • 438 dwellings in Taverners Hill • 515 dwellings in Kings Bay <p>The planning proposal seeks to facilitate a range of housing types, including affordable housing in the Leichhardt Precinct.</p> <p>The proposal is overall generally consistent with the recommended residential densities in the PRCUTS and justification has been provided for sites of difference, including provision of detailed urban design reviews.</p> <p>Infrastructure delivery provisions are proposed for development</p>

Direction	Consistent or Inconsistent	Reasons for Consistency or Inconsistency
		<p>seeking to access bonus heights and FSRs to ensure existing infrastructure is maximised and new local infrastructure is planned and identified. The areas for incentivised uplift are located within established urban areas, near to public transport, shops and schools.</p>
7.1 Business and Industrial Zones	<p>Largely consistent. Inconsistencies are minor and justified</p>	<p>Direction 7.1 aims to encourage employment growth, protect industrial and employment lands and support the viability of identified centres. This direction applies to the planning proposal as it will affect land within existing and proposed business zones.</p> <p>Areas of inconsistency:</p> <ul style="list-style-type: none"> • The proposal seeks to rezone land at 2 Hay Street, Leichhardt from business (B2) to public open space (RE1), thereby reducing potential employment floor space. The inconsistency is minor as the site was previously used as an at grade car park and the rezoning seeks to create a public open space in an area identified by the PRCUTS. • The proposal seeks to rezone an area in the Leichhardt precinct fronting Crystal Street from B2 Local Centre to R3 Medium Density Residential. This is in line with PRCUTS and therefore any inconsistency is justified. • The proposal seeks to add RFBs as an APU in three 'Opportunity Sites' zoned B6 Enterprise Corridor in the Kings Bay Precinct - thereby reducing potential employment floor space. It is proposed to allow RFBs only if the proposed development provides commercial/business uses on the entirety of the ground floor that are compatible with residential uses above. <p>An Economic Feasibility Study was prepared which the proposal states <i>'demonstrates that permitting residential uses on these sites will not negatively impact the economic productivity outcomes of the precinct and in turn deliver positive outcomes through the generation of new types of jobs and employment floorspace.'</i></p> <p>The remaining aspects of the proposal are consistent with the aims of the Direction as it seeks to promote active street frontages, employment uses by providing incentive bonus development standards (height and FSR) in existing business zones in the Leichhardt and Kings Bay Precincts, and in certain areas in Kings Bay expand the application of the B6 – Enterprise Corridor zone.</p> <p>The proposal aims to deliver additional non-residential floor space, with an estimated uplift of 30,304 sqm in the Leichhardt Precinct and 16,942 sqm in the Kings Bay Precinct, with capacity to create approximately 2,000 new jobs.</p>

Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy

This Direction applies to planning proposals within the PRCUTS. Proposals must demonstrate consistency with the PRCUTS, including the Planning and Design Guidelines, Implementation Plan 2016-2023 and the Implementation Update 2021. Proposals must also address state infrastructure requirements.

The objectives of this Direction are:

- (a) *facilitate development within the Parramatta Road Corridor that is consistent with the PRCUTS, the Parramatta Road Corridor Implementation Tool Kit, and the Implementation Update 2021,*
- (b) *provide a diversity of jobs and housing to meet the needs of a broad cross-section of the community, and*
- (c) *guide the incremental transformation of the Corridor in line with the delivery of necessary infrastructure.*

This Direction requires the proposal to:

- (a) *give effect to the objectives of this direction,*
- (b) *be consistent with the Strategic Actions within the Parramatta Road Corridor Urban Transformation Strategy*
- (c) *be consistent with the Parramatta Road Corridor Planning and Design Guidelines and particularly the requirements set out in Section 3 Corridor-wide Guidelines and the relevant Precinct Guidelines,*
- (d) *be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023, and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, as applicable,*
- (e) *contain a requirement that development is not permitted until land is adequately serviced (or arrangements satisfactory to the relevant planning authority, or other appropriate authority, have been made to service it) consistent with the Parramatta Road Corridor Implementation Plan 2016 – 2023*
- (f) *be consistent with the relevant District Plan (Addressed in **Section 4.1** of this report).*

A planning proposal may be inconsistent with the terms of this direction only if:

- (a) *consistent with the 'Out of Sequence Checklist' in the Parramatta Road Corridor Implementation Plan 2016 – 2023; or*
- (b) *justified by a study (prepared in support of the planning proposal) that clearly demonstrates better outcomes are delivered than identified in the Parramatta Road Corridor Urban Transformation Strategy and Parramatta Road Corridor Implementation Plan 2016-2023 having regard to the vision and objectives; or*
- (c) *of minor significance.*

The following discussion addresses the Direction requirements.

(a) Objective of the Direction

The planning proposal is considered to be generally consistent with the objectives of Direction 1.5. Consistency as discussed further below.

(b) PRCUTS Strategic Actions

The vision of PRCUTS is detailed in seven principles which articulate the overarching philosophy behind the transformation of the Corridor, being:

1. Housing choice and affordability;

2. Diverse and resilient economy;
3. Accessible and connected;
4. Vibrant community places;
5. Green spaces and links;
6. Sustainability and resilience; and
7. Delivery.

Each principle is supported by a suite of strategic actions to deliver these outcomes. The proposal is largely consistent with these strategic actions, as the proposal seeks to:

- require affordable housing contributions to be made in accordance with Council's draft AHCS for new residential developments in the Leichhardt Precinct.
- facilitate more jobs and business opportunities by the provision of incentive FSR and heights that would increase employment floor space.
- implement provisions to deliver active frontages in accordance with the PRCUTS Planning and Design Guidelines.
- create public open space opportunities and includes provisions for through-site links as part of redevelopment of opportunity sites to improve accessibility.
- promote sustainable and resilient development through proposed incentive provisions where increased water and energy targets are met, reduced car parking and tree canopy cover targets.
- commence the execution of the PRCUTS Implementation Plan 2016 – 2023, as amended by the 2021 update.
- ensure adequate contributions mechanisms are in place to fund local and regional infrastructure demands.

Council considers the PRCUTS and supporting documents in detail in its *Planning Proposal Justification Study* (**Appendix 12** to the planning proposal).

(c) Parramatta Road Corridor Planning and Design Guidelines

Sections 3 and 4 of the PRCUTS Planning and Design Guidelines provide recommendations to inform planning controls for future development in the corridor and each of the eight precincts. The following recommendations applying to the sites include:

Minor variations to the Planning and Design Guidelines have resulted from Council's detailed Precinct master planning work and to take into consideration the Five Dock Metro Station that is under construction. Any inconsistency is considered minor as the recommended vision and outcomes outlined in the PRCUTS are intended to be achieved in the planning proposal. An overview of the variations to the PRCUTS is provided in **Appendix B** of this report.

(d) PRCUTS Implementation Plan 2016-2023, and Implementation Update 2021

The Implementation Plan 2016 – 2023 is a staging strategy that adopts a short-term horizon to respond to current conditions and identify where and how the first stage of the Corridor's transformation should take place. This requires proposals to be located within the identified and defined 2016-2023 release areas.

The proposal has consistencies and inconsistencies with this requirement as the areas are not all located within the 2016-2023 release areas of the Precincts.

The proposal states that the first stage of the implementation area has been selected to focus growth along key local economic centres, such as Norton Street in Leichhardt; where there is existing transport infrastructure or committed improvements to transport infrastructure, such as Lewisham Railway Station, Taverners Hill Light Rail Station and the proposed Five Dock Metro Station.

On 5 August 2021 the then Minister for Planning and Public Spaces issued updates to Section 9.1 PRCUTS Ministerial Direction which still requires planning proposals to be consistent with the PRCUTS. This included the Implementation Update 2021 which seeks to recognise changes in the planning policy and infrastructure context of the PRCUTS since its release in 2016.

Text in the updated Direction is largely the same as when the Direction was originally made on 9 December 2016. However, the updates require planning proposals to be consistent with the Implementation Update 2021 document.

These requirements relevant to the proposal include:

- planning proposals in the 2016-2023 Release Area, or for whole precincts, can progress to a Gateway determination notwithstanding the status of any precinct wide traffic study;
- planning proposals must have regard to the necessary road improvements and upgrades identified in completed precinct-wide traffic studies. DPE may require a proposal to be amended to address recommendations of completed traffic studies, including but not limited to setbacks to support active, public or private transport improvements, or controls to manage traffic and parking impacts;
- if Gateway is granted prior to the completion of a precinct wide traffic study, DPE may impose a condition requiring the planning proposal to be updated prior to finalisation to address the recommendations of the completed traffic study; and
- no planning proposal is to be finalised until the relevant precinct-wide traffic study is complete or alternate traffic study approved by the Minister for Planning and Public Spaces or his delegate.

Conclusion

The planning proposal is largely consistent with the Principles and Strategic Actions of PRCUTS. It is also generally consistent with the recommended planning controls in the PRCUTS. However, the proposal seeks variations that are intended to deliver better urban design and public benefits or that respond to Council's evidence-based strategic planning process (see Department Assessment in **Appendix B** of this report).

Whilst the variances are considered largely minor and justified, there are items which need further consideration, being:

- The proposal seeks a building height of 23m rather than 17m and an FSR of 3:1 rather than 1.9:1 for 97 Norton Street, Leichhardt. **Appendix 12** to the planning proposal refers to the Urban Design Study, however it is unclear that the site is specifically discussed in the Urban Design Study. **Appendix 12** is to be updated to provide justification;
- The proposal seeks a building height of 23m rather than 17m and an FSR of 3:1 rather than 1:1 for 23 Norton Street (the Italian Forum). The **Appendix 12** to the proposal acknowledges the FSR variation for the Italian Forum but not the height variation, **Appendix 12** is to be updated to acknowledge the inconsistency and provide justification; and

- The PRCUTS Planning and Design Guidelines includes Section 4.3: Setbacks and Street Frontage Heights. This includes a recommendation for green edge setback of 6m to Parramatta Road. The proposal seeks variations to setbacks and street frontage requirements (as a result of review through the urban design study). Council is to consult with TfNSW during exhibition regarding the potential need to identify areas on Parramatta Road as a future road reserve to facilitate transport outcomes as identified in the PRCUTS.

A recommended **Gateway condition** addresses the above matters.

Direction 4.1 Flooding

Direction 4.1 aims to ensure appropriate consideration of flood prone land in line with government policies and plans when a planning proposal seeks to create, remove or alter a zone or a provision that affects flood prone land.

Certain land in the Precincts are identified as being subject to flooding, this Direction therefore applies as the proposal seeks to create and/or alter zones or provisions that affects flood prone land.

Flood studies, floodplain risk management plans and a schedule of properties affected by flooding area are provided in **Appendix 5** to the planning proposal.

Council has determined that the proposal is inconsistent with Direction 4.1 but satisfies Consistency clause (a), which states:

'the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant council in accordance with the principles and guidelines of the Floodplain Development Manual 2005'

The planning proposal further states:

'Council's Stormwater and Infrastructure team has assessed the relevant provisions and advised that inconsistencies with this Direction which might arise from this Planning Proposal are already and/or will be addressed in the following ways

1. *Most of the Planning Proposal area is covered by either the Leichhardt Floodplain Risk Management Study and Plan or the Dobroyd Canal & Hawthorne Canal Floodplain Risk Management Study and Plan (Appendix 5).*
2. *It is noted that some residential and B6 development has already occurred in the identified floodway areas. The areas identified to be rezoned for R3 Medium Density are located outside floodway or the new development can be designed to not impede the floodway.*
3. *For areas identified for uplift through FSR and HOB incentives, the existing DCP requires that any new development must maintain or enhance existing overland flows. This will be achieved through suitable building typologies and footprints. This is consistent with Council's current approach to development approvals for sites with overland flows.*

These requirements will be further strengthened in the supporting DCP amendments.

This principle that any new development must maintain or enhance existing overland flows will apply to all the flood control lots. Consequently, any inconsistencies with Direction 4.3 [sic] that might arise from this Planning Proposal are either acceptable or of minor significance.'

A summary of studies and flood prone land is provided below:

Leichhardt Precinct

Studies:

- The Leichhardt Floodplain Risk Management Study and Plan (2017)

- Johnsons Creek and Whites Creek Flood Study (south side of Parramatta Road).

Many lots north of Parramatta Road in the Precincts are identified in the Leichhardt DCP 2013 as being a Flood Control Lot. Three lots south of Parramatta Road are identified in the Marrickville DCP 2013 as overland flood affected.

Taverners Hill Precinct

Studies:

- The Dobroyd Canal and Hawthorne Canal Floodplain Risk Management Study and Plan
- Leichhardt Floodplain Risk Management Plan.

Many lots in the northern areas of the Taverners Hill Precinct are identified as Flood Control Lots.

Kings Bay Precinct

Studies:

- Dobroyd Canal and Hawthorne Canal Floodplain Risk Management Study and Plan

A limited number of lots down the southern end of the Kings Bay Precinct are identified in the Ashfield DCP as being overland flood affected.

As can be seen, a number of site are 'Flood Control Lots' and/or are impact by overland flooding. The proposal also indicates there may be potential floodway impacts. The proposal is not explicitly clear as to the level of hazard associated with these Flood Control Lots and if the requirements of Direction 4.1 are specifically met.

Flood prone lands package and Special flood considerations

The Department has finalised the flood-prone land package, which provides materials and advice to councils on considering flooding in land use planning. It includes a new guideline, planning circular, standard instrument LEP clauses, amendments to the EP&A Regulation and a SEPP amendment. The package commenced on 14 July 2021.

As part of this package, councils were invited to opt into an additional clause – clause 5.22 Special flood considerations. Council has elected to opt into this clause via a future self-repealing SEPP. The Department's Resilience Planning team has advised that an EIE will be exhibited soon to introduce clause 5.22 into the relevant council's LEPs.

2022 Flood Inquiry

In March 2022, the NSW Government commissioned an independent expert inquiry into the preparation for, causes of, response to and recovery from the 2022 catastrophic flood event across the state of NSW. The report was published on 18 August 2022 which contains number of land use planning recommendations. The planning proposal is to be updated to address pertinent 2022 Flood Inquiry recommendations.

Conclusion

Consistency with this Direction remains unresolved. A **Gateway condition** is recommended to require the proposal to be updated and address the recommendations of the 2022 Flood Enquiry. The proposal must also be updated to clearly address all requirements of Direction 4.1.

The discussion on Direction 4.1 in the planning proposal refers to superseded clause numbers which will also need to be updated.

4.6 State environmental planning policies (SEPPs)

The planning proposal is largely consistent with all relevant SEPPs as discussed in the table below.

Table 15 Assessment of planning proposal against relevant SEPPs

SEPP	Requirement	Proposal
Housing SEPP (2021)	<p>Including former SEPP 70 – Affordable Housing (Revised Schemes) which promotes the delivery and maintenance of affordable housing and establishes a mechanism for the imposition of conditions relating to affordable housing contribution (as per section 7.32 of the EP&A Act).</p> <p>Under Section 7.32(3)(b) of the EP&A Act, a condition can only be imposed by a council to levy a developer contribution for affordable housing if the contribution requirement is in an LEP, and the condition is in accordance with an affordable housing contribution scheme.</p>	<p>The proposal is supported by the draft Inner West Affordable Housing Contributions Scheme (AHCS) which proposes a rate of 2% of residential strata development in the Leichhardt Precinct.</p> <p>The affordable housing contribution requirement is intended to be introduced as a local provision to enable the levying of affordable housing contributions under the Housing SEPP.</p> <p>It is consistent with the requirements of the Housing SEPP as it generally complies with the Department's <i>Guidelines for Developing an Affordable Housing Contribution Scheme</i> and the EP&A Act.</p>
Transport and Infrastructure SEPP (2021)	<p>The Transport and Infrastructure SEPP includes requirements in Division 17 <i>Roads and traffic</i> for development adjacent to classified road corridors to ensure development does not impact on the function of the road, and that any impacts are addressed. Consideration of appropriate access, acoustic and pollution measures is required as per sections 2.119 and 2.120.</p> <p>The SEPP also includes requirements in Division 15 <i>Railways</i>, for development adjacent to rail corridors (s 2.98), excavation (s 2.99) and requirements relating to impacts of rail noise or vibration on non-rail development (s 2.100).</p>	<p><u>Roads and traffic</u></p> <p>The planning proposal includes land in the Precincts with frontage to a classified road, such as Parramatta Road, Tebbutt Street and Old Canterbury Road.</p> <p>The proposal and draft DCP includes provisions that seek to restrict vehicular access to Parramatta Road, and measures to reduce noise and air quality impacts. This includes a 6m landscaped setback to Parramatta Road, non-residential uses at ground level and locating open space away from Parramatta Road.</p> <p>Future DAs will need to demonstrate compliance with the requirements in the Transport and Infrastructure SEPP This will ensure that any potential impacts of road noise are addressed and mitigated at the detailed design stage.</p> <p><u>Development adjacent to rail corridors</u></p> <p>Areas in the south Taverners Hill Precinct are adjacent to the railway line (Main Western line) near Lewisham Railway Station. Future DAs will need to demonstrate compliance with the requirements of the Division 15 of the SEPP around matters such as noise, vibration and excavation.</p>

SEPP	Requirement	Proposal
Biodiversity and Conservation SEPP (2021)	Includes the former Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005. The aim is to ensure that catchment, foreshore, waterways and the islands of Sydney Harbour are recognised, protected, enhanced and maintained.	The Precincts are within the Sydney Harbour Catchment. There are no provisions in the planning proposal that would affect the application of this SEPP.
Resilience and Hazards SEPP (2021)	Includes Chapter 4 <i>Remediation of land</i> which includes the provisions from the former SEPP Remediation of Land – No. 55. Chapter 4 aims to promote the remediation of contaminated land to reduce risk to human health or any other aspect of the environment.	The proposal is supported by Preliminary Site Investigations (PSIs) which identifies potential for contamination on certain land in the Precincts where sensitive uses are proposed. The investigations concluded that these sites can be made suitable for the proposed uses subject to appropriate site-by-site contamination management and/or remediation at the DA stage, as required by section 4.6 of the SEPP. Contamination has been considered above at Section 4.5 of this report.
SEPP (Building Sustainability Index: BASIX) 2004	<p>The Building Sustainability Index (BASIX) requirements apply to all residential development in NSW and aims to improve energy water and thermal efficiencies.</p> <p>The SEPP applies to BASIX affected development and aims to ensure consistency in the implementation of the BASIX scheme throughout the State. As per clause 7, the SEPP prevails over any other environmental planning instrument, whenever made, to the extent of any inconsistency.</p>	<p>The proposed higher energy and water performance targets provision (see Section 2.2 of this report) are set out as an incentive to access bonus heights and FSRs, rather than a requirement so there is no inconsistency created with the BASIX SEPP.</p> <p>The BASIX Higher Standards package was exhibited from 17 November 2021 to 28 February 2022. The exhibition package set out proposed thermal performance and energy standards for residential development and seeks to establish higher targets than currently required under the BASIX SEPP. Amended BASIX targets have been since progressed and incorporated into the new Sustainable Buildings SEPP (2022), to commence on 1 October 2023. The increased energy standards in this package are higher than the standards proposed in the planning proposal. The planning proposal may need to be revised at finalisation in response. A Gateway condition has been recommended accordingly.</p>
Sustainable Buildings SEPP (2022)	In August 2022 the Department released the Sustainable Buildings SEPP. The SEPP encourages the design and delivery of more sustainable buildings across NSW. It sets sustainability standards for residential and non-residential development and starts the process of	<p>Though the provisions of the SEPP commence on 1 October 2023, the Department requires the planning proposal to be assessed against the provisions of the SEPP.</p> <p>The planning proposal provides incentive bonuses on the condition that specific BASIX and NABERS ratings are met. It is currently unclear how the incentive targets outlined in the</p>

SEPP	Requirement	Proposal
	measuring and reporting on the embodied emissions of construction materials.	planning proposal relate to the new standards set out in the Sustainable Buildings SEPP. The Department requires the planning proposal to be updated to make an assessment against the SEPP and outline how the proposed incentive targets relate to the targets set out in the SEPP. A Gateway condition to this effect is required.
SEPP No. 65 - Design Quality of Residential Apartment Development	<p>Aims to improve the design quality of residential apartment development in NSW.</p> <p>SEPP No. 65 includes design principles that are required to be considered for RFBs over three storeys and more than four dwellings or mixed-use developments that have a residential component.</p> <p>The Apartment Design Guide (ADG) supports SEPP 65 and sets out design considerations and criteria for residential development. Part 2 of the ADG sets out strategic planning considerations, including height, FSR and siting controls for development.</p>	<p>The proposal is supported by Precinct structure plans and urban design reviews of specific sites and areas which provide detailed site analysis and built form testing (informed by the PRCUTS Planning and Design Guidelines and Fine Grain Study). This includes building envelopes, siting, setbacks, and solar diagrams to support certain proposed incentive height and density controls, particularly where they vary from the PRCUTS recommendations.</p> <p>The planning proposal is supported by a draft DCP amendments that includes provisions relating to building siting, building envelopes, setbacks, and landscaping requirements.</p> <p>A further comprehensive assessment of compliance with SEPP 65 and the ADG will be undertaken as part of future DAs.</p>

5 Site-specific assessment

5.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal, except flooding, contamination and acid sulfate soils which are addressed in **Section 4.5** and **4.6**.

Table 16 Environmental impact assessment

Environmental Impact	Assessment
Biodiversity	<p>The proposal considers the changes are <i>‘unlikely to result in any adverse effects on critical habitat for threatened species and ecological communities.’</i></p> <p>In the Taverners Hill Precinct, land to the south of Parramatta Road between the Hawthorne Canal and Palace Street is identified as ‘Biodiversity’ on the Natural Resource – Biodiversity map of the Inner West LEP 2022.</p> <p>Land in this area will be subject to proposed clause 6.4 <i>Terrestrial biodiversity</i> of the Inner West LEP 2022 which requires the consent authority to consider the potential impacts to fauna and flora and their habits in the assessment of a DA. The</p>

Environmental Impact	Assessment
	<p>Department is satisfied biodiversity has been considered and satisfactory measures are in place to provide for consideration of impacts to biodiversity.</p>
Water and energy	<p>The proposal encourages efficient and sustainable resource uses including incentivised provisions to exceed BASIX targets for water and energy and exceed water and energy targets for non-residential development. The incentive regime proposed also includes measures to reduce urban heat island effect and to introduce tree canopy targets.</p>
Traffic and parking	<p>The proposal and DCP includes provisions to improve local streets and connections as set out in the PRCUTS Infrastructure Schedule and Council's Parramatta Road Urban Amenity Improvement Program – Public Domain Master Plan. This includes provisions to reduce additional driveway crossings and minimise impacts on the Parramatta Road Corridor.</p> <p>The proposal includes proposed maximum car parking rates for development, largely in line with the rates in the PRCUTS Planning and Design Guidelines.</p> <p>The proposal states <i>'Council will continue to engage with TfNSW and DPE regarding the preparation of the Parramatta Road Traffic and Transport Study mesoscopic model and Parramatta Road Strategic business case, including the provision of any upgrades and new services for roads and public transport'</i></p> <p>The PRCUTS Implementation Update 2021 encourages planning proposals to be progressed to Gateway and exhibition ahead prior to the completion of the Precinct-wide traffic studies. The Precinct-wide traffic studies must be completed prior to the finalisation of a planning proposal, with the planning proposal to be updated to address any recommendations of the traffic studies. The proposal is accompanied by a Parramatta Road Corridor Precinct-Wide Traffic and Transport Study (Appendix 11 to the planning proposal).</p> <p>Transport for NSW (TfNSW) has recently made the Department aware that it may potentially require areas along Parramatta Road for road widening (future new road reserve). The potential road reserve is identified to provide opportunities for future public transport and/or active transport enhancements along the Parramatta Road Corridor (such as on-street rapid transit) which is being investigated by TfNSW. This was identified in TfNSW's submission on the City of Canada Bay Council's PRCUTS Stage 1 planning proposal (PP-2021-3619), where three areas on the northern side of Parramatta Road were identified. TfNSW is to be consulted during exhibition of the proposal to determine any potential issues.</p>
Urban design and overshadowing	<p>The proposal is a Precinct-based approach to renewal and is supported by structure plans and urban design studies which consider local character and heritage, massing and siting, overshadowing impacts and new connections for certain sites.</p> <p>The planning proposal is generally consistent with the intended urban design and amenity outcomes in the PRCUTS and will achieve the intended vision and strategic actions. The proposal does include some variation to proposed building heights and FSRs in the Precincts in response to detailed site planning undertaken in the urban design studies. In particular, changes to the PRCUTS recommendations in the Kings Bay area are largely in response to mitigating potential overshadowing impacts to low density residential areas to the south. Changes to the area near Crystal Street in the Leichhardt Precinct also respond to overshadowing impacts on adjacent low density residential.</p> <p>Future DAs will need to demonstrate compliance with the design criteria in SEPP 65 and the ADG to ensure apartments achieve the highest amenity outcomes including solar access, natural ventilation, and access to communal open space.</p>

Environmental Impact	Assessment
	The supporting DCP amendments will also provide guidance for future development to ensure high quality design outcomes in line with the proposed outcomes in the planning proposal.

5.2 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal and what infrastructure is proposed in support of the proposal.

Table 17 Infrastructure assessment

Infrastructure	Assessment
Local infrastructure	<p>The planning proposal seeks to introduce infrastructure delivery provisions in the LEP to facilitate the delivery of local infrastructure identified in the PRCUTS infrastructure schedule (which is currently being reviewed by Council). For the Leichhardt Precinct, the proposal seeks a provision for a Community Infrastructure Contributions Scheme for developments seeking to access incentive height and FSR. As previously noted, the intent around the provision of local infrastructure is to be provided as a plain English explanation of intent.</p> <p>Council is reviewing its own infrastructure needs assessment studies including recreational facilities, community assets and traffic and transport which will inform the updates to section 7.11/7.12 Development Contributions Plans. Council intends to complete the review of the local infrastructure funding framework prior to finalisation of this planning proposal.</p> <p>Council has prepared associated draft DCP amendments to support the planning proposal. Council endorsed the exhibition of the documents at the Council meeting on 10 May 2022. It is intended that these documents will be exhibited at the same time as the proposal.</p>
Transport Infrastructure	<p>As discussed earlier in this report, the planning proposal includes a provision which seeks to prevent development until such time as future transport, include a rapid transport link, is provided along Parramatta Road This is because Council is concerned that the growth proposed under PRCUTS may not be adequately support by transport infrastructure.</p> <p>The Department does not support this provision because a rezoning to facilitate additional growth should not be supported where it cannot be demonstrated that adequate transport infrastructure either exists or is proposed.</p> <p>PRCUTS is an integrated land use planning and transport framework to guide future land use in a staged manner, where development will be coordinated with infrastructure delivery and funding.</p> <p>PRCUTS is supported by an Implementation Tool Kit which responds to community priorities for more open space and more appealing streets, reduced traffic congestion, improved public transport, and a better environment for residents and business.</p>

Infrastructure	Assessment
	<p>In this regard, the <i>PRCUTS Implementation Update 2021</i> encourages consideration of changes to the transport network and plans since PRCUTS was first released in 2016. This includes:</p> <ul style="list-style-type: none"> the planning proposal being updated prior to finalisation to address the recommendations of the completed precinct-wide traffic study; consideration of any updated plans prepared in response to Sydney Metro West; and further place-based active and public transport improvements for the Parramatta Road Corridor by Transport for NSW. <p>Gateway conditions are recommended to this effect, including that Sydney Metro and Transport for NSW are consulted. This will ensure the planning proposal adequately responds to the requirements of the implementation update regarding transport infrastructure prior to finalisation.</p>
<p>State Infrastructure Requirements and Contributions</p>	<p>In accordance with the PRCUTS Implementation Update 2021, planning proposals are required to address state infrastructure contribution requirements.</p> <p>The proposal seeks to include provisions in relation to State infrastructure for development seeking to access the incentive development standards, including:</p> <ul style="list-style-type: none"> prior to any redevelopment taking place, there is commitment from NSW Government to introduce an on-street rapid transit system along Parramatta Road; new development be designed with consideration of transport infrastructure; new development makes satisfactory Regional Infrastructure Contributions; <p>which ensures that the Secretary's concurrence is obtained for the purpose of assessing the need for state infrastructure contributions prior to development consent being granted.</p> <p>It is noted that Infrastructure Contributions Review currently being progressed by NSW Government may result in the introduction of a Regional Infrastructure Contribution (RIC) for Greater Sydney. The planning proposal may need to be revised pending the progression and implementation of the recommendations being considered in the Infrastructure Contributions Review as there may be implications for the delivery of infrastructure. The Department will work with Council as part of the finalisation of the planning proposal to identify any implications.</p> <p>As previously noted, the proposal seeks to include a provision (commitment from NSW Government regarding providing on-street rapid transport system along Parramatta Road) which is not supported and a Gateway condition is recommended requiring this to be removed from the proposal.</p>
<p>Utilities</p>	<p>The proposal states <i>'the full range of utility services including electricity, telecommunications, water and sewer are all currently available cross Inner West. It is expected that these services will be upgraded where required as individual development occurs.'</i> The Department notes that augmentation of utility infrastructure will be required as development occurs and can be subject to further review as development take up occurs.</p>

6 Consultation

6.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms one of the conditions of the Gateway determination.

6.2 Agencies

The proposal notes that pre-Gateway consultation has occurred with various agencies, such as Sydney Airport Corporation and The Commonwealth Department of Infrastructure, Transport, Regional Development and Communications.

Council has nominated the public agencies to be consulted about the planning proposal.

It is recommended the following agencies be consulted on the planning proposal and given 30 days to comment:

- Ausgrid;
- Adjoining Councils;
- Greater Cities Commission;
- Commonwealth Department of Infrastructure, Transport, Regional Development and Communications;
- Department of Education;
- Environment and Heritage Group of the Department of Planning and Environment;
- Environment Protection Agency;
- Heritage NSW;
- Jemena;
- NSW Health;
- State Emergency Service;
- Sydney Airport Corporation;
- Sydney Metro;
- Sydney Trains;
- Sydney Water Corporation; and
- Transport for NSW.

6.3 Social and economic

The following table provides an assessment of the potential social and economic impacts associated with the proposal.

Table 18 Social and economic impact assessment

Social and Economic Impact	Assessment
Economic	The proposal seeks to implement the recommendations of PRCUTS to renew and revitalise Precincts along the Parramatta Road. The proposed rezoning and renewal of these Precincts, particularly in Leichhardt and Kings Bay, will diversify

Social and Economic Impact	Assessment
	<p>the local economy and promote economic benefits through increased activity, recreation and local jobs. These aims are supported by the proposed provisions which:</p> <ul style="list-style-type: none"> • Promote mixed-use development and commercial uses in well-located areas to facilitate increased access to jobs and services – the proposal seeks to facilitate 2,000 new jobs. • Promote active frontages and ground floor commercial uses to ensure commercial and retail uses activate Parramatta Road and primary streets • Ensure development is supported by adequate infrastructure and introducing provisions to facilitate infrastructure delivery through development. <p>The above provisions promote economic development while ensuring balancing development with design and sustainability outcomes.</p>
Social	<p>The proposal supports housing supply to meet the 6-10 years housing target (in Council's LHS) in a manner that encourages a diversity of housing types, a range of densities and affordability. The delivery of additional housing and affordable rental dwellings adopts a place-based approach that considers accessibility to transport, employment and other services.</p> <p>The proposal supports social benefits through new and improved open space, local infrastructure upgrades and provisions which require design excellence and sustainability initiatives to be implemented in new developments.</p> <p>New developments seeking to access the incentive FSRs and heights will be required to provide local and state infrastructure contributions as above, which is to ensure additional demands on infrastructure is adequately addressed.</p> <p>Listing additional sites as heritage items will help to conserve the heritage significance of these sites and allow for appreciation of the items by the local community.</p>

7 Timeframe

While the Department agrees with a time frame of 9 months to ensure the LEP completed in line with its commitment to reduce processing times, due to the nature of the alterations to the planning proposal required before this is exhibited a total timeframe of 12 month is considered more appropriate. It is recommended that if the Gateway is supported it also includes conditions requiring council to exhibit and report on the proposal by specified milestone dates.

A condition to the above effect is recommended in the Gateway determination.

8 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As the planning proposal seeks to implement part of the NSW Government's Parramatta Road Corridor Urban Transport Strategy, a NSW Government policy, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

9 Assessment summary

The planning proposal is supported to proceed with conditions as the proposal:

- is consistent with the relevant provisions of the Greater Sydney Region Plan, Eastern City District Plan, applicable State Environmental Planning Policies, and the Inner West Local Strategic Planning Statement.
- is largely consistent with relevant section 9.1 Ministerial Directions, with the inconsistencies justified or any inconsistencies which are not currently addressed will be addressed by way of Gateway conditions either prior to public exhibition or prior to finalisation.
- will implement the strategic actions and land use recommendations in the PRCUTS - the NSW Government's strategic framework for transforming the Parramatta Road Corridor.
- will deliver a Precinct-based approach to the implementation of the PRCUTS, supported by structure plans and urban design studies to refine Precinct outcomes and proposed planning controls.
- will deliver significant new housing supply and provide improved housing choice and affordability in accessible and well serviced locations.
- will promote a coordinated and place-based approach to renewal and infrastructure delivery, deliver vibrant mixed-use centres and active streets, and new open space and public domain improvements.
- will recognise and provide on-going protection of the heritage significance of the identified sites.
- will introduce provisions to reduce car dependency, promote sustainability and address infrastructure delivery.

10 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistencies with section 9.1 Directions 4.5 Acid Sulfate Soils, 5.3 Development Near Regulated Airports and Defence Airfields, 6.3 Site Specific Provisions, and 7.1 Business and Industrial Zones are minor or justified.
- Note that the consistency with section 9.1 Directions 1.5 Parramatta Road Corridor Urban Transformation Strategy, 4.1 Flooding and 5.2 Reserving Land for Public Purposes (public transport) are unresolved and will require further justification.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to public exhibition, the planning proposal (including relevant appendices) is to be revised to address the matters set out below:
 - (a) include an explanatory note that future development will be subject to state/regional infrastructure contributions in accordance with the implementation actions in the Parramatta Road Urban Corridor Transformation Strategy Implementation Update 2021;
 - (b) include a figure or figures in the planning proposal that clearly identify all land and sites that are subject to the planning proposal;
 - (c) address consistency with section 9.1 Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy, including:
 - i. the proposal seeks a height of 23m rather than 17m and a FSR of 3:1 rather than 1.9:1 for 97 Norton Street, Leichhardt. Appendix 12 to the planning proposal refers to the Urban Design Study, however it is unclear that the site is specifically discussed in the Urban Design Study;

- ii. the proposal seeks a height of 23m rather than 17m and a FSR of 3:1 rather than 1:1 for 23 Norton Street, Leichhardt. Appendix 12 to the proposal acknowledges the FSR variation but not the height variation. Update Appendix 12 to the planning proposal to acknowledge the inconsistency and provide justification; and
 - iii. part of 35-53 Old Canterbury Road, Lewisham is proposed to remain with a FSR of 1.1:1 and is identified on the proposed FSR incentive map as 1.1:1. The incentive FSR map is to be updated accordingly to remove the area from the map.
- (d) address consistency with section 9.1 Direction 4.1 Flooding, including:
- i. update the planning proposal to address relevant recommendations of the NSW Government's 2022 Flood Inquiry Report;
 - ii. clearly address the requirements of Direction 4.1, providing clear assessment and consideration the level of flood hazard(s) that may impact the proposal; and
 - iii. remove references to outdated Direction 4.1 numbering.
- (e) to contemplate the suitability of the use of the R1 General Residential and/or R4 High Density Residential zones under Inner West LEP 2022 to remove the need to rely upon 'residential flat buildings' as an additional permitted use for land zoned R3 Medium Density Residential;
- (f) remove the proposed additional heritage local provision;
- (g) review and correct as required existing and proposed maximum building heights and floor space ratio provisions to ensure the planning proposal and proposed mapping are consistent;
- (h) to include an assessment of the proposed sustainability provisions against *State Environmental Planning Policy (Sustainable Buildings) 2022* (Sustainable Buildings SEPP). This must outline how the proposed incentive targets relate to the targets set out in the Sustainable Buildings SEPP.
- (i) in relation to the proposed performance standards for non-residential development, update the proposal to use the development type term 'office' rather than 'commercial development' or provide justification as to why the term commercial development is preferred;
- (j) include a table in the planning proposal that clearly demonstrates indicative zoning under the Department's employment zones reforms;
- (k) amend the proposed workers facilities provision to reframe it as an overarching clause setting out aims and objectives, the detailed requirements may be contained in a Development Control Plan (DCP);
- (l) remove references to the finalisation of the draft Design and Place State Environmental Planning Policy (SEPP) 2021;
- (m) remove the proposed clause that considers reduced sustainability requirements for heritage items;
- (n) remove the proposed overall precinct/zone based tree canopy targets (including streets);
- (o) remove the proposed incentive requirement for all car parking to be provided as unbundled parking in new developments;
- (p) provide a plain English explanation of intent for the proposed community infrastructure contributions (CIC) clause for the Leichhardt Precinct, noting that the Department is unable to support a CIC levy that does not conform with the existing legislative framework for infrastructure funding under the *Environmental Planning and Assessment Act 1979*;
- (q) remove the two proposed transport infrastructure provisions; and

- (r) update the project timeline to reflect the progress of the planning proposal and Gateway timeframes.

2. Consultation is required with the following public authorities:

- Ausgrid;
- Adjoining Councils;
- Greater Cities Commission;
- Commonwealth Department of Infrastructure, Transport, Regional Development and Communications;
- Department of Education;
- Environment and Heritage Group of the Department of Planning and Environment;
- Environment Protection Agency;
- Heritage NSW;
- Jemena;
- NSW Health;
- State Emergency Service;
- Sydney Airport Corporation;
- Sydney Metro;
- Sydney Trains;
- Sydney Water Corporation; and
- Transport for NSW.

3. Prior to finalisation, the planning proposal to be updated to:

- (a) address the Implementation Actions in the *Parramatta Road Urban Corridor Transformation Strategy Implementation Update 2021* to:
- i. ensure the planning proposal aligns with any transport or infrastructure plan developed by the NSW Government; and
 - ii. address the recommendations and outcomes of the Precinct-wide traffic studies.
- (b) provide additional analysis demonstrating that the tree canopy targets (% of site area) and the deep soil target can be achieved on a site-by-site basis;
- (c) provide feasibility analysis considering the zoning, height and floor space ratio and other requirements for development including design excellence, affordable housing contributions, local and community infrastructure requirements and contributions, state or regional contributions and sustainability requirements. This updated analysis should also account for any amendments to the planning proposal that occur as part of the plan making process; and
- (d) ensure that the thresholds for BASIX standards which trigger the incentive provisions are appropriate having regard to the Sustainable Buildings SEPP.

4. The planning proposal should be made available for community consultation for a minimum of 28 days.
5. The planning proposal must be placed on exhibition no later than **5 months** from the date of the Gateway determination.
6. The planning proposal must be reported to Council for a final recommendation no later than **9 months** from the date of the Gateway determination.
7. The timeframe for completing the LEP is to be **12 months** from the date of the Gateway determination.

8. Given the nature of the proposal, Council is not authorised to be the local plan-making authority.



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17 October 2022
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Appendix A: Mapping

Leichhardt Precinct

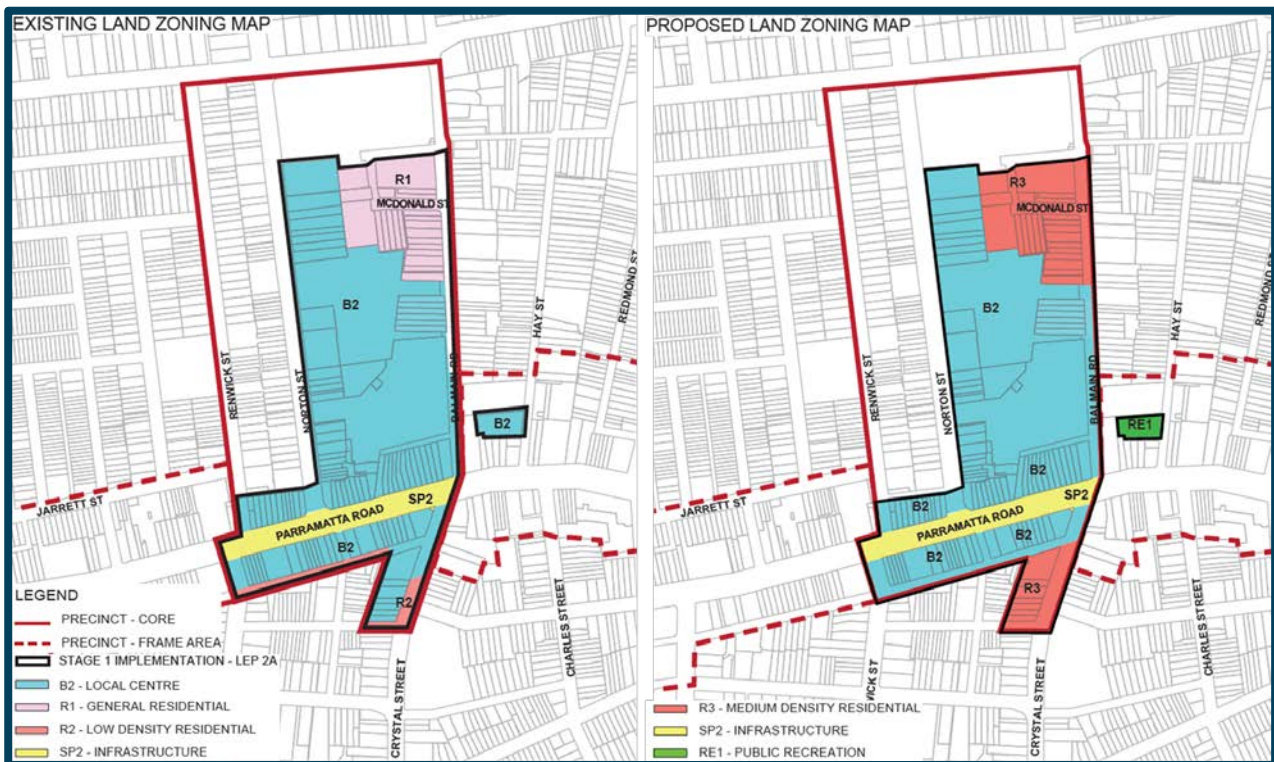


Figure 10 – Leichhardt Land Zoning Map (existing and proposed)

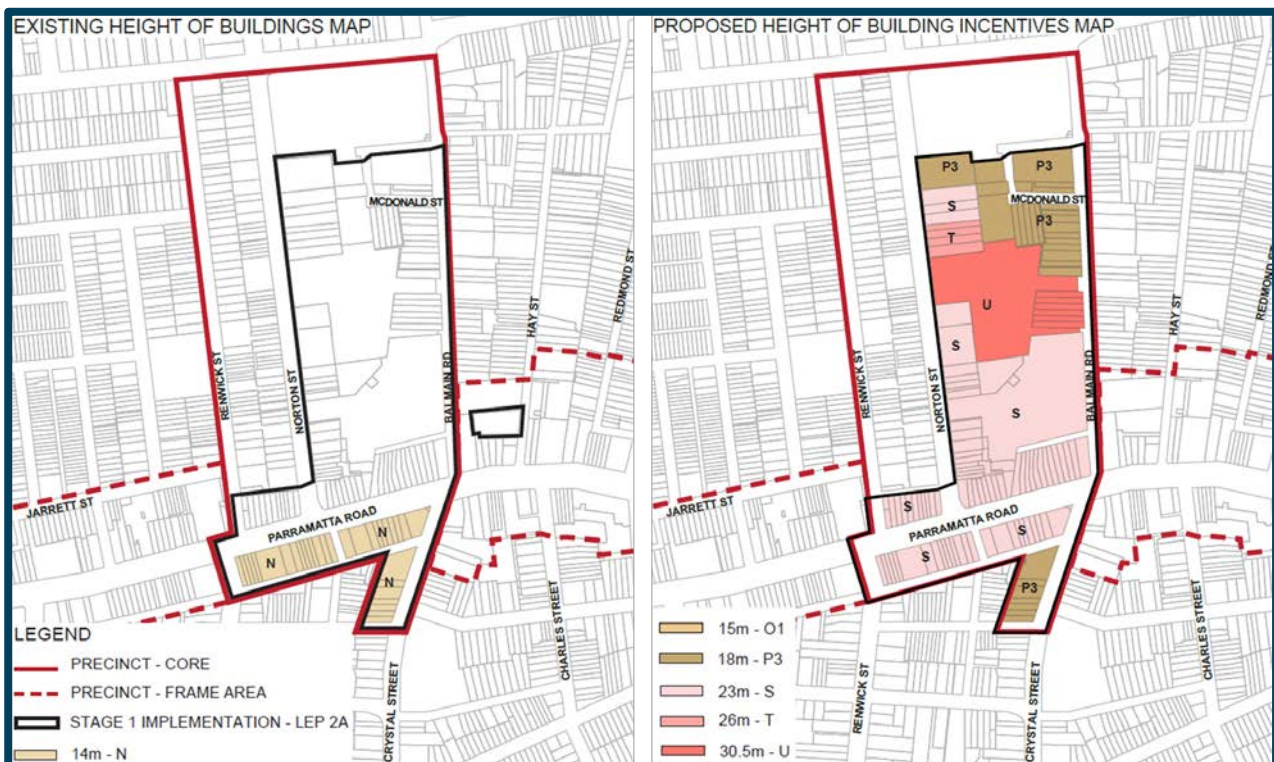


Figure 11 – Leichhardt Height of Buildings Map (existing and proposed incentive)

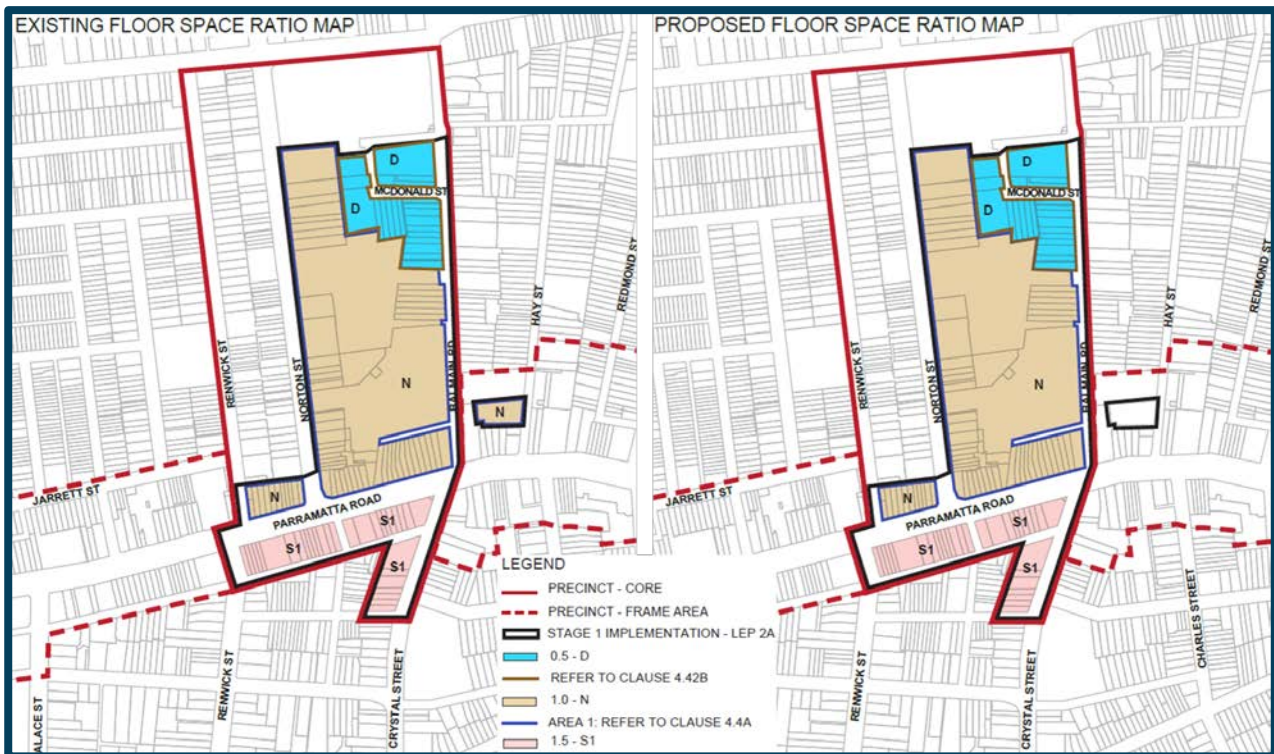


Figure 12 – Leichhardt Floor Space Ratio Map (existing and proposed base)

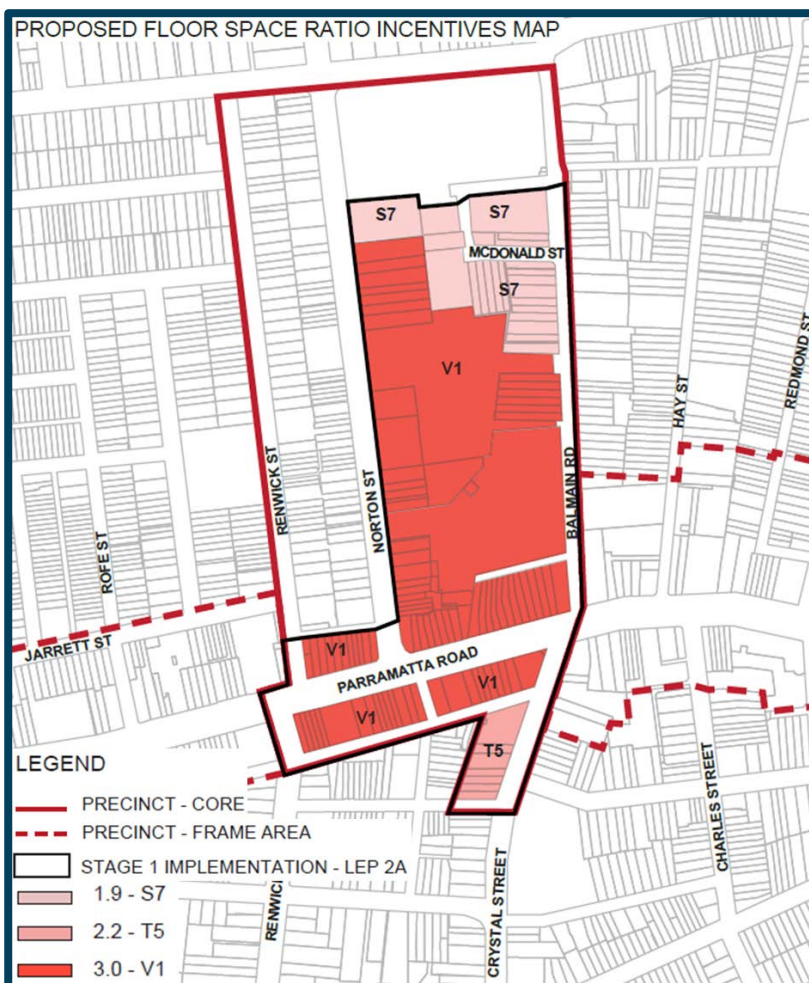


Figure 13 – Leichhardt Proposed Incentive Floor Space Ratio Map

Active Street Frontages Map

See Section 2.2.

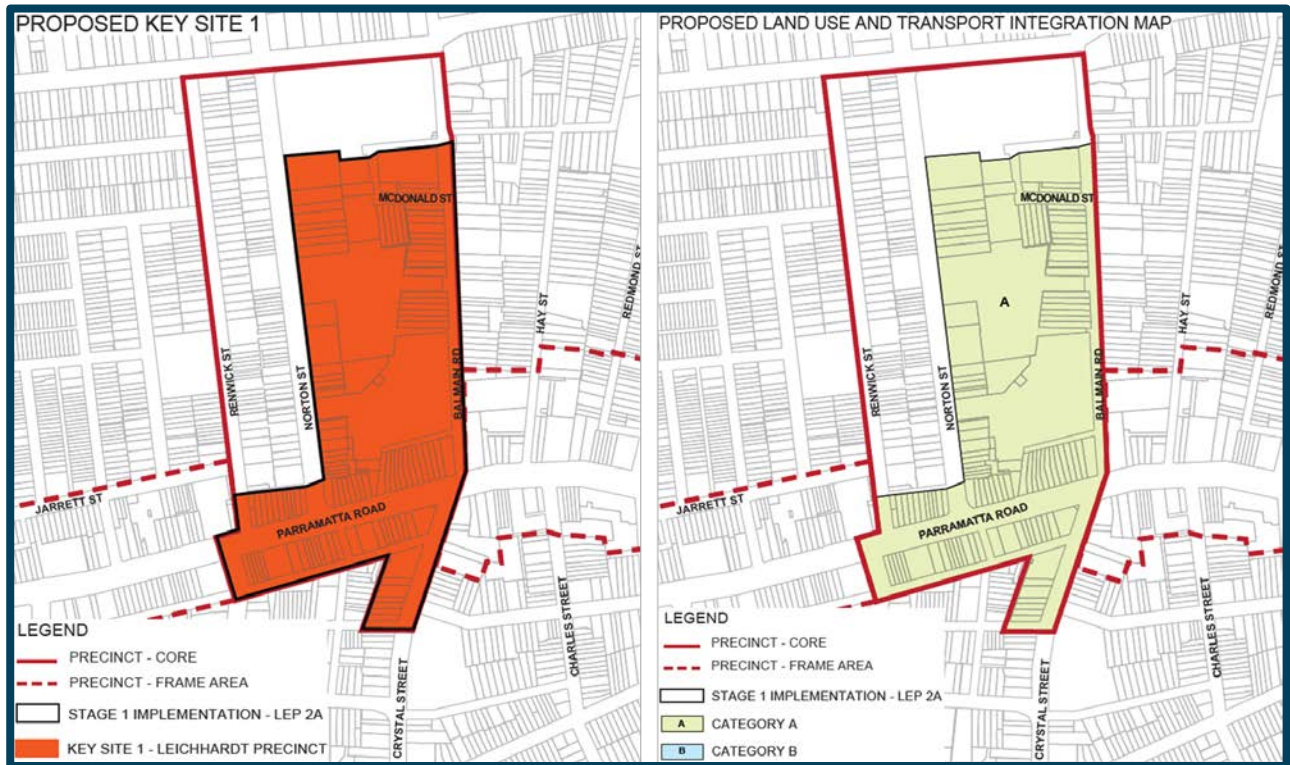


Figure 14 – Leichhardt Proposed Key Site and Land Use and Transport Integration Maps

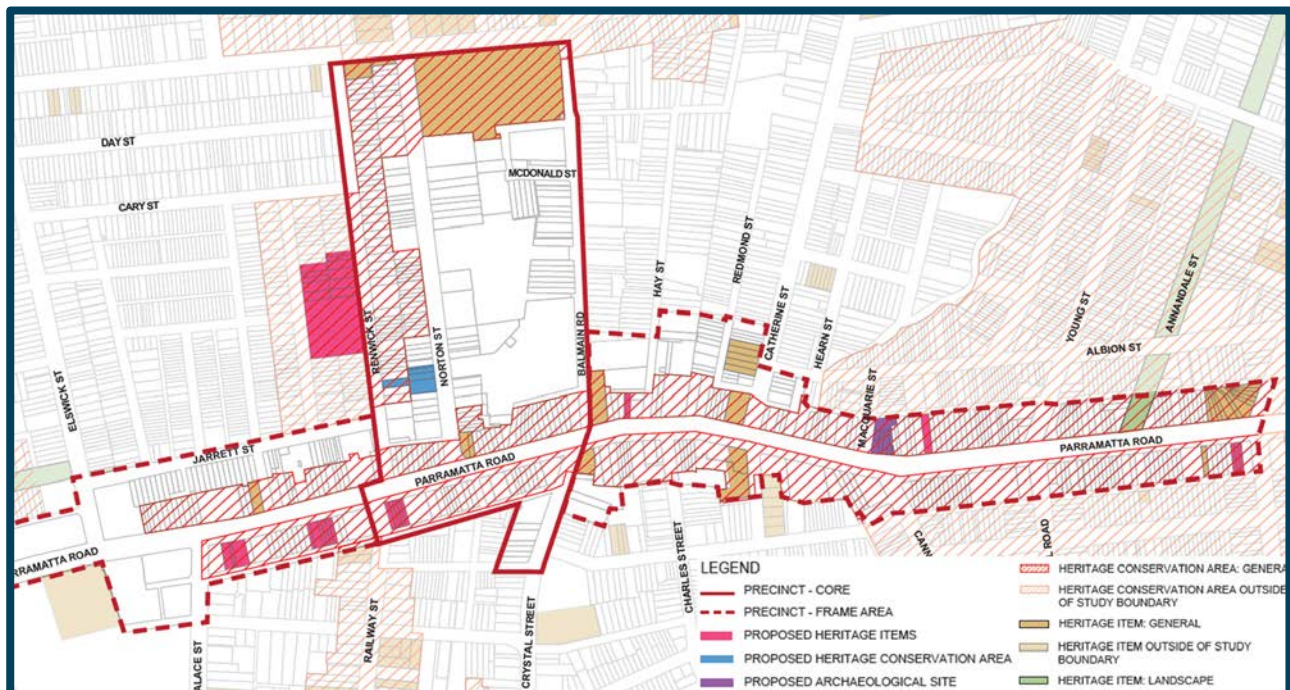


Figure 15 – Leichhardt Heritage Map (proposed and current heritage)

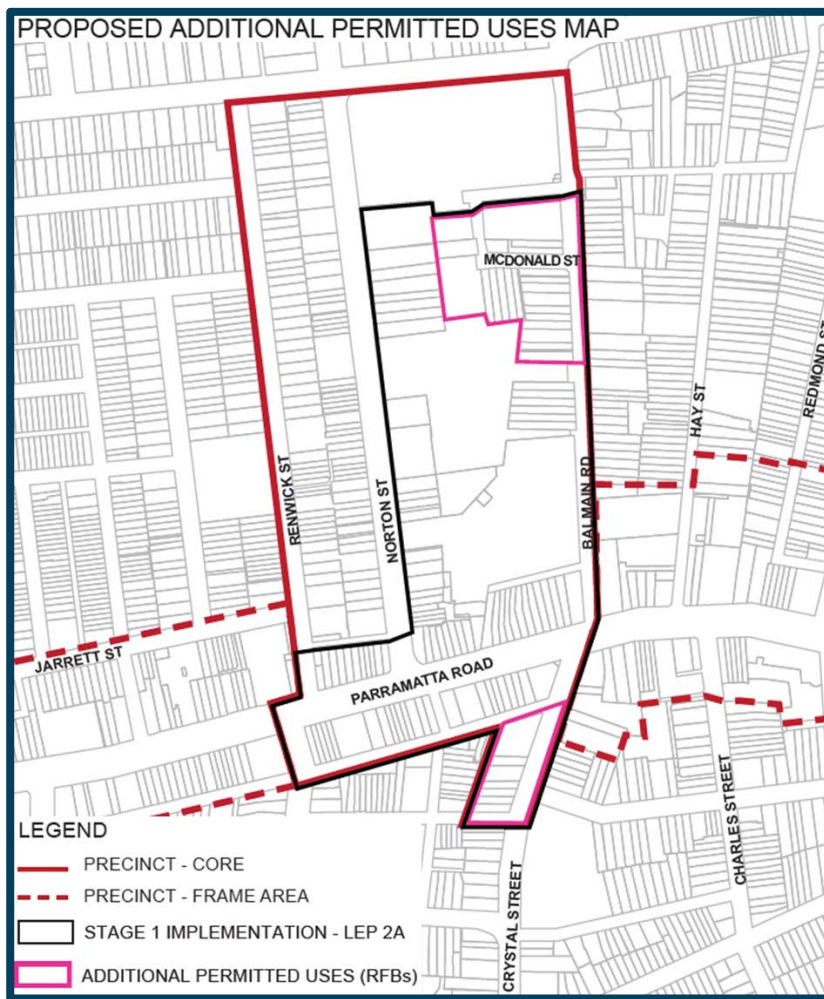


Figure 16 – Leichhardt Proposed Additional Permitted Uses Map

Opportunity Sites Map

See Section 2.2.

Taverners Hill

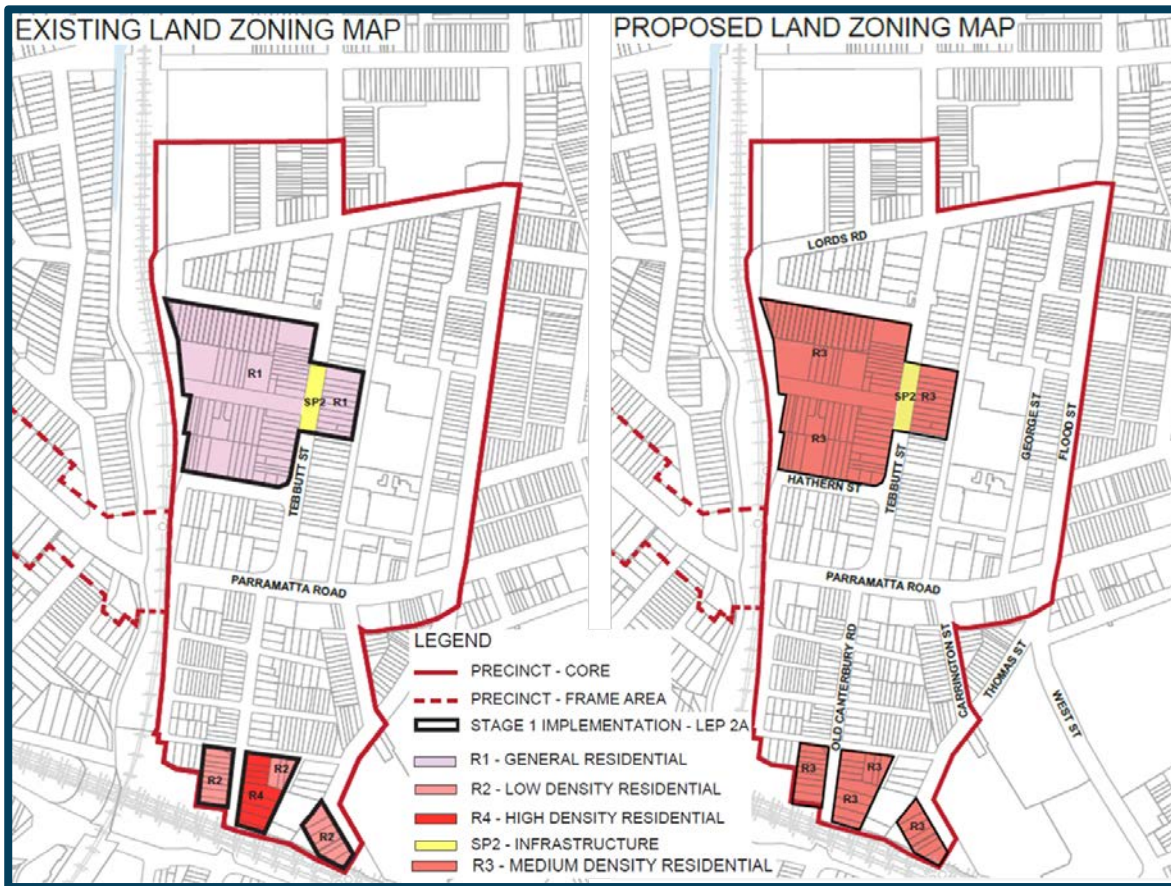


Figure 17 – Taverners Hill Land Zoning Map (existing and proposed)

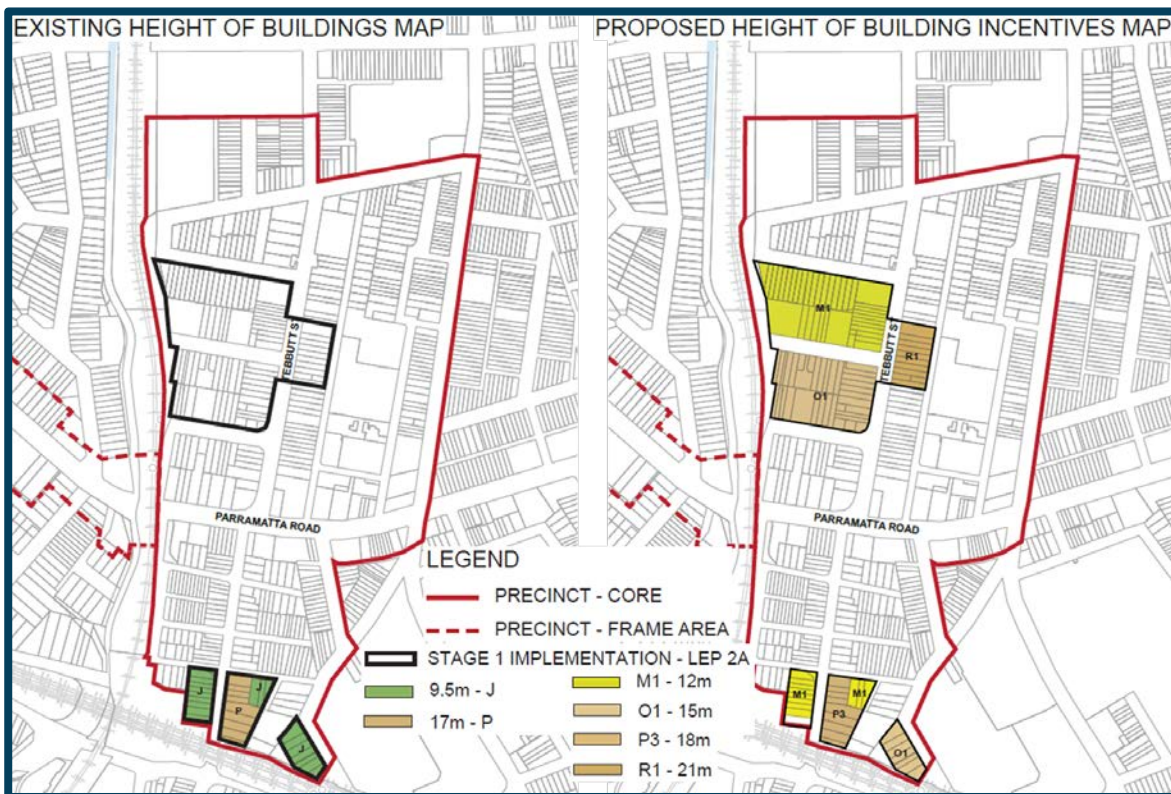


Figure 18 – Taverners Hill Height of Buildings Map (existing and proposed incentive)

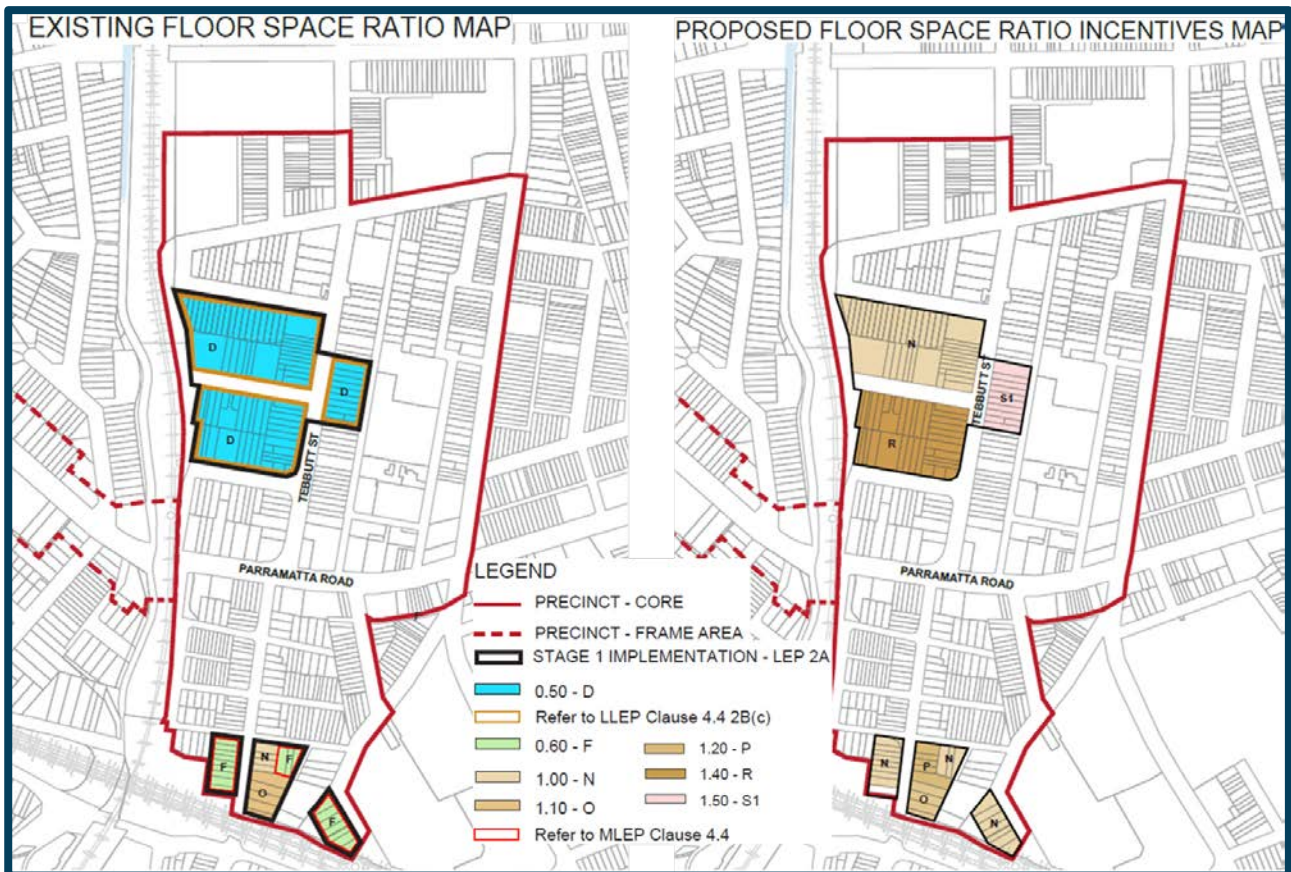


Figure 19 – Taverners Hill Floor Space Ratio Map (existing and proposed incentive)

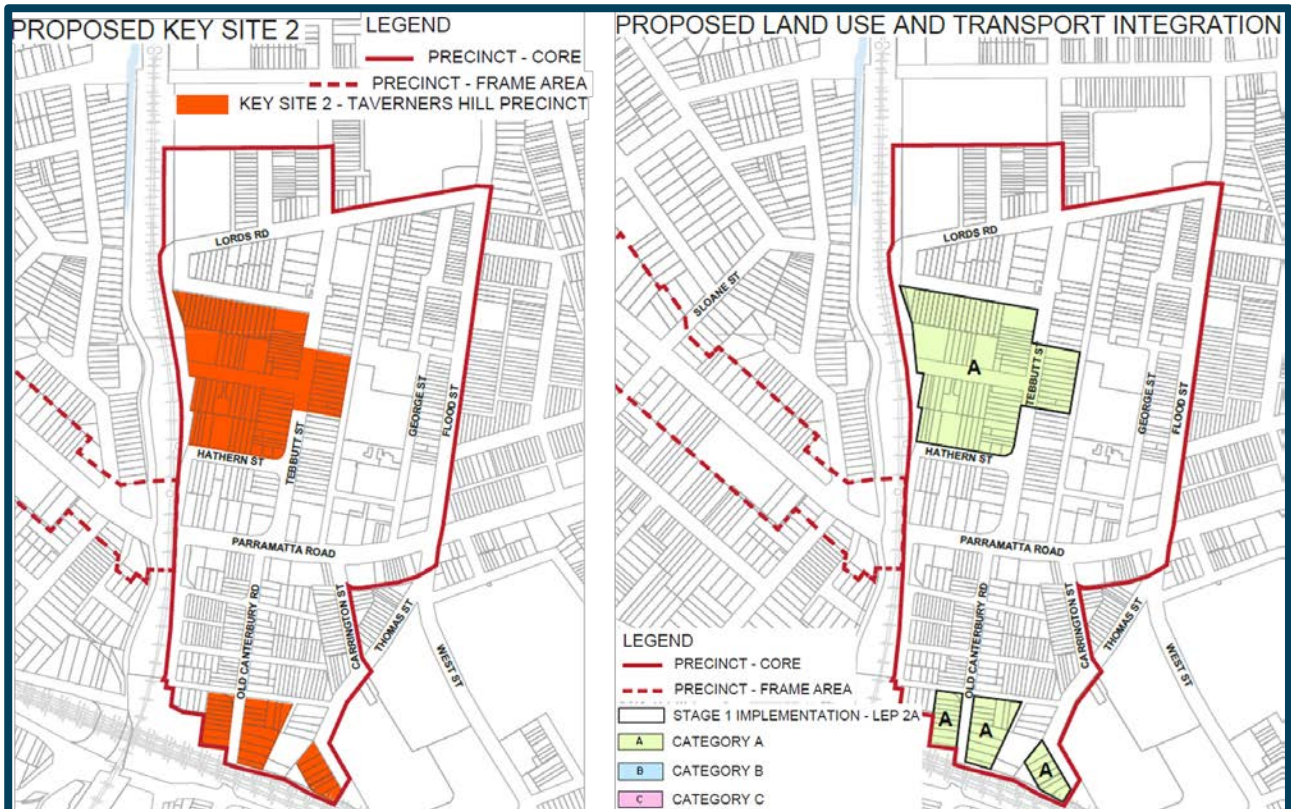


Figure 20 – Taverners Hill Proposed Key Site and Land Use and Transport Integration Maps

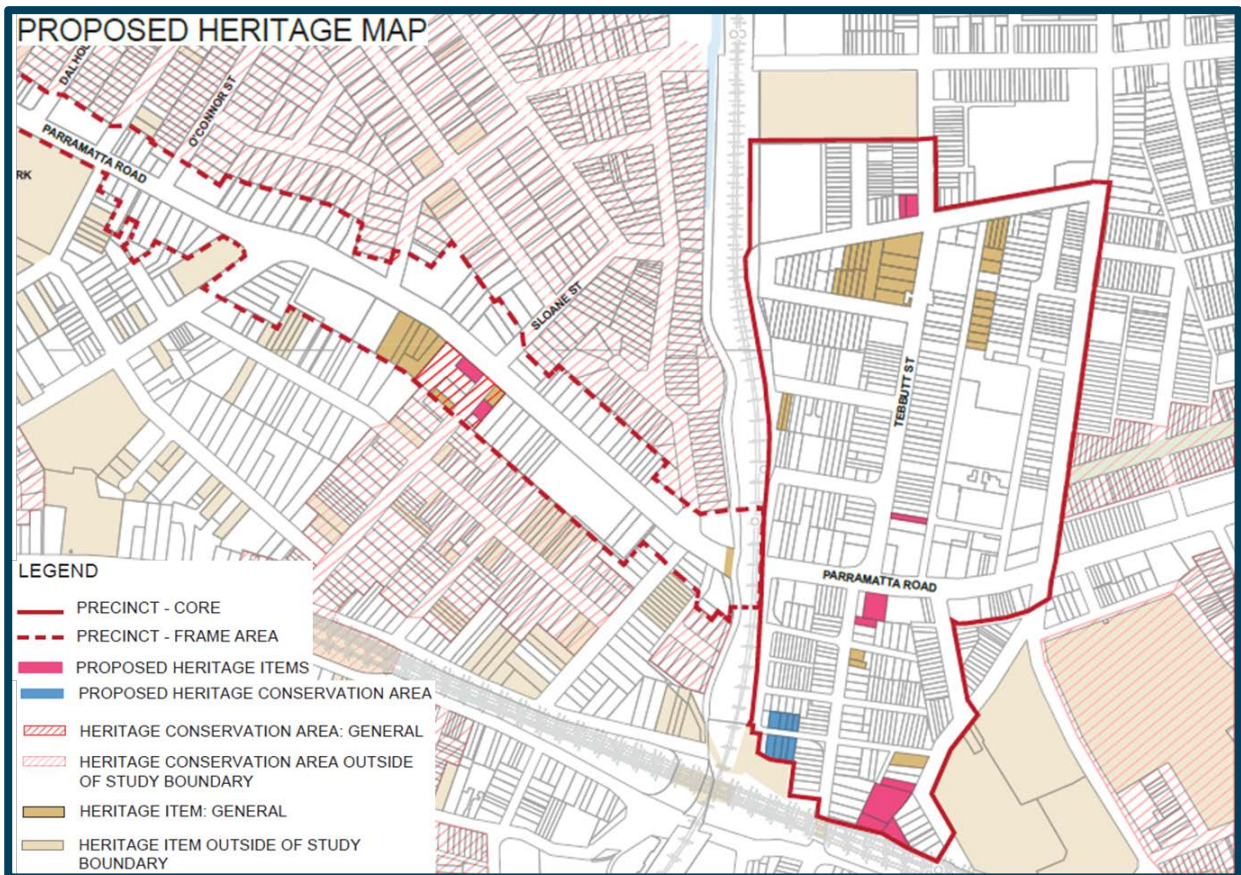


Figure 21 – Taverners Hill Heritage Map (proposed and current heritage)

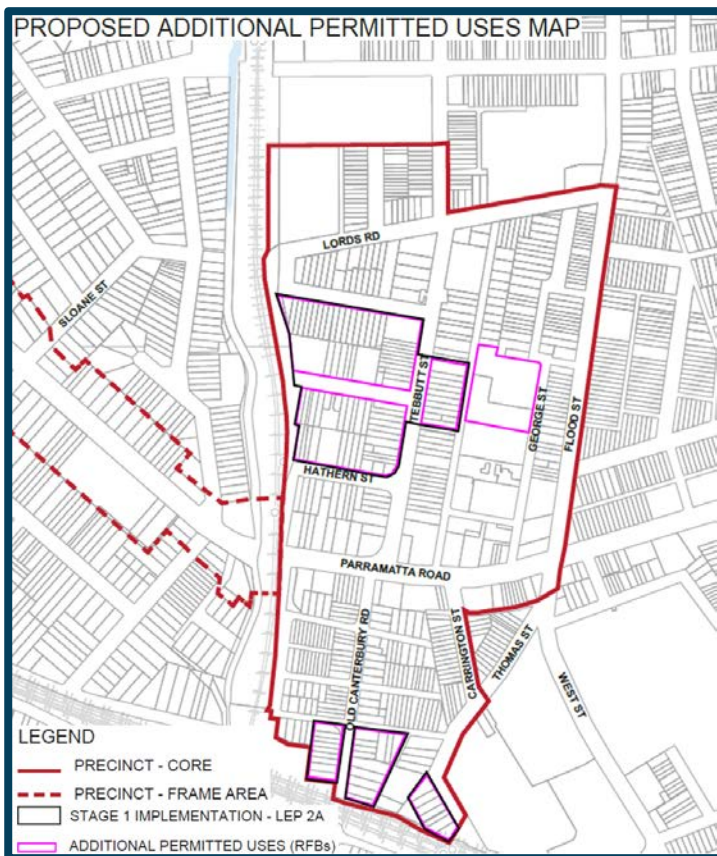


Figure 22 – Taverners Hill Proposed Additional Permitted Uses Map

Kings Bay Precinct

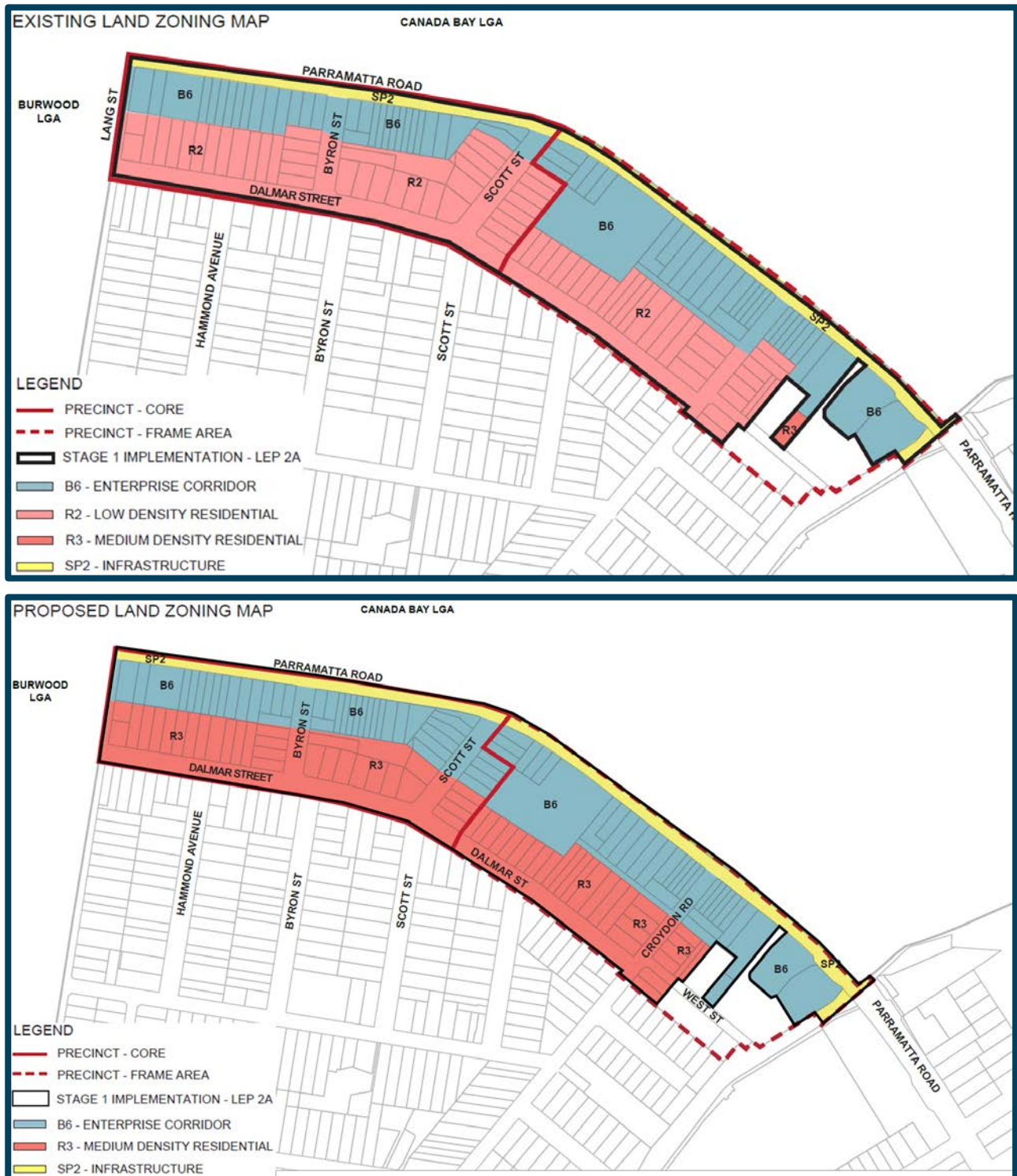


Figure 23 – Kings Bay Land Zoning Map (existing and proposed)



Figure 24 – Kings Bay Height of Buildings Map (existing and proposed incentive)

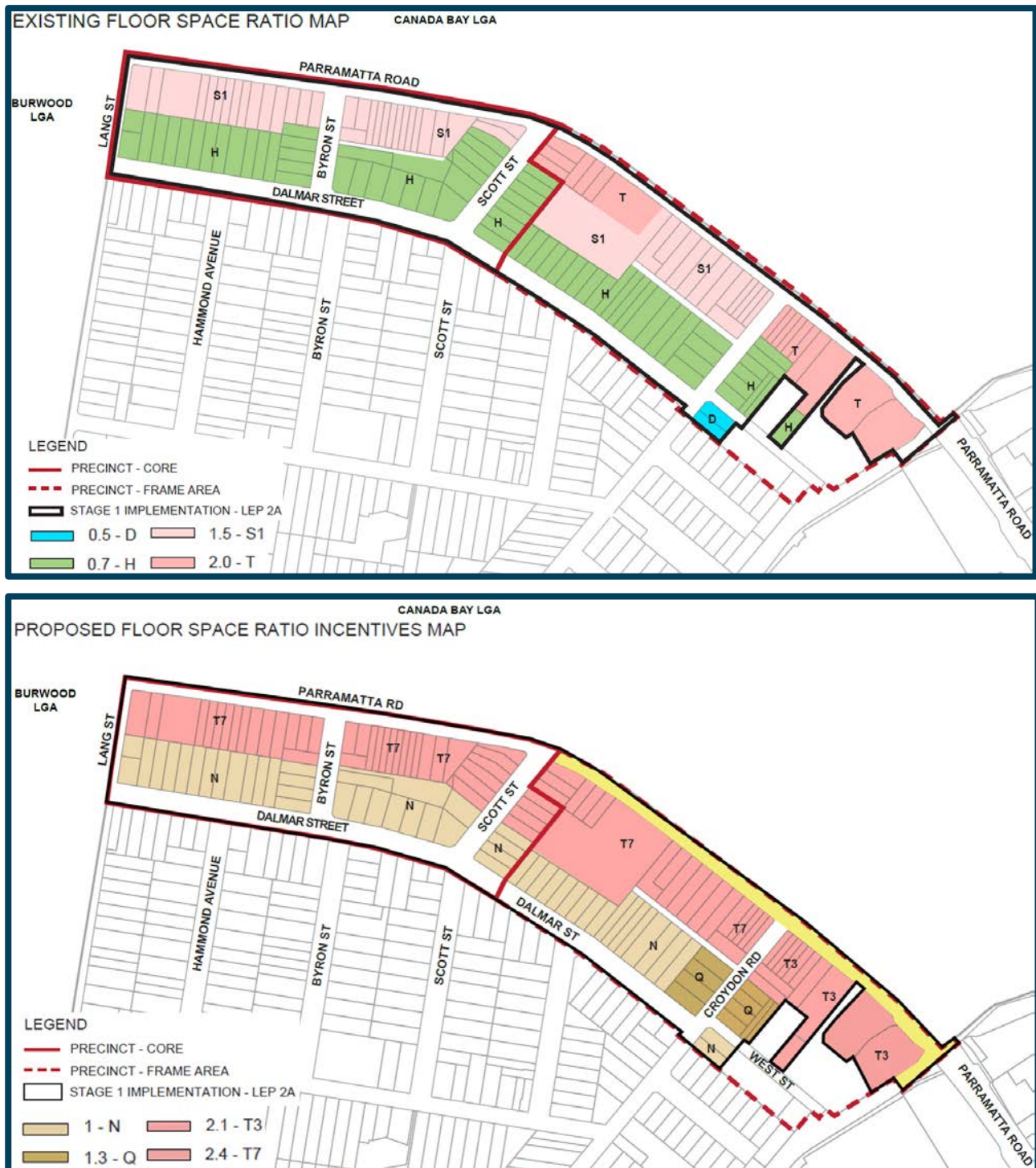


Figure 25 – Kings Bay Floor Space Ratio Map (existing and proposed incentive)

Active Street Frontages Map

See Section 2.2.

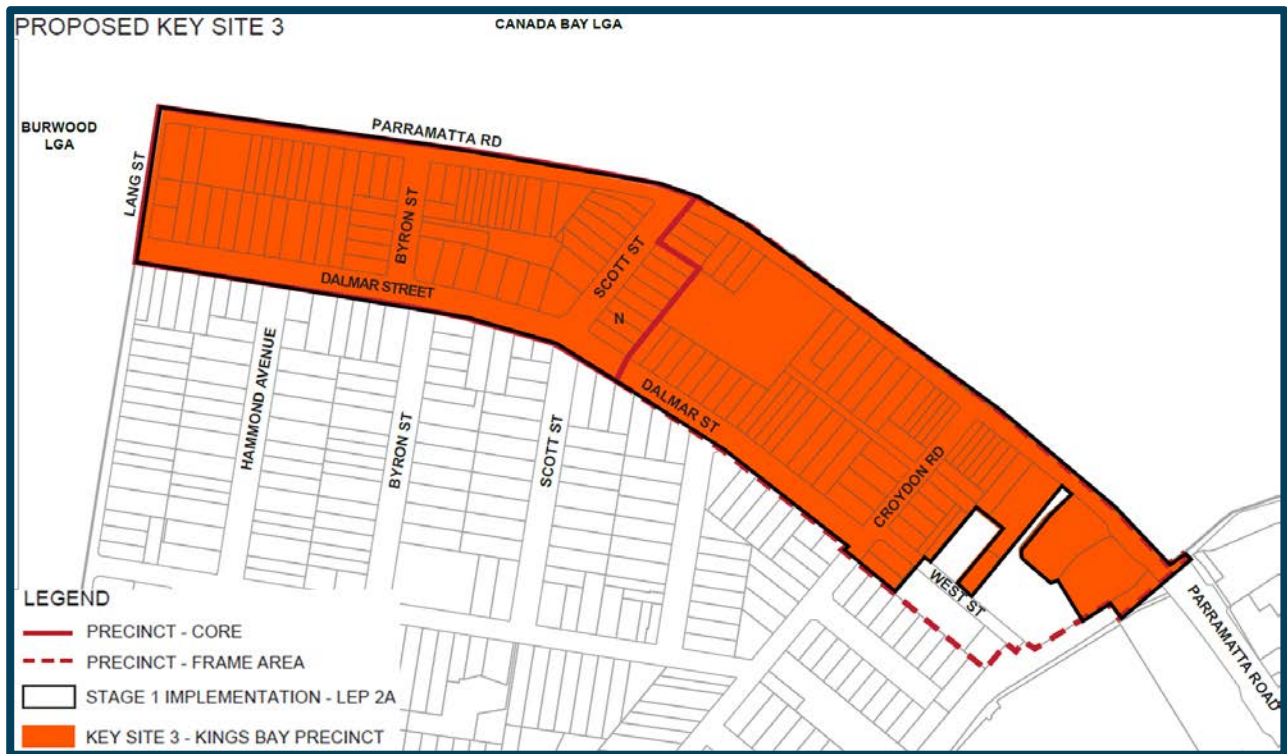


Figure 26 – Kings Bay Proposed Key Site Map

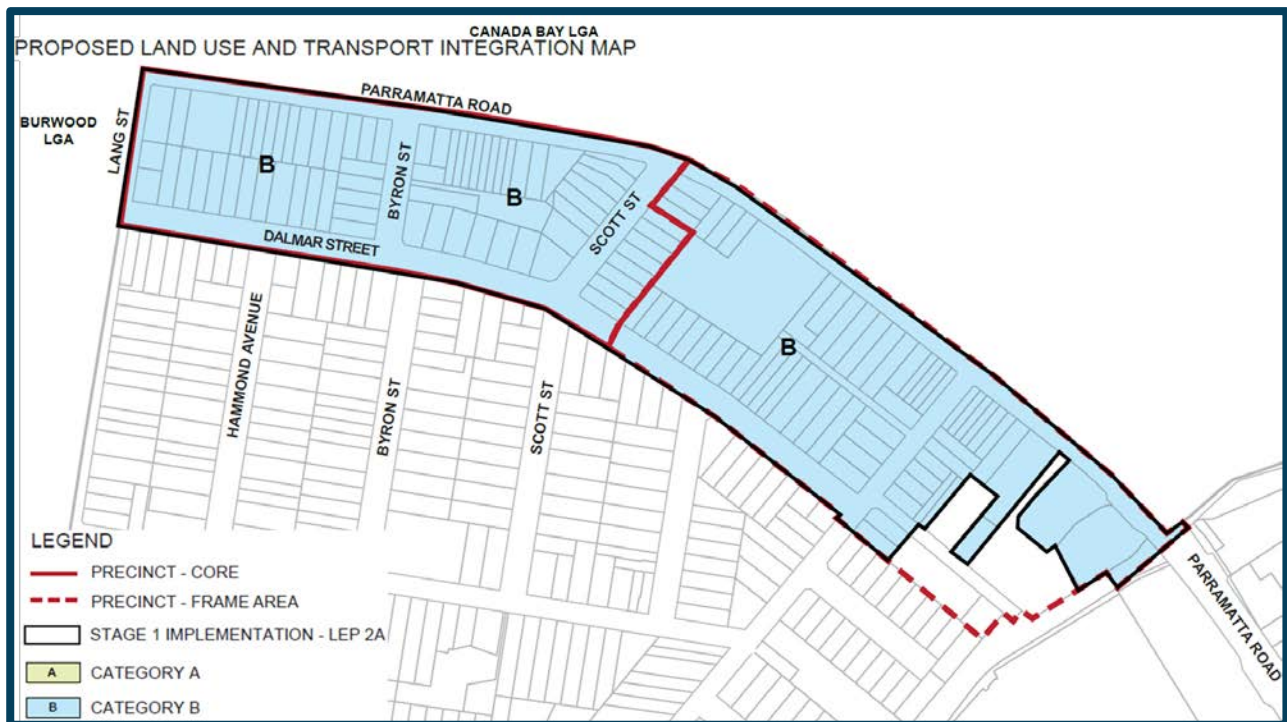


Figure 27 – Kings Bay Proposed Land Use and Transport Integration Map

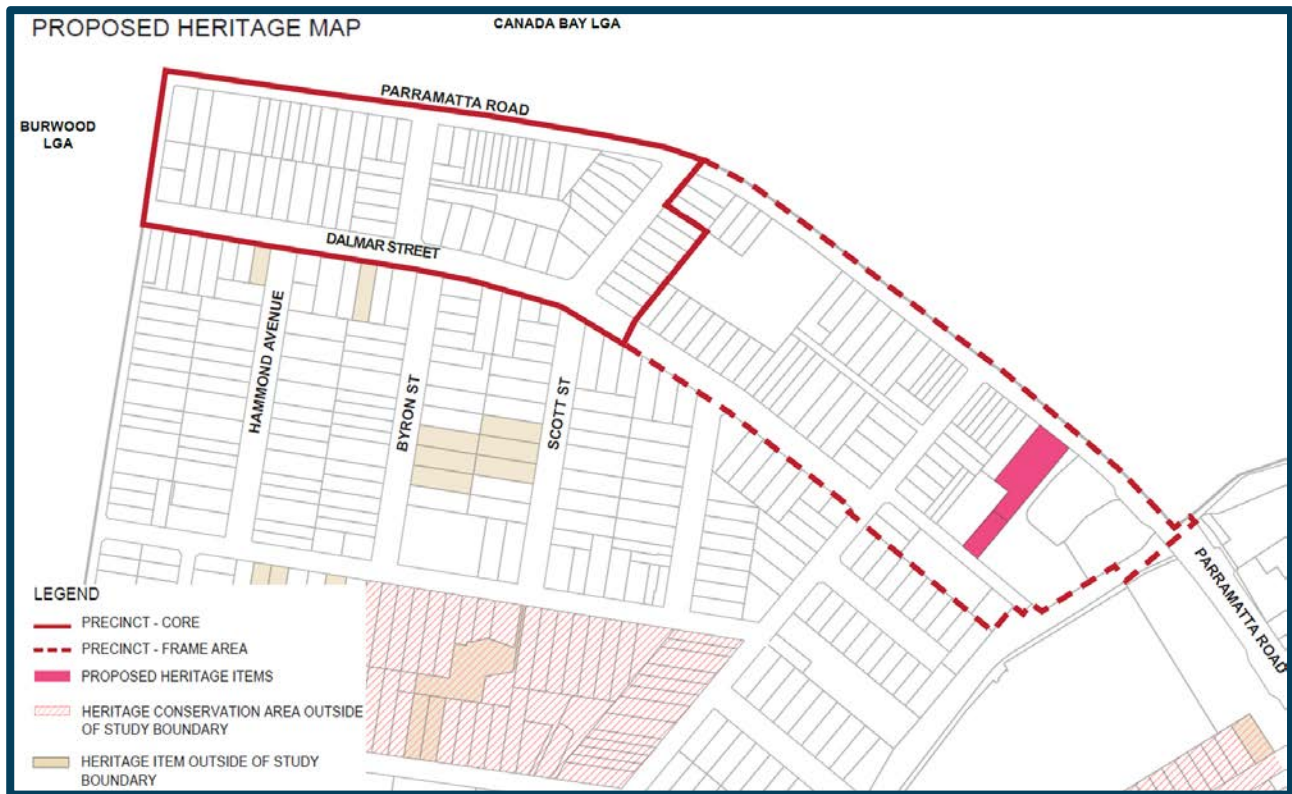


Figure 28 – Kings Bay Heritage Map (proposed and current heritage)

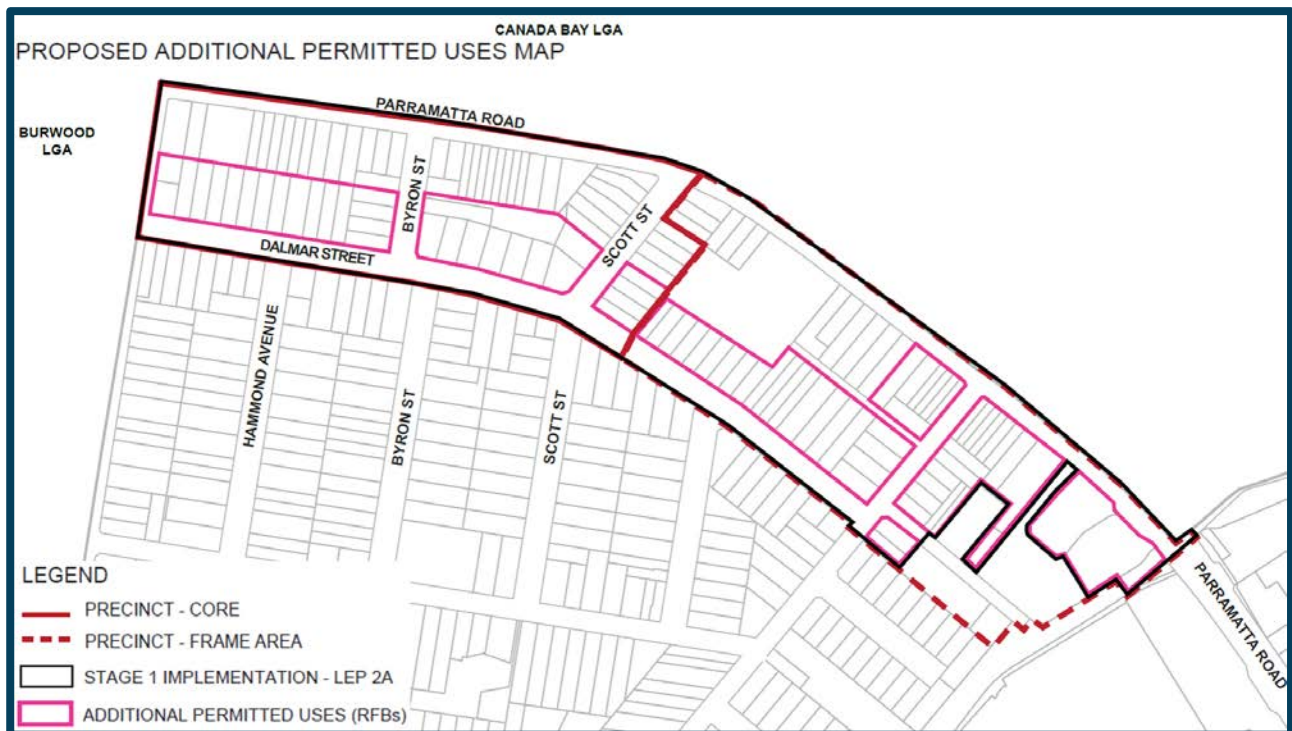


Figure 29 – Kings Bay Proposed Additional Permitted Uses Map

Opportunity Sites Map

See Section 2.2.

Appendix B: Consistency with PRCUTS

The planning proposal is generally consistent with the Principles and Strategic Actions of PRCUTS. It is also generally consistent with the recommended planning controls in the PRCUTS with some variations that are intended to deliver better urban design and public benefits or that respond to Council's evidence-based strategic planning process.

A list of PRCUTS controls that the proposal seeks to amend and the justification is provided at section 8.1 of **Appendix 12** of the planning proposal – *s 9.1 Ministerial Direction 1.5 – Strategic Merit Test – Better Outcomes Study (Planning Proposal Justification Study)*.

An assessment of the planning proposal against the strategic actions in the PRCUTS is also provided at **Section 4.5** of this report.

The proposed variations to PRCUTS recommendations for specific sites are detailed from page 75 in Appendix 12 of the planning proposal and are arranged by precinct. Additional commentary on the PRCUTS variations is also provided in the Urban Design Studies for each precinct.

Height and density

The proposed building heights and FSR controls for the precincts seek to incentive/bonus heights and FSRs that may be accessed where certain requirements are met as previously detailed.

The planning proposal states that it is not possible to achieve the recommended building heights and FSR on some sites as set out in the PRCUTS. It states that detailed site-specific testing has indicated more appropriate heights and FSRs for some sites and areas.

Certain sites have been subject to urban design peer review by Architectus (**Appendix 2A** of the planning proposal) where different heights and FSRs were recommended following detailed site testing, in some areas testing has indicated there is capacity for additional height and/or FSR, and in others a reduced height and/or FSR is sought.

An analysis of key areas of variance, the proposal's justification and the Department's comment are outlined below.

Leichhardt Precinct

North of Parramatta Road

The proposal proposes incentive heights and FSRs in this area that are higher than those recommended in the PRCUTS.

In some areas, the proposal seeks 23m rather than the PRCUTS' 22m. Council advises this is justified by assumed high floor to floor height for the first floor to allow flexibility. These variations are considered to be minor and acceptable.

In some areas the proposal seeks 18m rather than 17m. These variations are considered to be minor and acceptable, in most instances the height was adjusted to account for lift over-runs and based on site-specific urban design testing.

The proposal seeks 23m rather than 17m and an FSR of 3:1 rather than 1.9:1 for 97 Norton Street (see **Figures 31** and **32**). **Appendix 12** to the planning proposal refers to the Urban Design Study, however it is unclear that the site is specifically discussed in the Urban Design Study. A **Gateway condition** is required to update **Appendix 12** to acknowledge the inconsistency and provide justification.

The proposal seeks 23m rather than 17m and an FSR of 3:1 rather than 1:1 for 23 Norton Street (the Italian Forum) (see **Figures 31** and **32**). The **Appendix 12** to the proposal acknowledges the FSR variation for the Italian Forum but not the height variation, a **Gateway condition** is required to

update **Appendix 12** to acknowledge the inconsistency and provide justification. In relation to FSR, Council states that the PRCUTS theoretically reduced the existing maximum permissible FSR of the site from 1.5:1 to 1:1, Council's proposed FSR of 3:1 reflects existing built form and applies the same FSR proposed for adjoining sites. The height inconsistency is considered minor as it reflects the existing 7 storey built form.

The proposal seeks 30.5m and 26m rather than 22m for 'Opportunity Site 4' – Norton Plaza (see **Figure 32**). The proposal states the additional height is to create a new plaza along Norton Street and through-site link between Norton Street and Balmain Road. Detailed site-specific testing supports the proposed height for this opportunity site (**Appendix 2A**).

For 2 Hay Street, Leichhardt the proposal seeks to remove the FSR control as the site is proposed to be rezoned from B2 to RE2. There is no current height control, and no height control proposed. The PRCUTS recommended a FSR of 3:1 and height of 22m on the site (see **Figures 31 and 32**). However as mentioned above, the PRCUTS also identifies the site as a potential location for open space so the inconsistency is justified.

South of Parramatta Road

For sites fronting Parramatta Road the proposal proposes incentive heights that are largely the same as recommended in the PRCUTS, being 23m rather than 22m (see **Figure 32**). This variation is considered minor and acceptable and Council indicates is justified by assumed high floor to floor height for the first floor to allow flexibility.

A lower variation is proposed in the area fronting Crystal Street where the proposal proposes a height of 18m rather than 22m, and a FSR of 2.2:1 rather than 3:1 (see **Figures 31 and 32**). This resulted from findings of detailed site-specific testing in the Urban Design Peer Review of the Leichhardt Precinct by Architectus.

Taverners Hill

West Leichhardt (North Taverners Hill)

Part of the block between Beeson and Kegworth Streets, Leichhardt is proposed to have an incentive height of 12m, rather than 8.5m as per the PRCUTS. The remaining area of the block seeks a FSR of 1:1 rather than 1.4:1 as per the PRCUTS (see **Figures 34 and 35**).

For the block between Hathern and Beeson Streets, Leichhardt the proposal seeks a height of 15m rather than 8.5m and 12m, and an FSR of 1.4:1 rather than part 1.4:1 and 1:1 as recommended in the PRCUTS (see **Figures 34 and 35**).

For the above two areas, the proposal seeks to justify these by saying the FSR and heights were rationalised across the block in response to the context, and refers to detailed site-specific testing in the Taverners Hill Urban Design Study by Architectus.

For an area between Tebbutt and Upward Streets, the proposal seeks a height of 21m rather than 17m, and an FSR of 1.5:1 rather than 1.4:1 as recommended in the PRCUTS (see **Figures 34 and 35**). The proposal states that testing and recent development east of Upward Street of up to 8 storeys facilities potential for higher density in this location.

The variances are considered minor and acceptable.

Lewisham South (South Taverners Hill)

For an area at 35-53 Old Canterbury Road, Lewisham the proposal seeks a slightly higher height of 18m rather than 17m, but a lower FSR of part 1.2:1 and 1.1:1 (existing) rather than 2.2:1 as per PRCUTS (see **Figures 34 and 35**). Part of this area is proposed to remain with an FSR of 1.1:1, and is identified on the proposed FSR incentives map as 1.1:1. The FSR remains unchanged and therefore there is no incentive bonus FSR. A **Gateway condition** is recommended to address this.

This area was subject to review in the Taverners Hill Urban Design Study by Architectus where it was considered there is a mismatch between the PRCUTS recommended FSR and height, as to achieve a 2.2:1 FSR, an RFB would need to be 9 storeys which is inconsistent with the PRCUTS height recommendation of 17m (5 storeys).

For areas at 40-54 Old Canterbury Road, and at 2-6 Barker Street, the proposal seeks an FSR of 1:1, whereas the PRCUTS recommends 1.4:1 (see **Figure 34**). The proposal states this is a result of built form testing that has demonstrated the PRCUTS FSRs need to be refined in these locations.

For the area at 42-54 Thomas Street, the proposal seeks a higher height of 15m rather than 12m, but a lower FSR of 1:1 rather than 1.4:1 as per the PRCUTS (see **Figures 34 and 35**). The proposal states the adjustments are in response to site-specific issues as detailed in the Taverners Hill Urban Design Study by Architectus.

The variances are considered minor and acceptable.

Kings Bay

For the B6 sites along Parramatta Road, the proposal proposes incentive heights for most areas of 17.5m rather than PRCUTS' recommended 21m (see **Figure 38**). The proposal states this was refined to mitigate adverse amenity impacts to the residential area to the south. This was explored in detail in the Kings Bay Urban Design Study by Architectus.

For Opportunity Site 1 the proposal seeks a height of 19m rather than PRCUTS' recommended 21m. For Opportunity Site 2, the proposal seeks a height of 19m rather than PRCUTS' recommended 21m and FSR of 2.1:1 rather than 2.4:1. For Opportunity Site 3, the proposal seeks 22m rather than 21m (see **Figure 38** for these height variances). The proposal states these changes were made to capitalise on the proximity (approximately 800m) to the proposed Five Dock Metro Station, as RFBs are proposed as an APU on these sites, the tweaks seek to provide an appropriate residential built form outcome.

There are two areas fronting Croydon Road where the proposal seeks a higher height of 15m rather than 12m, and an FSR of 1.3:1 rather than 1.4:1 (see **Figures 37 and 38**). The proposal states this was a result of built form testing recommending refinements and in response to the adjacent proposed opportunity sites.

For residential sites along Dalmar Street, the proposal seeks a lower FSR of 1:1 rather than the PRCUTS' recommended 1.4:1 (see **Figure 37**). The proposal states this resulted from detailed site-specific testing.

The variances are considered minor and acceptable.

Land use zoning

The PRCUTS Planning and Design Guidelines recommends land use zones for the sites. The proposal is largely proposing consistent with the land use zones recommended in the PRCUTS – including in the Leichhardt Precinct south of Parramatta Road, the Kings Bay Precinct and South Taverners Hill (Lewisham South) areas. Areas of difference are outlined below and the justification is considered acceptable:

Leichhardt – North of Parramatta Road

The proposal proposes largely similar land uses with the majority of sites being retained as B2 Local Centre as recommended in the PRCUTS.

The areas of difference are that the proposal seeks to:

- retain an area fronting Balmain Road as B2 zoned, whereas the PRCUTS proposes it be R3 (see **Figure 30**).

Council justification: Council seeks the existing B2 zoning to be retained to include these sites as part of the Norton Plaza Opportunity Site – also mentioned in the Urban Design Study by Architectus.

- rezone additional sites in the north-eastern portion of the precinct around McDonald Street currently zoned R1, to R3, whereas the PRCUTS proposes B2 zoning (see **Figure 30**).

Council justification: Allowing employment uses along McDonald Street, an area currently zoned R1, is not considered a good outcome and employment uses are to be focused along Norton Street.

- rezone 2 Hay Street, Leichhardt from B2 to RE1 Public Recreation, whereas the PRUCTS recommends retaining the B2 zoning (see **Figure 30**).

Council justification: To align with the PRCUTS proposed open space recommendation (page 239 Planning and Design Guidelines) which identifies the site as indicative proposed open space.

North Taverners Hill - West Leichhardt

The proposal is largely consistent as it proposes R3 zoning in areas as recommended in the PRCUTS. The area of variance is that the proposal seeks to rezone an area of land between Tebbutt and Upward Streets currently zoned R1 General Residential, to R3, whereas the PRCUTS proposes B4 zoning. The proposal states R3 is the preferred land use and aligns with existing zoning. The Department recommends this area be rezoned to R4 High Density Residential rather than Council's proposed R3 zoning + RFB APU (see the assessment regarding proposed APUs at **Section 2.2** above.)

Comparison of proposed height and FSR controls and land use zoning in PRCUTS and in the Planning proposal

Leichhardt

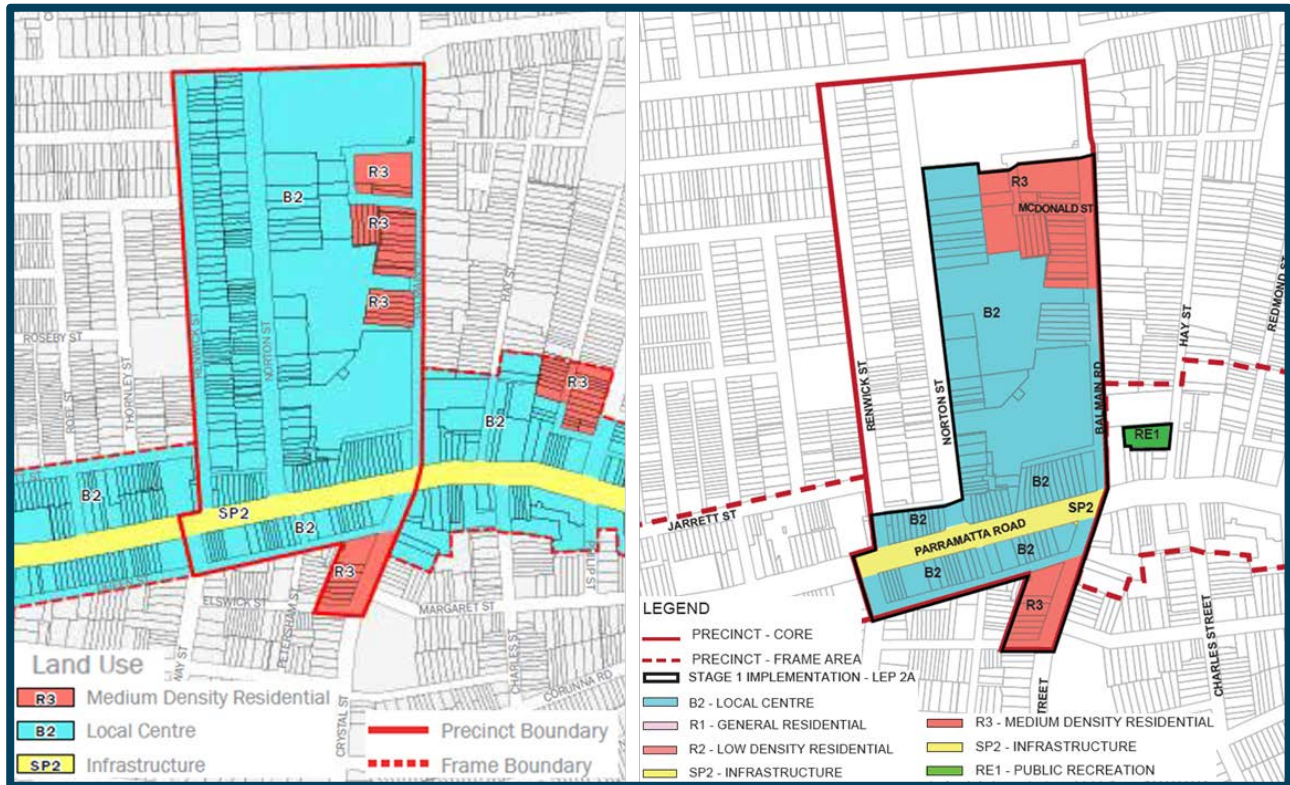


Figure 30 – Land use zoning proposed in PRCUTS (left) compared to the planning proposal (right)

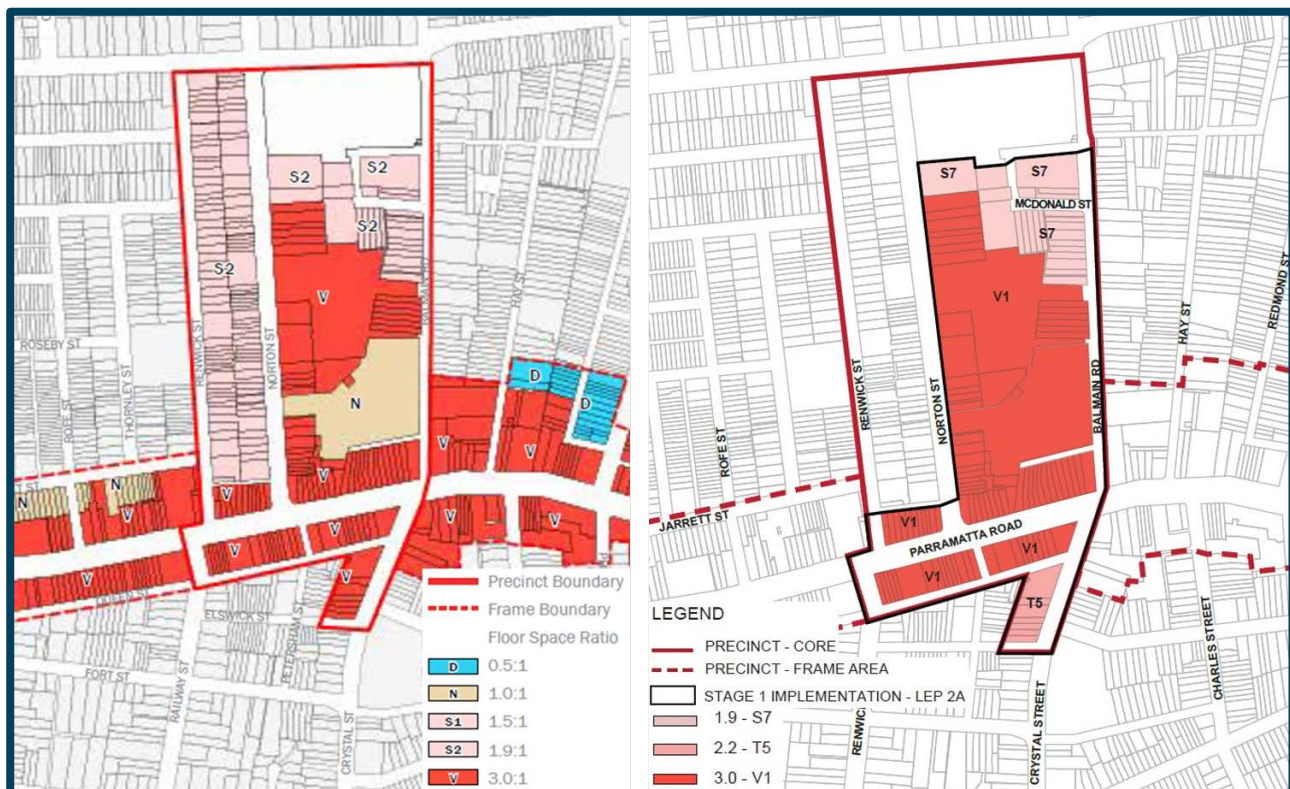


Figure 31 – FSR proposed in PRCUTS (left) compared to the planning proposal (right)

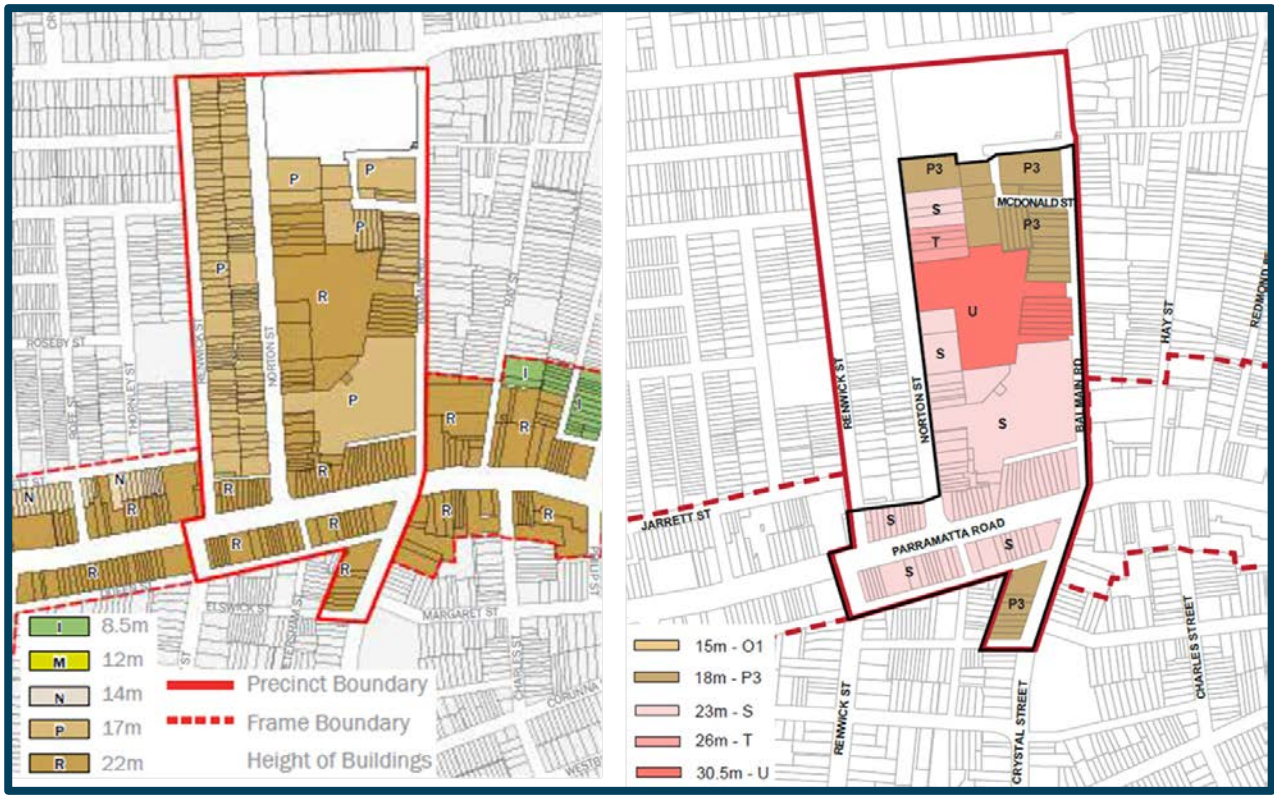


Figure 32 – HOB proposed in PRCUTS (left) compared to the planning proposal (right)

Taverners Hill

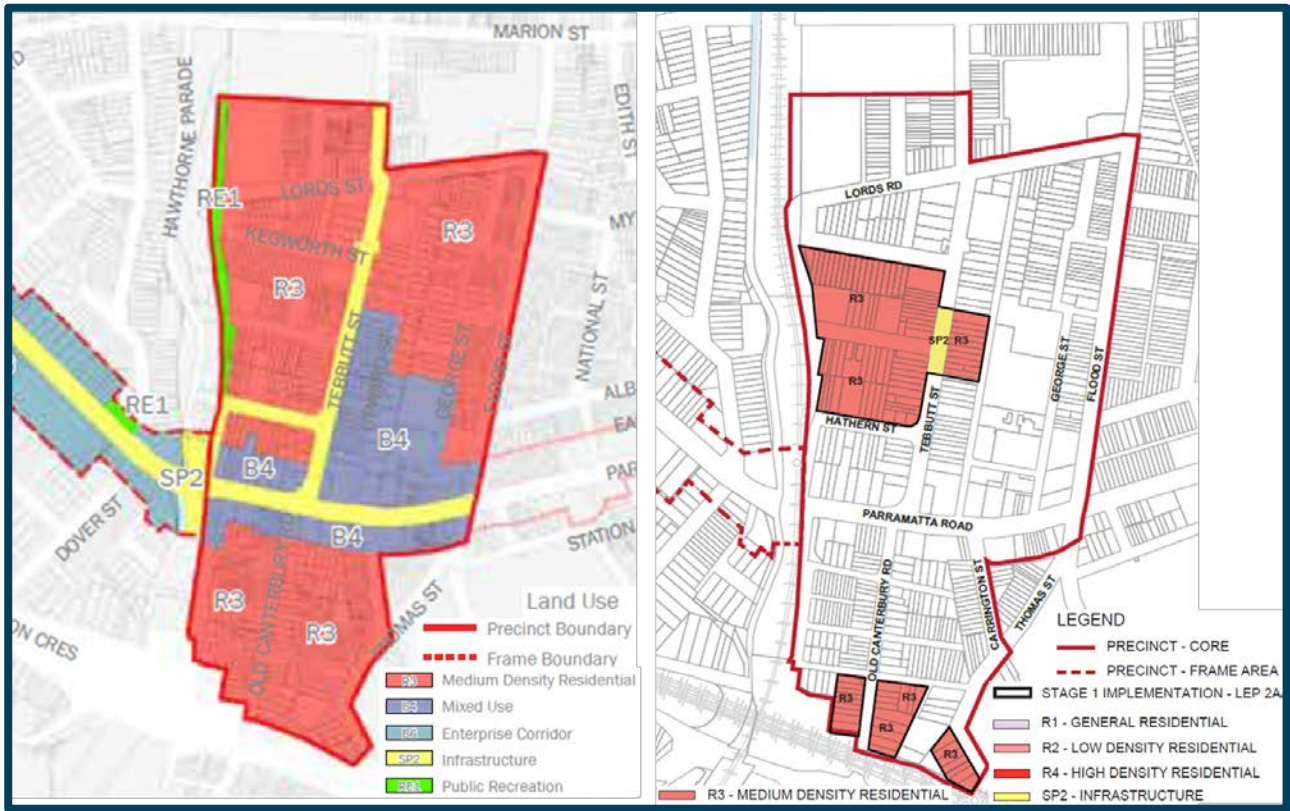


Figure 33 – Land use zoning proposed in PRCUTS (left) compared to the planning proposal (right)

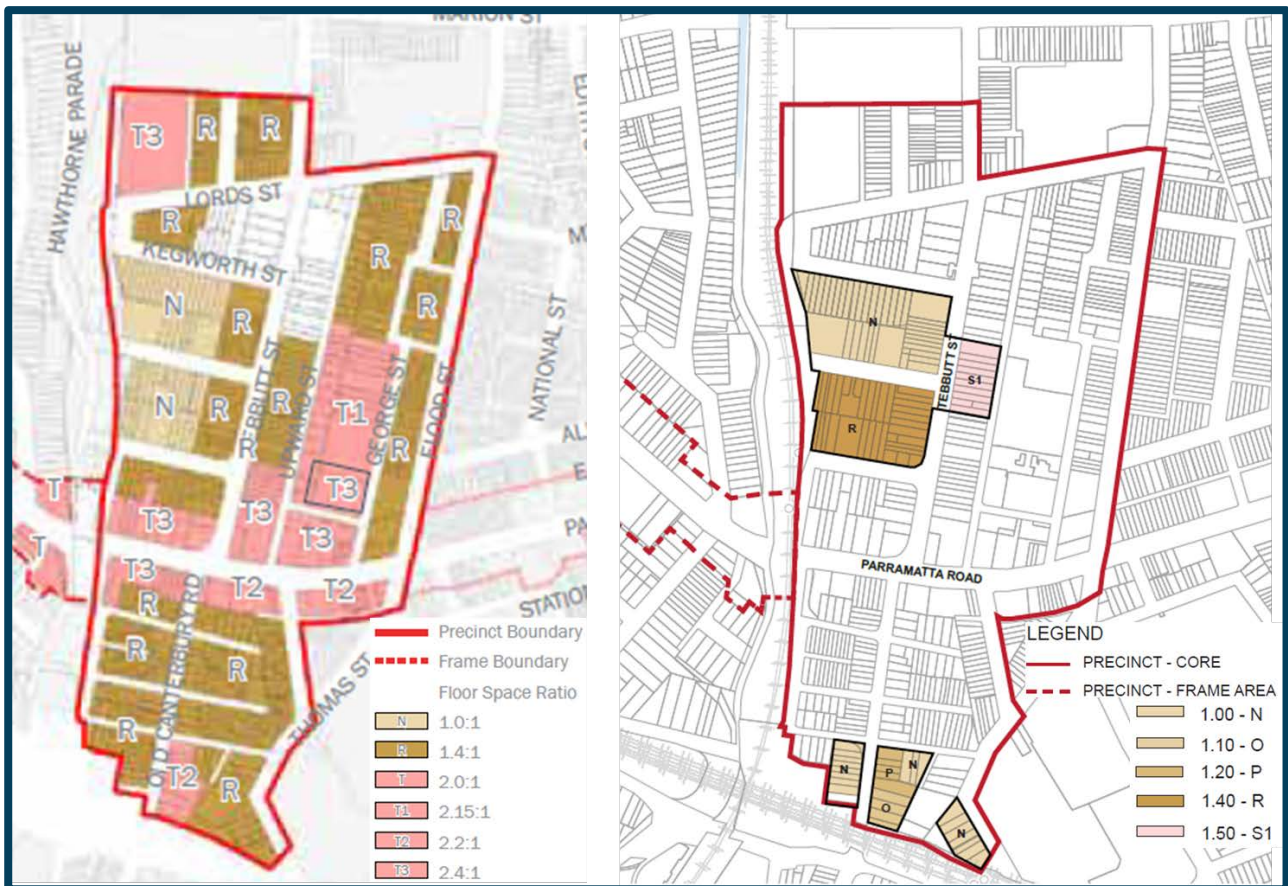


Figure 34 – FSR proposed in PRCUTS (left) compared to the planning proposal (right)

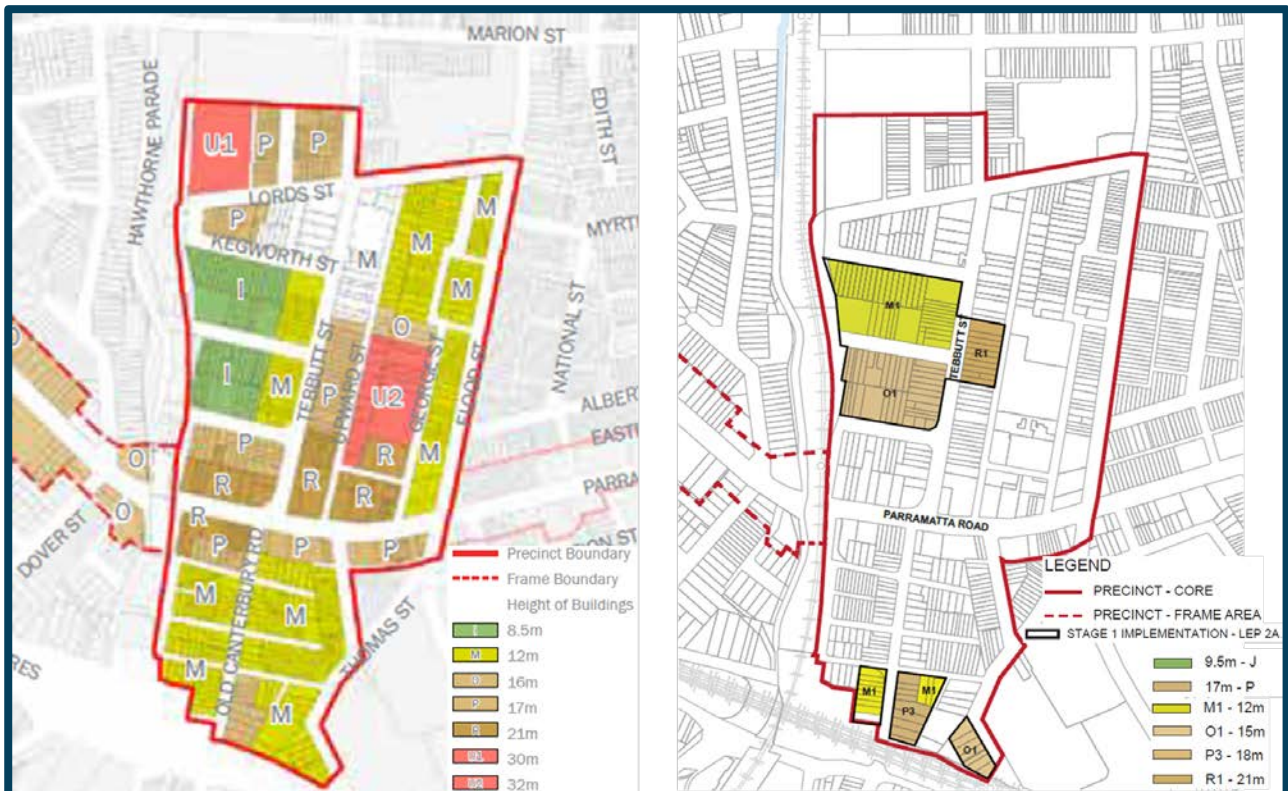


Figure 35 – HOB proposed in PRCUTS (left) compared to the planning proposal (right)

Kings Bay

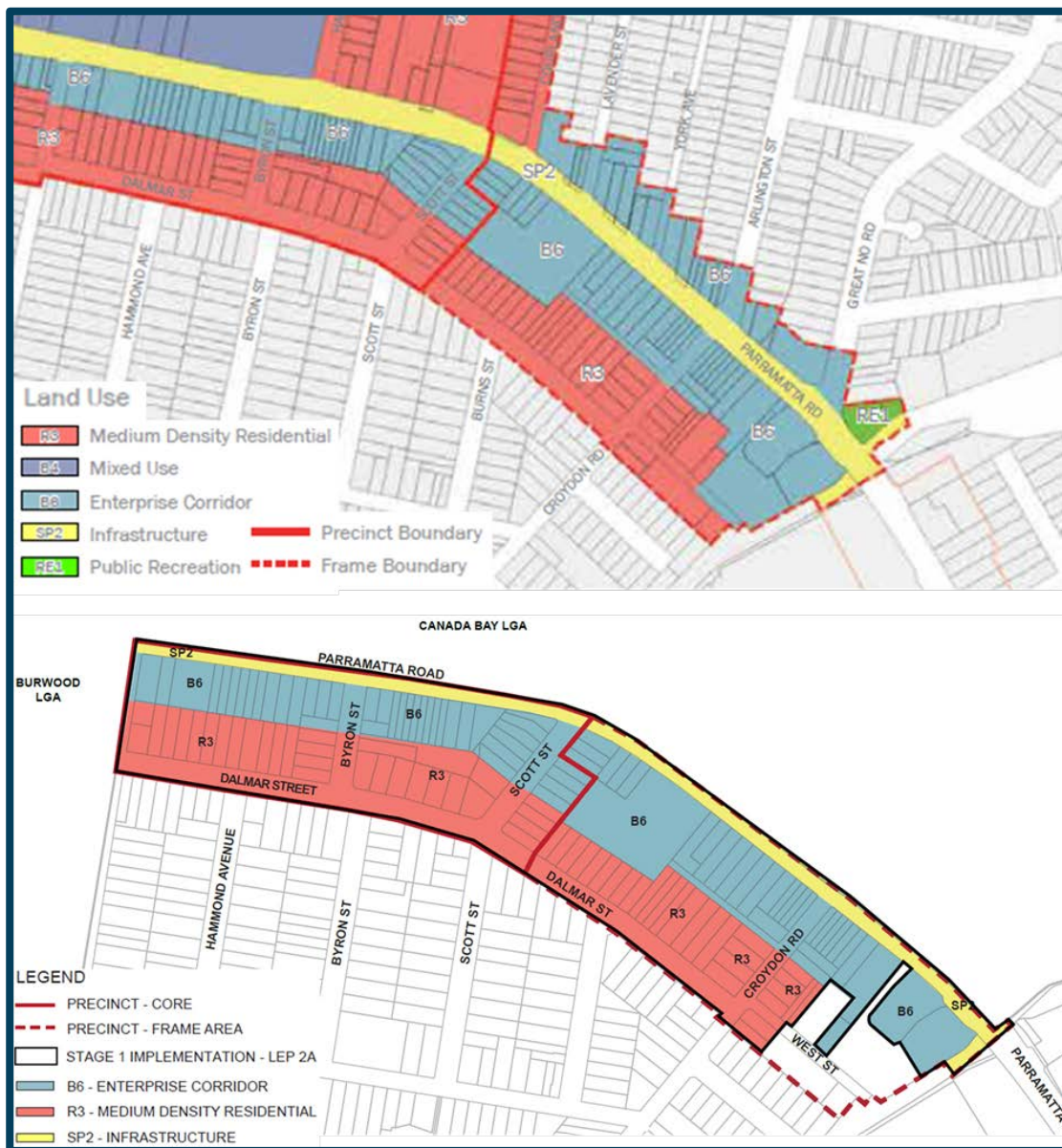


Figure 36 – Land use zoning proposed in PRCUTS (top) compared to the planning proposal (bottom)

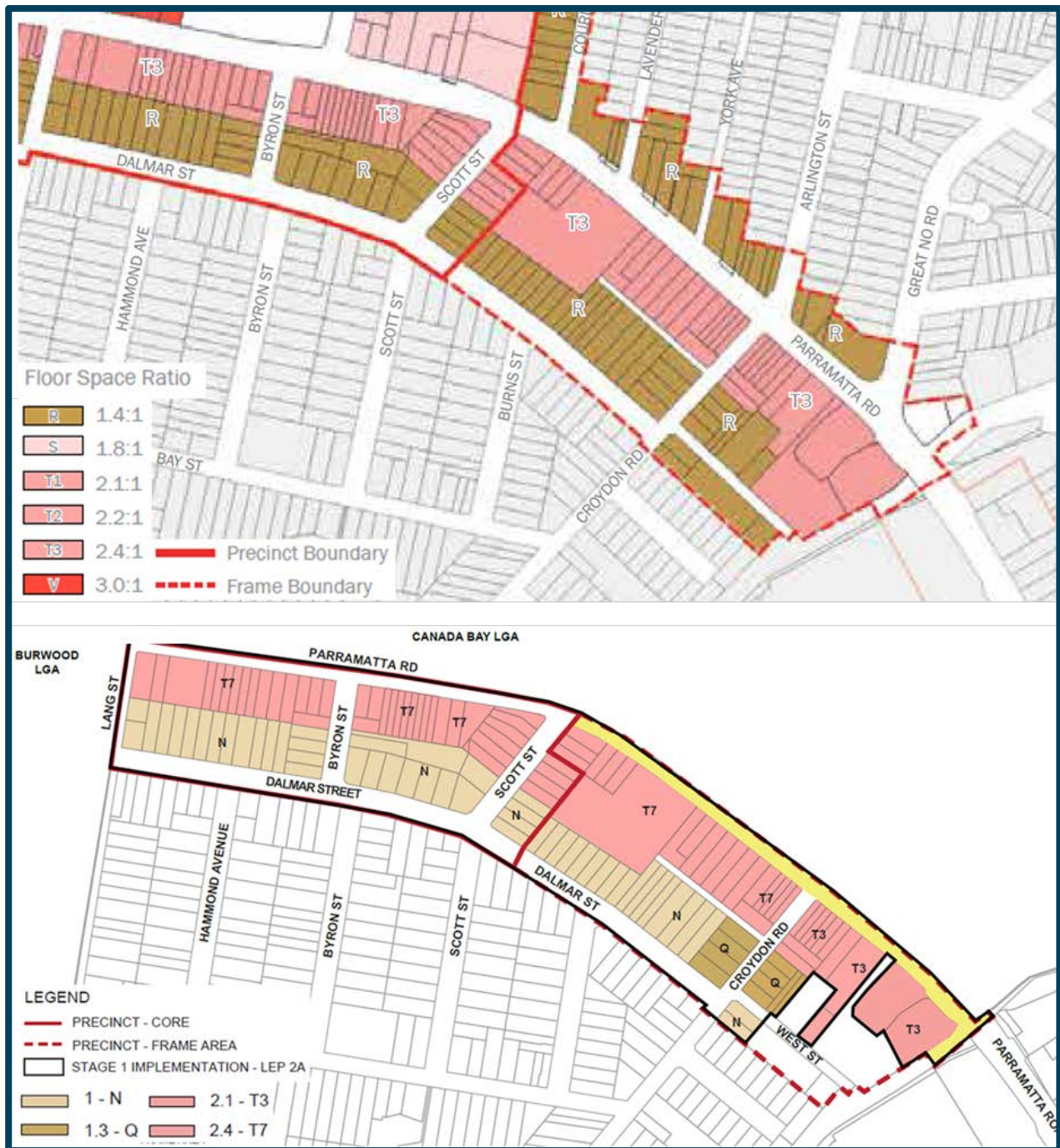


Figure 37 – FSR proposed in PRCUTS (top) compared to the planning proposal (bottom)



Figure 38 – HOB proposed in PRCUTS (top) compared to the planning proposal (bottom)

Affordable housing

The PRCUTS recommends a minimum of 5% of new housing is to be provided as affordable housing, or in line with Government policy. Affordable housing is discussed earlier and the proposed contribution rate of 2% of the residential strata area is considered acceptable as it is supported by feasibility testing and determined to be feasible in the Leichhardt precinct only.

Local infrastructure

The PRCUTS Infrastructure Schedule identifies the local and state infrastructure upgrades required to support development. The proposal indicates Council is currently reviewing the local infrastructure items to reflect changes since 2016.

Setbacks to Parramatta Road

The PRCUTS includes Principle 5: Green spaces which includes a Strategic Action - *Implement building setbacks as identified on the Precinct Plans within the Parramatta Road Corridor Planning and Design Guidelines.*

The PRCUTS Planning and Design Guidelines includes Section 4.3: *Setbacks and Street Frontage Heights*. This includes a recommendation for green edge setback of 6m to Parramatta Road. The proposal seeks variations to setbacks and street frontage requirements (as a result of review through the urban design study).

Appendix 12 to the planning proposal identifies that the Parramatta Road Corridor Planning and Design Guideline setbacks have been refined through the urban design work and will be implemented in the supporting DCP. It states that variations *'are sought to achieve positive design outcomes as demonstrated in the urban design study.'*

Council received advice from Architectus on this issue Kings Bay Precinct – Urban Design Study. The study recommended a 1.5m setback to soften the built form and make provision for tree canopy and landscaping within the existing road reserve. Instead in the Kings Bay B6 section, a large rear setback of 9m is recommended to achieve an appropriate transition to the residential area.

As previously stated, a **Gateway condition** is recommended for Council to consult with TfNSW during exhibition regarding the potential need to identify areas on Parramatta Road as a future road reserve to facilitate transport outcomes as identified in the PRCUTS. Accordingly, this aspect of the PRCUTS Ministerial Direction is unresolved at this stage and further consultation and information is requested.