



Contact: **Leah Chiswick**  
Phone: 9392 5232

**15 February 2019**

Richard McLachlan  
Platino Properties  
Suite 11/20 Young St  
Neutral Bay NSW 2089

Dear Richard,

**RE: Decision not to proceed with the Planning Proposal for 67-75 Lords Road, Leichhardt**

On **12 February 2019**, Council considered a report assessing the merits of the proposal and recommending refusal. Council resolved **(C0219(2) Item 7)** not to proceed with the Planning Proposal due to the following reasons:

*1. Council not support the Planning Proposal for 67-75 Lords Road, Leichhardt for the reasons outlined in the report including that:*

- a) It fails the Strategic Merit Test of "A guide to preparing planning proposals" pursuant to Section 3.33(2)(c) of the Environmental Planning and Assessment Act 1979;*
- b) The proposal does not have merit and fails all of the six (6) criteria when assessed against the Parramatta Road Implementation Plan 2016 - 2023 'Out of Sequence Checklist'. In particular, the proposal:*
  - i. Fails to satisfy Criteria 1 in that it does not adequately demonstrate that it meets the strategic, land use and development objectives outlined in the PRCUTS Implementation Plan and does not provide significant delivery, contribution or benefits for the Strategy's Corridor wide and Precinct vision. It is inconsistent with the recommended built form recommendations and does not demonstrate that the new development will achieve design excellence. The Proposal is also out of alignment with the short term growth projections identified in the strategy and does not demonstrate any significant net community, economic and environmental benefits for the Precinct;*
  - ii. Fails to satisfy Criteria 2 in that the Integrated Infrastructure Delivery Plan (IIDP) is inadequate because it is based on a concept plan for 235 dwellings in 23,158sqm of residential floorspace which at average large residential flat building dwelling gross floor area sizes of 76.35sqm could produce 303 dwellings at the development application stage;*
  - iii. Fails to satisfy Criteria 3 in that the community engagement is inadequate, has not demonstrated that there is an appropriate level of support or agreement for the proposal and has not demonstrated adequate readiness in terms of the extent of planning or business case development for key infrastructure projects;*
  - iv. Fails to satisfy Criteria 4 in that there is no certainty that the proposal achieves or exceeds the sustainability targets identified in this Strategy;*



- v. *Fails to satisfy Criteria 5 in that the proposal does not sufficiently demonstrate development feasibility analysis to meet this criterion given the Economic Impact Assessment and the feasibility advice is flawed and contains numerous assumptions, disclaimers and conclusions which are not supported; and*
- vi. *Fails to satisfy Criteria 6 in that the proposal does not sufficiently demonstrate a land use and development scenario that aligns with and responds to market conditions for the delivery of housing and employment for 2016 to 2023.*
- c) *The Parramatta Road Corridor Transformation Strategy new dwelling targets for the Taverners Hill Precinct can readily be met and surpassed without rezoning this site;*
- d) *In the context of persistent demand and a low and decreasing supply of industrial land, a rezoning such as this would dilute Council's ability to provide sufficient industrial land to accommodate demand. The planning proposal would also result in:*
  - i. *inconsistency with the Leichhardt Industrial Lands Study 2014 (SGS, 2014), Leichhardt Employment and Economic Development Plan (EEDP) and the Leichhardt Industrial Precincts Planning Report (SGS, 2015);*
  - ii. *a net loss of jobs in the local government area;*
  - iii. *the loss of an economically viable employment precinct containing local services, light industrial and other non-industrial activities which contribute to the diversity of the economy, community activities and employment opportunities;*
  - iv. *a lack of merit when assessed against the criteria established by the Leichhardt Employment and Economic Development Plan 2013-2023; and*
  - v. *the lack of an appropriate Net Economic and Community Benefit Test as it does not address the wider issue of cumulative loss of employment lands in the local government area.*
- e) *It is inconsistent with the infrastructure sequencing of the PRCUTS and the submitted Integrated Infrastructure Delivery Plan (IIDP) and the offer to enter into a Voluntary Planning Agreement (VPA) are unsatisfactory given the lack of adequate contributions;*
- f) *It is inconsistent with numerous Ministerial Directions pursuant to Section 9.1 of the Environmental Planning and Assessment Act 1979 including Directions 1.1 - Business and Industrial Zones, 7.1 - Implementation of A Plan for Growing Sydney and 7.3 - Parramatta Road Corridor Urban Transformation Strategy;*
- g) *It is inconsistent with the Inner West Council Community Strategic Plan: Our Inner West 2036 – Direction 2: Unique, liveable, networked neighbourhoods and Strategic Direction 3: Creative communities and a strong economy;*
- h) *It is inconsistent with the following elements of the Parramatta Road Corridor Urban Transformation Strategy:*



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- *Policy context and the Strategy's vision and key actions for the Corridor and Taverners Hill precinct including all seven (7) principles of the Strategy;*
  - *Implementation Tool Kit including the Implementation Plan 2016-2023, Planning and Design Guidelines (including the Corridor wide, built form and Taverners Hill Guidelines), Infrastructure Schedule and Urban Amenity Improvement Plan; and*
  - *Reference Reports including the Precinct Transport Report, Economic Analysis, Fine Grain Study and Sustainability Implementation Plan.*
- i) *It is premature in the light of the prospective outcomes of strategic planning studies and projects underway at State and Local Government levels, particularly having regard to the lack of the Precinct-wide traffic study and supporting modelling which is required under the PRCUTS to be completed to consider the recommended land uses and densities, as well as future WestConnex conditions, and identify the necessary road improvements and upgrades required as part of any proposed renewal in the Precinct;*
- j) *It does not make an adequate contribution towards the provision of affordable housing as it is inconsistent with Council's Affordable Housing Policy 2016 which seeks a 15% contribution of gross floor area of the development as affordable housing and dedicated to Council in perpetuity;*
- k) *It exceeds the Parramatta Road Corridor Urban Transformation Strategy recommended density by 500m<sup>2</sup> without satisfactorily demonstrating that the proposal would achieve better built form outcomes or design excellence;*
- l) *It fails to adequately assess the following matters given the insufficient or unsatisfactory supporting studies:*
- i. *Flooding in that the proposal is currently located within the southwest corner of the site where the flood depth is greatest and other unresolved design issues associated with the flood hazard on the site;*
  - ii. *Heritage in that the Heritage Impact Statement does not adequately consider the potential heritage value of the existing buildings or whether there will be any adverse impacts on the heritage value of the nearby heritage items including the item at Lambert Park and Kegworth Public School;*
  - iii. *Land contamination and State Environmental Planning Policy No 55 – Remediation of Land requirements in that the submitted Remedial Action Plan does not locate the known contamination on the site and relies on outdated sampling information;*
  - iv. *Traffic impacts given an inadequate Traffic Report and supporting information is provided, particularly having regard to the likely impacts on Davies Lane of increased traffic generation;*
  - v. *Public domain works and connections given the lack of an adequate outline of the proposed works and satisfactory arrangements being made with the relevant stakeholders for connections and linkages within and outside the site;*
  - vi. *Economic analysis of the loss of employment land given the Economic Impact Analysis did not adequately justify this loss as it relied on the Regional and District*



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*Plans excluding the PRCUTS area from the overwhelming evidence contained in the relevant economic and industrial land literature on the loss of employment land; and*

- vii. Sustainability targets and measures given the Sustainability Report was a generic and theoretical analysis of potential measures and failed to demonstrate that the proposal complies with the sustainability targets of the PRCUTS.*
- m) It fails to adequately demonstrate consistency with a number of design quality principles of State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development and subsequently results in a number of urban design concerns with subsequent adverse impacts on both internal amenity and the amenity of adjoining properties including:*
  - i. Adverse impact in terms of context having regard to the proposal being out of character within the surrounding low density residential area and therefore inconsistent with Design Quality Principle 1;*
  - ii. Setback and separation, height and articulation of the built form concerns resulting in the proposal being inconsistent with the bulk form and scale requirements of Design Quality Principle 2;*
  - iii. The proposed FSR exceeds the PRCUTS controls and the scale of residential floor space proposed on this site is not required to meet the PRCUTS projections, thereby being inconsistent with Design Quality Principle 3;*
  - iv. The proposed height of the nine storey development (35m AHD or 32m) exceeds the PRCUTS recommended maximum height of 30m;*
  - v. The proposal does not satisfy the sustainability requirements of the PRCUTS and is inconsistent with Design Quality Principle 4;*
  - vi. Potential impacts on the amenity of the area and the site which is inconsistent with Design Quality Principle 6 including:-*
    - visual impact from the bulk and scale of buildings,*
    - overlooking of Davies Street properties,*
    - inadequate location and quantity of common and public open space which lacks a sufficient interface with the public domain to be considered public space and overshadowing of open space.*

*2. Should the Proponent request a Rezoning Review by the NSW Department of Planning and Environment, delegation is given to the Group Manager Strategic Planning to lodge a submission to the review process in accordance with this report and Council's related resolution.*



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Department of Planning and Environment's (DP&E) '*A guide to preparing local environmental plans*' and '*A guide to preparing planning proposals*' sets out information in relation to the process of a rezoning review, if the council has notified the proponent that the request to prepare a planning proposal is not supported. If you are dissatisfied with Council's decision, you can lodge a rezoning review with the DP&E.

Should you have any enquiries regarding this matter, please contact **Leah Chiswick** on 9392 5232.

Yours sincerely,

**Terri Southwell**

Team Leader – Urban Strategy