

Rezoning will lead to Biodiversity Loss and Environmental Harm

The area proposed for rezoning: namely: Hathern St, Beeson Street, Kegworth Street, bounded by Tebbutt Street¹ contains the densest amount of backyard urban forest in Leichhardt², made up of large mature trees including 100 year old gums and multi-storey foliage and backyard habitat. Importantly, they are critical trellis streets that connect directly to and provide crucial support and extended habitat for the most biodiverse part of the GreenWay wildlife corridor in Leichhardt (that is, the part situated between Parramatta Rd and Marion St).

Local wildlife experts and environmental groups, including the Inner West Environment Group (IWEG) and the GreenWay Birdos, Australian Conservation Foundation (ACF) Inner West, and BirdLife Australia have all recognised the crucial role that this specific area plays to support biodiversity in the GreenWay and the significant ecological harm that would occur as a result of rezoning and subsequent medium density development.

The site proposed for rezoning is the critical habitat of small birds and other native wildlife that are not commonly found elsewhere in Leichhardt and are in general decline in Greater Sydney, including the Inner West. The proposed site is an ecological ark for our suburb.

The loss of this habitat would see the eradication of most of the small birds from the area and a great loss to the GreenWay. We will hear far less bird song and it will no longer be common to catch glimpses of a small bird darting through the branches looking for food or building nests in the GreenWay. Many species will just disappear. Quite simply, this will result in one of the worse ecological losses in recent years for the Inner West.

Removing tree canopy and backyard habitat to replace them with apartment developments will increase pollution and urban heat for West Leichhardt. It would fragment the GreenWay's vital wildlife corridor, not only endangering the habitat for small native birds, marsupials, reptiles and insect life, but also risking altering the delicate balance that sustains the GreenWay as a crucial stopover for seasonal migrant birds and bats and a habitat for the state-listed Powerful Owl. The potential consequences of this rezoning extend beyond the immediate site, impacting the broader ecological health of the Inner West for future generations.

The rezoning should be rejected for the following reasons, covered in more detail in this submission:

1. Loss of Tree Canopy Cover and Connectivity
2. Loss of Backyard Habitat and Ecosystems
3. Impact on Bird Diversity – Especially Small Birds
4. Impact on Threatened and Vulnerable Species
5. Impact on Established Ecological Communities
6. Impact on Migratory Birds and Bats
7. Impact on Nocturnal Birds
8. Climate Change, Air Quality and the Urban Heat Effect
9. Rezoning Conflicts with the Blue-Green Grid Strategy and Community Preferences
10. No Assessment or Consultation on Biodiversity Impact + Harm

¹ See Appendix 1: Location of Proposed Rezoning for Redevelopment

² See Appendix 2: Google Satellite Map

11. No Protection for Tree Canopy or Native Animal Habitat
12. Deep Soil Plantings Not Adequate
13. No Feasibility Study
14. Environmental Loss for Future Generations
15. There are Alternative Sites that Don't Require Destroying the Urban Forest

1. Loss of Tree Canopy Cover and Connectivity

The proposed rezoning poses a significant threat to the existing tree canopy cover and disrupts the vital connectivity provided by these GreenWay trellis streets. The Inner West Council has committed to increasing its tree canopy in line with the NSW Department of Planning and Environment goal of a 40% increase by 2030. However the Inner West LGA tree canopy coverage is at 19.3%³, and **Leichhardt has one of the lowest levels of tree canopy in the LGA at 11-15%⁴, which means it cannot afford to lose any more.**

Trees are not just greenery; they are essential components of our urban ecosystem, providing shade, habitat, and improving air quality. They provide oxygen and moisture back into the atmosphere. The removal of trees will disrupt this corridor, hindering the ability of species to use the site and leads to habitat fragmentation, creating isolated patches of greenery. **Fragmented habitats make it difficult for wildlife to traverse the urban landscape, contributing to population decline and limiting genetic diversity.**

2. Loss of Backyard Habitat and Ecosystems

It's not just the tree canopy itself that provides precious habitat for native wildlife, but it also the particular nature of the backyards in this area with multi- storey foliage, soil, sheds, underneath of older houses, roofs and eaves that has created the specialised habitat needed for small birds, marsupials and lizards (as well as the insects they feed on) to flourish.

3. Impact on Bird Diversity – Especially Small Birds

If these houses and their backyards were replaced with apartments, then there will be far fewer birds and less bird song in the GreenWay.

BirdLife Australia reports that GreenWay and its surrounding streets currently support approximately 110 different bird species (from regular IWEg surveys)⁵. While some of these birds are found elsewhere in urban areas, this part of the GreenWay supports a number of small birds such as Superb Fairy-wrens, White-browed Scrubwrens, Spotted Pardalotes known to be in decline in urban areas. Interrupting this continuous corridor will have impacts for the types of bird species that can use it. Making it less suitable for these small native birds and less common species, and instead opening the site to introduced birds and abundant aggressive natives like Noisy Miners, Rainbow Lorikeets and Pied Currawongs.

Since 2014, small bird populations have declined by over 50% in the Inner West. In addition to the destruction of backyard tree canopy, public green spaces are now mostly lawn rather than dense bushes for understandable safety reasons. This makes remaining

³ <https://www.greenerspacesbetterplaces.com.au/wwatb/inner-west-council/>

⁴ See Appendix 4: Tree Canopy by Suburb in the Inner West LGA

⁵ See Appendix 3 for a detailed list of examples of native birds that have been identified by IWEg surveys in our part of the GreenWay wildlife corridor.

backyards, especially these ones connected to the GreenWay, even more important to protect if we want to support our small bird populations.

The area proposed for rezoning and the adjacent part of the GreenWay is likely the last area in Leichhardt where Superb Fairy-wrens are commonly seen as they have largely disappeared from the rest of Leichhardt and much of the Inner West. Unlike much of the rest of Leichhardt, these backyards contain dense, large trees, including 100 year old gum trees), mid and lower storey vegetation which provide continuous shelter and opportunities for feeding – especially for small birds.

In addition, the PRCUTS Traffic document recommends putting in an access staircase to the Light Rail platform from Hathern Street. This is planned to be built through an area of weedy habitat on the eastern side of the light rail line corridor that is a haven for small birds, and will devastate their population with the removal of habitat, noise, light spill, and litter.

If the rezoning and development plans go ahead, we will lose small birds from Leichhardt.

A male (left) and female (right) Superb Fairy-wrens from a colony living in these backyards



Wattlebirds living in these backyards



4. Impact on Threatened and Vulnerable Species

The rezoning proposed will allow the destruction of habitat for threatened and vulnerable species.

The Inner West Environment Group notes that the following threatened and vulnerable species have been recorded in this part of the GreenWay⁶:

- Powerful Owl (*Ninox strenua*)
- Superb Fruit-Dove (*Ptilinopus superbus*)
- Pied Oystercatcher (*Haematopus longirostris*)
- Grey-headed Flying Fox (*Pteropus poliocephalus*)
- Eastern Bent-wing bat (*Miniopterus schreibersii oceanensis*), and
- Long-nosed Bandicoot (*Perameles nasuta*)

The Grey-headed Flying Fox was voted the Inner West's wildlife mascot and can be frequently heard chattering in the trees at night in these backyards.

The elusive Long-nosed Bandicoot was sighted this year in a Kegworth Street backyard.

BirdLife Australia believe this area is likely a stopping location for young, unpaired Powerful Owls and that locations like these are critical for young birds to disperse safely across the landscape. Removing this habitat will put further pressure on an already vulnerable species.

5. Impact on Established Ecological Communities

Rezoning and higher density development of this area will also have detrimental impact on established ecological communities beyond just threatened and vulnerable species.

For example, this area has colonies of Kookaburras who have been here for many years and are frequently heard laughing in the gum trees. Kookaburras are known to pair for life⁷ and remain in their territories all year, living in close social groups. They reuse their nests, often made in tree hollows, for multiple years in a row (in fact, there's been a documented case of Kookaburra using a nest cavity on and off over 60 years⁸).

This area is their home and replacing their habitat with apartments, will mean no longer hearing their laughs anymore. Unfortunately, they are unlikely be able to just move somewhere else as their habitat is disappearing across Greater Sydney. While they are not yet officially classified as "vulnerable", we should not get complacent, a study in 2022 by Griffith University using citizen science data found that Kookaburras, once common, were now in decline in urban areas in Greater Sydney.⁹

Tree hollows are critical for many birds to nest in. A hollow can take at least 100 years to form. Trees planted now will not have hollows for many, many generations.¹⁰

⁶ See Appendix 3: List of Threatened Species and Recorded Birds Impacted

⁷ <https://birdlife.org.au/bird-profiles/laughing-kookaburra/>

⁸ <https://birdfact.com/articles/kookaburra-nesting>

⁹ <https://www.abc.net.au/news/2022-08-18/kookaburra-decline-in-eastern-cities-due-to-noisy-miners/101340504>

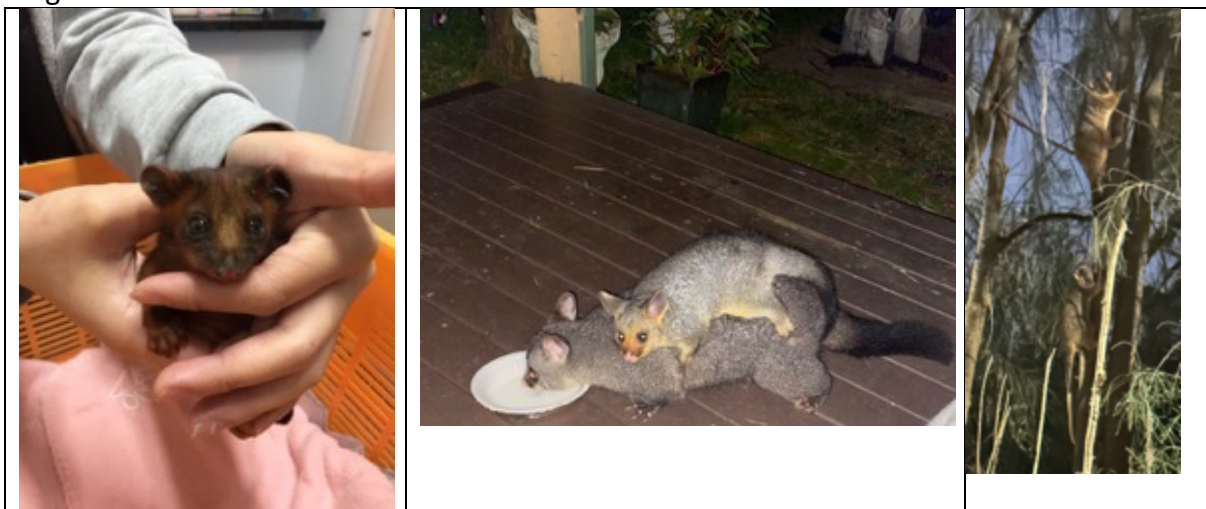
¹⁰ <https://www.environment.nsw.gov.au/resources/nature/Factsheet5Treehollows.pdf>

This area provides extended habitat to the GreenWay to a rich biodiversity of native wildlife and as such, supports a complex ecology, which will be irreparably harmed if the backyards are replaced by apartments.

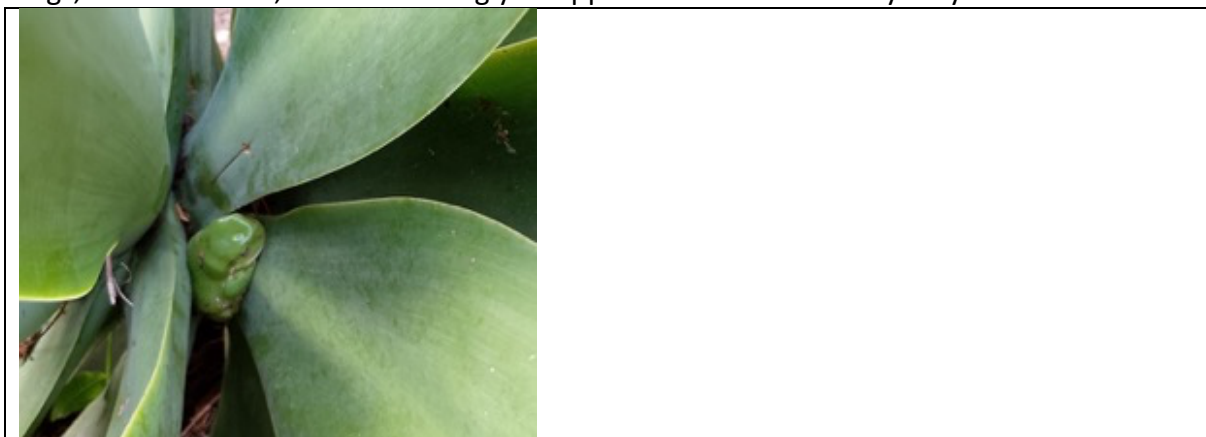
Kingfisher and Kookaburra living in these backyards



Ringtailed and Brush Tailed Possums that are residents of the site



Here is a Green Tree Frog from a Kegworth St backyard taken just this week. Green Tree Frogs, once common, have disturbingly disappeared from much of Sydney.¹¹



¹¹ <https://australian.museum/blog/amri-news/aussie-green-tree-frog-disappearing-act/>

6. Impact on Migratory Birds and Bats

Data collected by IWEG and surveys in Birddata also show the value of the GreenWay and surrounding trellis streets as a stopping point for seasonal migrants. This is the only location in the Inner West council footprint where species like Rose Robins and Golden Whistlers have been recorded in the past 10 years and one of only three locations with Grey Fantail sightings. Other species like Spotted Pardalotes and Silvereyes show clear preferences for habitat along the GreenWay corridor running from right through the Inner West LGA and connecting to the Tempe habitat in the bottom right of the LGA.

The Inner West Environment Group notes that the GreenWay and its trellis streets provide a critical connectivity for birds on their way to Hunters Hill and Wolli Creek and for those also migrating along the eastern seaboard. For example, the Yellow tailed Black Cockatoo migrates up and down the GreenWay and Cook River at certain times during the year. Also supported are migratory endangered bent winged microbats.

Because these trellis streets provide much needed resting points for migratory birds and microbats, removing this habitat will affect the long term future of these species as well.

7. Impact on Nocturnal Birds

This area proposed for rezoning is immediately next to the GreenWay and IWEG and BirdLife Australia have warned that apartments tend to have much more light spill than single homes. Nocturnal birds, including the Tawny Frogmouths, Powerful Owl and Southern Boobook (both known to frequent this part of the GreenWay), rely on darkness for their hunting. Excessive artificial lighting can impact both the birds themselves and their prey, and may result in them leaving the area.

8. Climate Change, Air Quality and the Urban Heat Effect

The backyards in the proposed rezoning area contain some of the largest, most mature trees in Leichhardt. These trees clean our air of carbon dioxide and other pollutants from traffic on Parramatta Road, Tebbutt St and Hathern St. If we lose any of these trees, it will mean more pollution for the surrounding areas, including Kegworth Infants & Primary School.

To make matters worse, this rezoning proposal will add large numbers of extra cars to the key arterial route made up of Tebbutt St, Brown St, Cook St, and Old Canterbury Rd – increasing the frequency and duration of already common traffic jams. This will significantly increase pollution produced, while significantly reducing the amount of trees that help to clean up this pollution.

Furthermore, because of the current dense canopy cover, the location is currently not identified as a hot spot in the Inner West Council's 'Where should all the trees go?'¹² document. Removing them however will result in this zone increasing in temperature compared to the surrounding landscape.

Rezoning this area and the resultant removal of these trees will reduce our ability to clean the air, further contribute to climate change and worsen the urban heat effect.

¹² <https://www.innerwest.nsw.gov.au/ArticleDocuments/1036/202020%20vision%20report.pdf.aspx>

9. Rezoning Conflicts with the Blue-Green Grid Strategy and Associated Community Preferences

The Inner West Council's Blue-Green Grid Strategy and supporting Community Engagement has made it a priority to protect, enhance and increase the Ecological Grid in the Inner West, especially around the GreenWay. The GreenWay being the main artery of the IWC Blue-Green Grid.

The Draft Blue-Green Grid Strategy based on community consultation states that key aims include:

- "Protect, enhance and increase wildlife corridors and areas of habitat for native flora and fauna" (p49)
- "Expanding the urban tree canopy and vegetation and integrating water into the landscape to reduce urban heat, improve air quality and provide natural habitat for native fauna" (p47)
- "Mitigate urban heat and sequester carbon through water retention and increased tree canopy cover" (p49)
- "Protect and enhance natural environment for future generations" (p77)
- "Provide habitats for different native species" (p77)

Yet the proposed rezoning will allow the removal of the biggest and most concentrated grouping of large mature backyard trees in Leichhardt to be removed, significantly reducing habitat for the Inner West's wildlife corridor, threatening biodiversity and native species, increase urban heat, and decrease air quality.

10. No Assessment or Consultation on Biodiversity Impact + Harm

There was no environmental impact study undertaken on the impact of rezoning. This is despite local environmental experts and groups like IWEG, ACF Inner West and BirdLife Australia recognising the importance of the habitat and that biodiversity that will be threatened with rezoning this site.

The Inner West Council (IWC) concluded that "The proposed changes are unlikely to result in any adverse effects on critical habitat for threatened species and ecological communities."¹³

However, they did NOT consult with experts or residents with local knowledge of native flora and fauna in these areas, nor did they conduct a biodiversity study of the area or ecological impact study of the proposed rezoning.

No approvals should be made on rezoning without a comprehensive and genuinely independent ecological impact study conducted that consults with local experts to ensure that there is full understanding and awareness of the effects of rezoning on biodiversity, threatened and vulnerable species, migratory animals and ecological communities. If the Inner West Council is going to destroy this habitat, it can at least acknowledge the harm that will result from that.

¹³ See Appendix 6: Inner West Council Biodiversity Response

11. No Protection for Tree Canopy or Native Animal Habitat

Despite the claims from the Inner West Council planners that there will be some protections for some trees in the rezoning site, this will not be able to be enforced.

The NSW Department of Planning (DPE) has ruled that there can be NO protection of tree canopy. The Gateway determination letter from DPE to Council¹⁴ instructs the planners to:

‘... (n) remove the proposed overall precinct/zone based tree canopy targets (including streets)’

In any case, the habitat that supports the richest biodiversity in Leichhardt is not just a few large trees, it is a connected and complex ecosystem that crucially includes the backyards of older homes along with dense and multi-level foliage, sheds, the roofs and underneath of homes with access to soil.

None of this complex habitat can be protected if the aim is to replace homes with backyards for apartments. What little green space will be afforded by developers will be sparse, fragmented and will have none of the features that have made this specific location so conducive to supporting a rich biodiversity of native wildlife.

We will see what has happened elsewhere in Leichhardt where introduced and aggressive native species like Noisy Miners and Lorrikeets get more areas where they thrive and further push out small birds, marsupials and lizards and a rich biodiverse range of insects.

12. Deep Soil Plantings Not Adequate

Inner West Council planners have talked about having a “deep-soil target” for new development. However, deep soil plantings will take many years to grow and mature, during which time most of the wildlife in this area will have nowhere else to go. Deep soil planting apartment complexes in Dulwich Hill have not been successful.

Even if after many years, there are a few larger trees, there will be a permanent loss of the multi- storey dense vegetation and the types of backyards with grass, sheds, eaves and under home areas which have created the specialised habitat needed for small birds, marsupials, lizards and insects to flourish.

The proposed rezoning would only amalgamate blocks in lots of 3 so they would be relatively small areas used to build mid-rise apartments, thus it is unlikely that much space could be set aside for large trees anyway as their roots and the overhang of the tree canopy would cause issues with the buildings.

¹⁴ See Appendix 5: NSW State Government Gateway Determination

13. No Feasibility Study

There has been no feasibility study conducted for the proposed rezoning to see if the development that it would facilitate would even be feasible for developers.

The Inner West Council's proposed block sizes are small for apartments and therefore, a developer would want to maximise their financial yield by using as much land as possible for building.

It is likely that any attempts by the Inner West Council to set any protections or requirements for tree canopy will be successfully challenged by a developer on the grounds of financial feasibility.

14. Environmental Loss for Future Generations

The GreenWay wildlife corridor is a profoundly special area for Inner West biodiversity and ecology and it plays a role in the broader ecology of Sydney and the Eastern Seaboard due to it being a stopover site for migratory birds and bats.

This rezoning proposal facilitates the removal of a significantly large part of the total connected habitat available in the GreenWay corridor for the diverse range of native and migratory wildlife that currently use it.

The environmental loss that would be facilitated by this rezoning will not just be felt by the current generation, but will be felt for future generations to come.

15. There are Alternative Sites that Don't Require Destroying the Urban Forest

There are other more appropriate sites nearby to redevelop into apartments – including empty, state owned blocks of land and disused industrial land – that won't require destroying precious habitat for Australian native animals. For example, the Best & Less site¹⁵ would facilitate much higher density but have little biodiversity or environmental impact as there are no trees or wildlife havens on that site, almost half of which is a car park.

Preserving employment lands is given as an excuse to why these empty or disused sites can't be used, however, mixed used zoning could be used to keep the same amount of employment space in residential developments.

We recognise the need for more housing but it should not have to come at the cost of losing our urban forests and the biodiversity supported by them. We need better planning – and genuine consultation with local environmental experts and residents – to choose sites that don't harm our already fragile and threatened urban wildlife.

We can have both higher density AND thriving urban biodiversity in our suburbs if we work together with local environmental experts and residents to select development sites carefully.

¹⁵ See Appendix 7: Parramatta Road Alternative Sites

Appendix 1: Location of Proposed Rezoning for Redevelopment

The map below shows the location of the streets to be impacted.



Figure 1: Area proposed to be rezoned(left) and Google Satellite Map of Taverners Hill North (right)

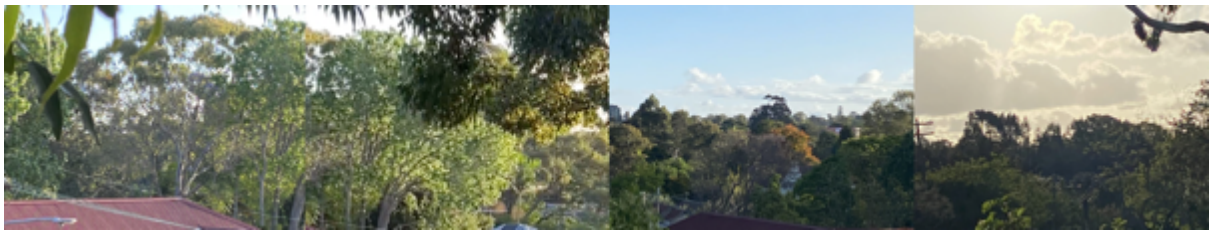


Figure 2: Photos of some of the affected tree canopy

Appendix 2: Google Satellite Map

This Google Satellite image below illustrates how much more dense the tree canopy is in this area compared the rest of Leichhardt.

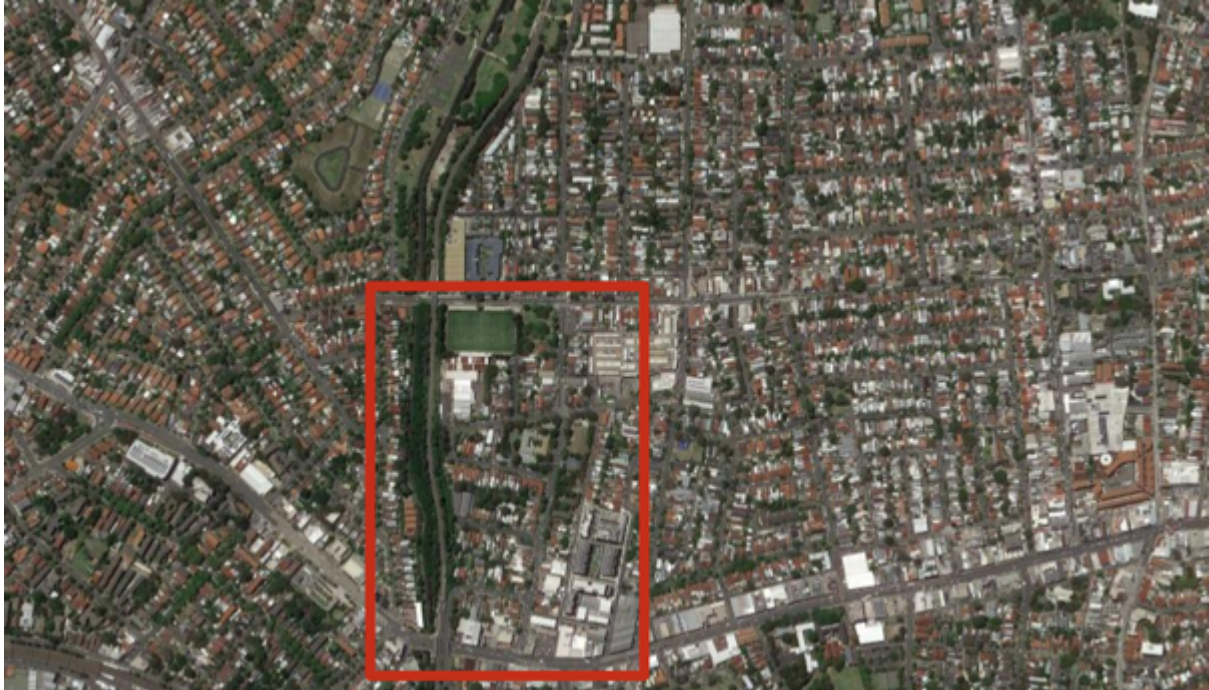


Figure 3: Google Satellite with the affected area highlighted by the red box.

Appendix 3: List of Threatened Species and Recorded Birds Impacted

Source: Jo Blackman, Inner West Environment Group

Threatened species that have been recorded in the GreenWay include:

- Powerful Owl (*Ninox strenua*)
- Superb Fruit-Dove (*Ptilinopus superbus*)
- Pied Oystercatcher (*Haematopus longirostris*)
- Grey-headed Flying Fox (*Pteropus poliocephalus*)
- Eastern Bent-wing bat (*Miniopterus schreibersii oceanensis*), and
- Long-nosed Bandicoot (*Perameles nasuta*)

Native Birds in Our Corridor include:

Australasian Darter
Australasian Figbird
Australian Bush Turkey
Australian Golden Whistler
Australian King Parrot
Australian Magpie
Australian Pelican
Australian Pied Cormorant
Australian Raven
Australian White Ibis
Bar-shouldered Dove
Black-face Cockoo-shrike
Back Bird
Brown Gerygone
Brown Goshawk
Brown Honeyeater
Buff-banded Rail
Channel-billed Cuckoo
Chesternut Teal
Cockatiel
Collared Sparrowhawk
Common Blackbird
Common Koel
Common Myna
Common Starling
Crested Pigeon
Crimson Rosella
Eastern Cattle Egret
Eastern Great Egret
Eastern Osprey
Eastern Rozella
Eastern Spinebill
Fan-Tailed Cuckoo
Galah
Golden Whistler

Great Cormorant
Grey Egret
Greater Crested Tern
Grey Butcherbird
Grey Fantail
Grey Goshawk
Horsfield's Bronze Cuckoo
Intermediate Egret
Laughing Kookaburra
Leaden Flycatcher
Little Black Cormorant
Little Corella
Little Lorrikette
Little Pied Cormorant
Little Wattlebird
Long-billed Corella
Leaden Flycatcher
Magpie-lark
Maned Duck
Masked Lapwing
Musk Lorikeet
Nankeen Night Heron
New Holland Honeyeater
Noisy Friarbird
Noisy Miner
Olive-backed Oriole
Orient Dollarbird
Pacific Back Duck
Pacific Koel
Pacific Swift
Peregrine Falcon
Pied currawong
Powerful Owl
Rainbow Lorikeet
Red Wattlebird
Red-browed Finch
Red-rumped Parrot
Red-whiskered Bulbul
Rock Dove
Rose crowned Fruit dove
Rose Robin
Royal spoonbill
Rufous Whistler
Sacred Kingfisher
Satin Bower bird
Scaly-breasted Lorikeet
Shining Bronze Cuckoo
Silver Gull
Sivereye

Southern Boobook
Spotted Dove
Spotted Pardalote
Striated Heron
Sulphur-crested Cockatoo
Superb Fairy-wren
Tawny Frogmouth
Topknot Pigeon
Tree Martin
Welcome Swallow
White-bellied Sea-eagle
White-browed Scrubwren
White-headed Pigeon
White-faced Heron
White-naped Honeyeater
White-plumed Honeyeater
White-throated Needletail
White-winged Triller
Willie Wagtail
Yellow-faced Honeyeater
Yellow-tailed Back-cockatoo

Appendix 4: Tree Canopy by Suburb in the Inner West LGA

Link: <https://www.innerwest.nsw.gov.au/ArticleDocuments/1036/Suburb%20Tree%20Canopy.pdf.aspx>

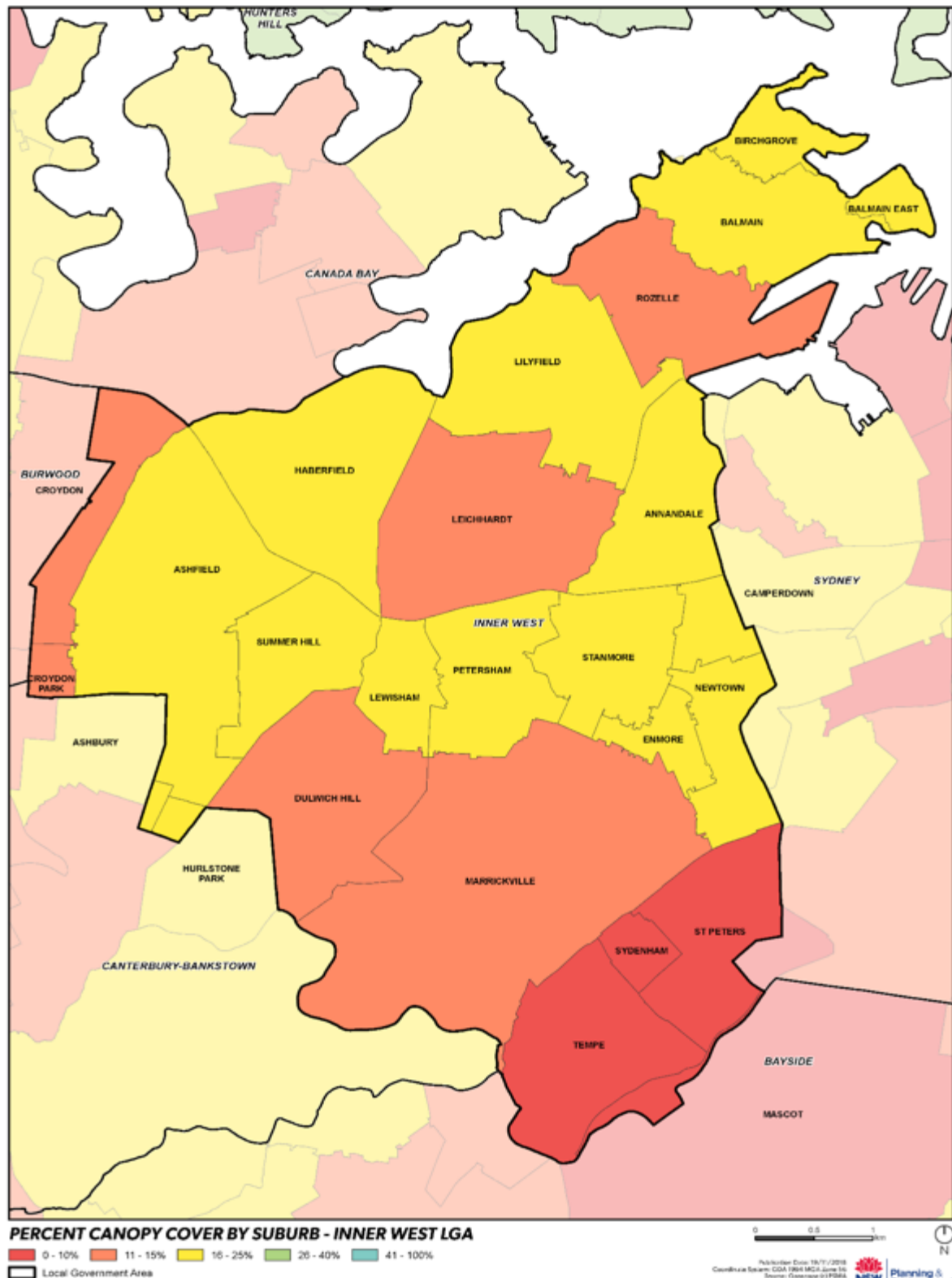


Figure 5: Map showing Leichhardt as one having one the lowest levels of tree canopy at 11-15% - it's even less that Camperdown and Newtown which are far closer to the CBD.

Appendix 5: NSW State Government Gateway Determination

Site Link: <https://www.innerwest.nsw.gov.au/develop/plans-policies-and-controls/planning-proposals/planning-proposal-tracker/parramatta-road-corridor-stage-1-implementation>

Link to specific document:

[https://www.innerwest.nsw.gov.au/ArticleDocuments/33263/Gateway%20determination%20-%20Inner%20West%20PRCUTS%20Stage%201%20\(PP-2022-1921\).pdf.aspx](https://www.innerwest.nsw.gov.au/ArticleDocuments/33263/Gateway%20determination%20-%20Inner%20West%20PRCUTS%20Stage%201%20(PP-2022-1921).pdf.aspx)



Department of Planning and Environment

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

Appendix 6: Inner West Council Biodiversity Response

Inner West Council Link: [Parramatta Road Corridor Stage 1 Implementation - Inner West Council \(nsw.gov.au\)](https://www.innerwest.nsw.gov.au/ArticleDocuments/33263/Attachment%20%20-%20Planning%20Proposal%20-%20Post%20Gateway.pdf.aspx)

Link to Planning Proposal document featured below

<https://www.innerwest.nsw.gov.au/ArticleDocuments/33263/Attachment%20%20-%20Planning%20Proposal%20-%20Post%20Gateway.pdf.aspx>



Planning Proposal

**Parramatta Road Corridor Implementation Stage 1
September 2023**



Inner West Council
innerwest.nsw.gov.au
02 9392 5000

council@innerwest.nsw.gov.au
PO Box 14, Petersham NSW 2049

Section C – Environmental, social and economic impact

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The proposed changes are unlikely to result in any adverse effects on critical habitat for threatened species and ecological communities.

Land to the south of Parramatta Road between the Hawthorne Canal and Palace St, Petersham is identified as “Biodiversity” on the Natural Resource—Biodiversity Map under IWLEP 2022 (see Figure 10 below). Clause 6.4 Terrestrial biodiversity of the IWLEP 2022 requires the consent authority to consider the potential impacts to fauna and flora, and their habitats, in the assessment of a development application.

The Planning Proposal will not alter the extent of the biodiversity mapping, nor the requirements to be considered in the assessment of a development application on land identified as Biodiversity. Therefore, the Planning Proposal will not adversely impact threatened species, populations or ecological communities, or their habitats.



Figure 10 – Extract from IWLEP 2022 indicating the extent of Terrestrial Biodiversity (in green) in the Planning Proposal area (in black boundary).

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is unlikely that the proposal will result in any environmental effects that cannot be managed through the proposed LEP provisions in conjunction with the existing LEP provisions.

The Planning Proposal in fact includes provisions which will positively contribute to the environmental considerations in the Parramatta Road Corridor. In particular, the proposed amendments through FSR and HOB incentives mechanism will ensure that urban design, built form, amenity, stormwater management and environmental sustainability are given thorough consideration prior to granting consent to any additional development capacity above the existing LEP controls.

Appendix 7: Parramatta Road Alternative Sites

A photo of a nearby alternative site on Parramatta Road that could deliver more housing quicker and with more certainty *without* removing urban forest and critical habitat.



Figure 6: Best and Less site on Parramatta Road and partially on Tebbutt Street, which has been for sale for a few years