

Gateway Determination

Planning proposal (Department Ref: PP-2022-2970): to amend the Inner West Local Environmental Plan 2022 (Inner West LEP) to facilitate the redevelopment of 67-73 and 75 Lords Road, Leichhardt for residential uses including affordable housing, publicly accessible open space and a range additional permitted uses.

I, the A/ Executive Director, Local Planning and Council Support at the Department of Planning, Housing and Infrastructure, as delegate of the Minister for Planning and Public Spaces, 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 facilitate the redevelopment of 67-73 and 75 Lords Road, Leichhardt for residential uses including affordable housing, publicly accessible open space and a range of additional permitted uses should proceed subject to the following conditions:

The LEP should be completed on or before **04 July 2025**.

Gateway Conditions

1. Prior to exhibition, the planning proposal is to be amended and forwarded to the Minister under s 3.34(6) of the Act with the following changes:
 - a) Remove reference to the application of clause 6.15 of the LEP and the proposed key sites map.
 - b) Update *Planning Proposal and Urban Design* and *Section 4.3 Landscape concept* to clarify the number of sqm of deep soil and tree canopy located on 67-73 Lords Road.
 - c) Include assessment against the *Leichhardt Affordable Housing Policy*.
 - d) Update *Section 11 Consideration of previous Local Planning Panel decision* to include LPP recommendation for the current planning proposal on 20 December 2022.
 - e) Remove the proposed minimum floor space requirement for non-residential uses from the planning proposal and update supporting documentation.
 - f) Include assessment against Ministerial Direction 1.4 Site Specific Provisions.
 - g) Further address Ministerial Direction 4.1 Flooding and justify the inconsistency with this Direction with reference to clause 1, clause 3 (a), (c), (d), (e) and clause (4). Provide an assessment of the risk of the proposed compensatory flood storage within the basement of the building to persons and property. This may include changes to the indicative built form.
 - h) Update the planning proposal to reflect existing traffic generation potential and proposed development traffic generation (trip generation) as outlined in the *Traffic and Parking Impact Assessment*.
 - i) Update numbering of the Ministerial Directions:
 - From 5.1 Reserving land for public purpose to 5.2 Reserving land for public purpose; and
 - From 8.1 Employment Zones to 7.1 Employment Zones.
 - j) Address clause 2.98 and 2.99 of the SEPP (Transport and Infrastructure) 2021 and correct clause numbering with reference to clause 2.100.

- k) Remove assessment against SEPP 65 – Design Quality of Residential Apartment Buildings as this SEPP has been repealed.
 - l) Include assessment against SEPP (Housing) 2021 Chapter 4 - Design of residential apartment development.
 - m) Include assessment against SEPP (Resilience and Hazards) 2021 *Chapter 4 – Remediation of Land*.
 - n) Update references to appendices throughout the planning proposal.
 - o) Update project timeline to reflect finalisation before 4 July 2025.
2. Prior to public exhibition a copy of the amended proposal, which addresses Condition 1, is to be provided to Biodiversity, Conservation and Science (BCS) and NSW State Emergency Service for consultation.
 3. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023) and must be made publicly available for a minimum of 30 working days; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in *Local Environmental Plan Making Guideline* (Department of Planning and Environment, August 2023).
 4. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
 - Transport for NSW (TfNSW)
 - Schools Infrastructure (SINSW)
 - Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - Biodiversity, Conservation and Science (BCS)
 - NSW Environment Protection Authority (EPA)
 - Ausgrid
 - Sydney Water
 - NSW State Emergency Service

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 working days to comment on the proposal.
 5. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge the planning proposal authority from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
 6. Prior to finalisation, a suitable mechanism must be in place to secure 75 Lords Road as publicly accessible open space.

Dated 2 September 2024

A handwritten signature in blue ink, appearing to read 'D Thompson', with a long horizontal flourish extending to the right.

Daniel Thompson
A/ Executive Director, Local Planning and
Council Support
Planning, Land Use Strategy, Housing
and Infrastructure
Department of Planning, Housing and
Infrastructure

Delegate of the Minister for Planning and
Public Spaces