

Gateway Determination

Planning proposal (Department Ref: PP-2022-1921): to amend the Inner West Local Environmental Plan 2022 to implement Stage 1 of the Parramatta Road Corridor Urban Transformation Strategy 2016 (PRCUTS) in parts of the PRCUTS Precincts of Leichhardt, Taverners Hill and Kings Bay.

I, the Executive Director, Metro East and South at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Inner West Local Environmental Plan 2022 to implement Stage 1 of the Parramatta Road Corridor Urban Transformation Strategy 2016 (PRCUTS) in parts of the PRCUTS Precincts of Leichhardt, Taverners Hill and Kings Bay 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.

Dated 20th day of October 2022.



Amanda Harvey
Executive Director, Metro East and South
Planning and Land Use Strategy
Department of Planning and Environment

Delegate of the Minister for Planning