



IRF24/1291

Gateway determination report – PP-2022-2790

67-75 Lords Road, Leichhardt

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Acknowledgment of Country

The Department of Planning, Housing and Infrastructure 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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Relevant reports and plans

Attachment T - Social Impact Assessment

Attachment U - Acoustic Report

Attachment V - PRCUTS Planning and Design Guidelines

1 Planning proposal

1.1 Overview

Table 2 Planning proposal details

| | | |
|---------------------------------|---|----------------|
| LGA | Inner West Local Government Area | |
| PPA | Sydney Eastern City Planning Panel | |
| NAME | 67-75 Lords Road, Leichhardt (210 dwellings, incl. 10 affordable housing dwellings) | |
| NUMBER | PP-2022-2790 | |
| LEP TO BE AMENDED | Inner West Local Environmental Plan (LEP) 2022 | |
| ADDRESS AND DESCRIPTION | 67-73 Lords Road | Lot 1 DP940543 |
| | 75 Lords Road | Lot 1 DP550608 |
| RECEIVED | 17/04/2024 | |
| FILE NO. | IRF24/1291 | |
| 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 | |

1.2 Objectives of planning proposal

The planning proposal (the proposal) (April 2024) (**Attachment A**) contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to facilitate the redevelopment of the site for high density residential uses including affordable housing, publicly accessible open space as well as a range of non-residential uses.

1.3 Explanation of provisions

The planning proposal seeks to amend the Inner West LEP 2022 per the changes below:

Table 3 Current and proposed controls

| Control | Address | Current | Proposed |
|--------------------------------|------------------|-----------------------|---|
| Zone | 67-73 Lords Road | E4 General Industrial | R3 Medium Residential |
| | 75 Lords Road | | RE1 Public Recreation (Council identified as relevant acquisition authority). Note: Should Council not agree to future ownership of 75 Lords Road, the planning proposal notes the site could be zoned RE2 Private Recreation with an easement to provide 24-hour public access. |
| Maximum height of the building | 67-73 Lords Road | No height control | 30m |
| | 75 Lords Road | | No change |
| Floor space ratio | 67-73 Lords Road | 1:1 | 2.4:1 |
| | 75 Lords Road | | 0 |
| Number of dwellings | 67-75 Lords Road | 0 | 210 dwellings (including approx. 10 affordable housing dwellings) |
| Site-specific provision | 67-73 Lords Road | Nil | <ul style="list-style-type: none"> Require a minimum of 5% of residential floor space to be provided as affordable housing in perpetuity. Allow a range of additional permitted uses including residential flat buildings and non-residential uses comprising the following: <ul style="list-style-type: none"> Recreation facility (indoor) Office premises Business premises Light industry Creative industry Industrial retail outlet Restaurant or café. Require a minimum of 1,700sqm of non-residential uses on the site. Apply Clause 6.15 of the Inner West LEP to the site which requires a Development Control Plan (DCP) to be prepared. |

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved. Notwithstanding, it is recommended that the planning proposal be updated prior to exhibition to remove reference to the application of clause 6.15 of the LEP as this clause already applies to the site (refer to **Figure 11**).

1.4 Site description and surrounding area

The planning proposal (**Attachment A**) applies to the land 67-73 Lords Road and 75 Lords Road, Leichhardt. The site has an area of approximately 10,617 sqm and accommodates a range of light industrial and commercial uses including warehousing/storage facilities, small scale manufacturing, joinery, and furniture restoration businesses. The site also contains private recreation facilities.

The site comprises of a series of low scale brick warehouse style buildings with hardstand areas used for vehicle access, parking and loading (see **Figure 1**). Existing access to the site is via two driveways from Lords Road.



Figure 1 Subject site (source: Nearmap by DPHI)

The planning proposal (**Attachment A**) notes there is currently 9,979 sqm of floor space on the site which accommodates 19 tenancies. As of January 2024, 11 occupancies were tenanted employing an estimated 79.5 full time equivalent employees.

The site does not contain any heritage items and is not located in a heritage conservation area.

The Inner West Light Rail corridor adjoins the western boundary of the site (see **Figure 2**). To the north of the site is Lambert Park and the Lambert Park Sports Field. Low scale residential dwellings are located to the immediate south and east of the site. To the southeast on the southern side of Lords Road is the Kegworth Public School (a local heritage item).

The site is located within 400 metres of the Leichhardt Marketplace and Marion Street Town Centre and is within the wider Taverners Hill precinct of the Parramatta Road Urban Transformation Strategy (PRCUTS) (see **Figure 3**), refer to **Section 3.1.1** for further information.



Figure 2 Site context (source: Planning Proposal)

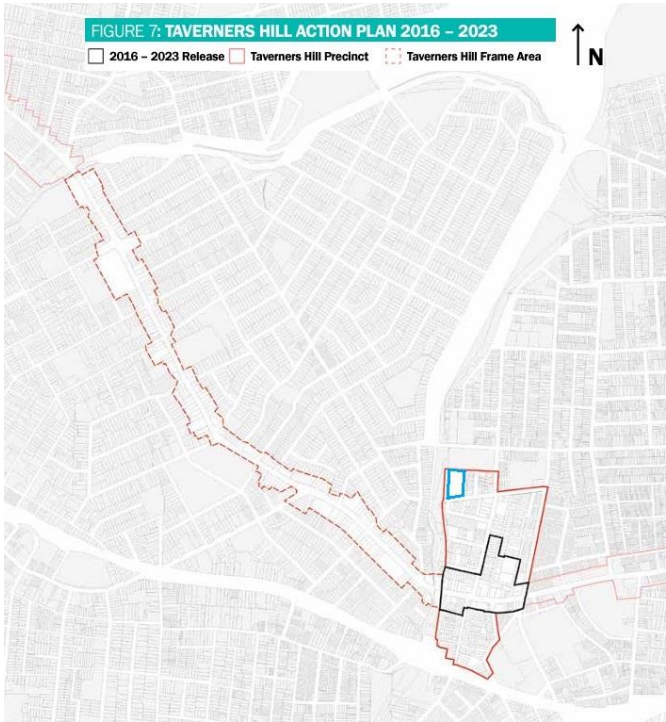


Figure 3 PRCUTS Taverners Hill Precinct with site outlined in blue (source PRCUTS Implementation Plan)

Land Zoning Map

- E4** General Industrial
- R1** General Residential
- R2** Low Density Residential
- RE1** Public Recreation
- SP2** Infrastructure

The map shows a large area of RE1 (Public Recreation) in green. A specific area is outlined in red, containing a large E4 (General Industrial) lot. Other visible zoning districts include R1 (General Residential) in pink and R2 (Low Density Residential) in light red. A yellow area at the bottom right represents SP2 (Infrastructure).

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Figure 6 Proposed land reservation acquisition map (source: Planning Proposal)

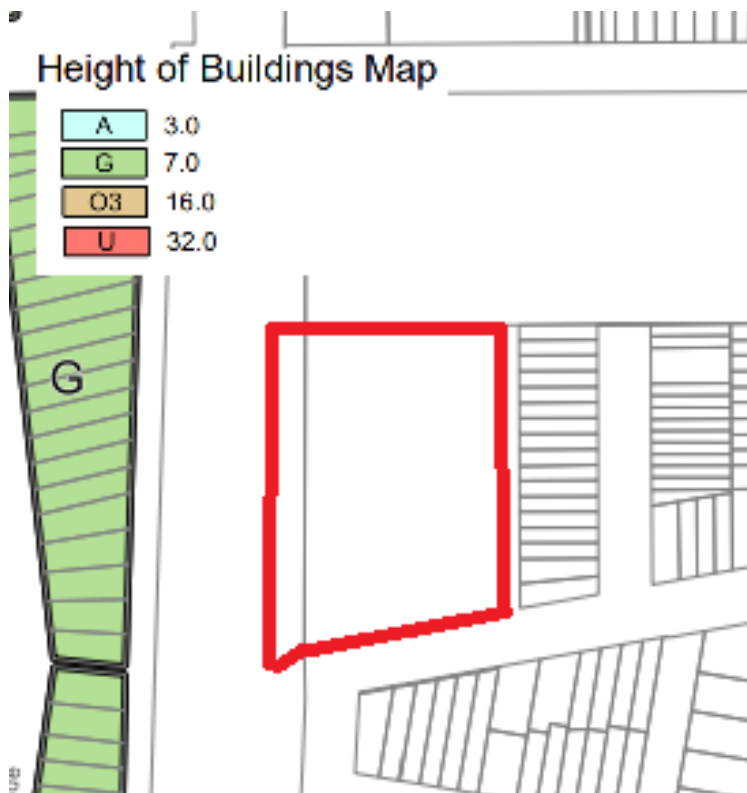


Figure 7 Current height of building map (site outlined in red)

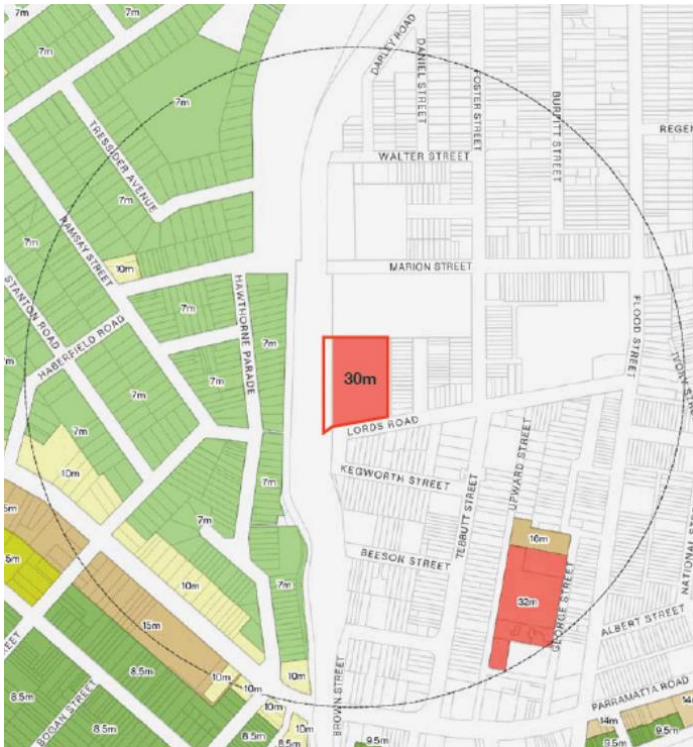


Figure 8 Proposed height of building map (source: planning proposal)

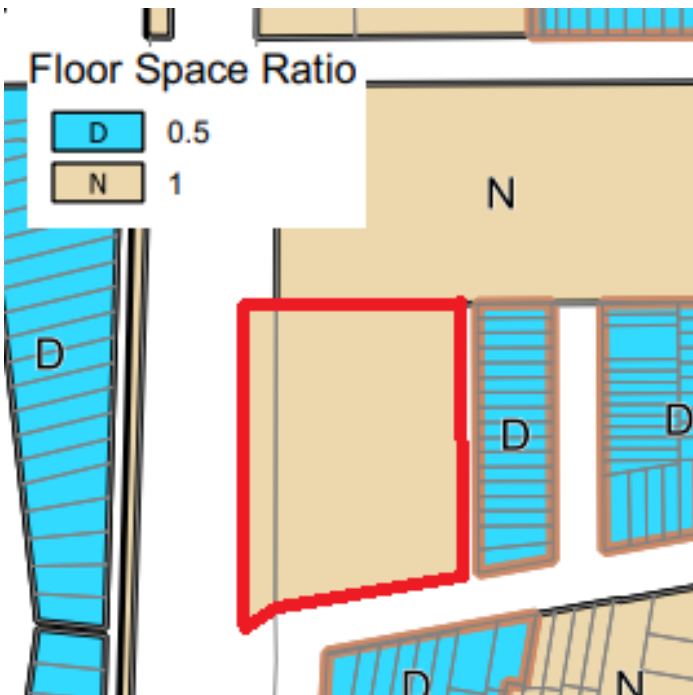


Figure 9 Current floor space ratio map (site outlined in red)



Figure 10 Proposed floor space ratio map (source: planning proposal)



Figure 11 Current key sites map (site outlined in red)



Figure 12 Proposed key sites map

1.6 Background

1.6.1 Previous Proposals

The proponent first submitted a planning proposal for the site in May 2014 to the former Leichhardt Council (now Inner West Council). The former Leichhardt Council resolved to not support the planning proposal due to a lack of strategic merit. This planning proposal went through a review process by the Sydney East Joint Regional Planning Panel which supported the proposal based on sufficient merit and allowed the proposal to proceed to gateway. The Department issued Gateway Determination in May 2016, however the Panel as the PPA resolved to not support the proposal for finalisation due to inconsistency with Local Planning Directions.

A new planning proposal was lodged with the Inner West Council in August 2018. The Inner West Local Planning Panel and Council resolved to not support the Planning Proposal due to inconsistency with the PRCUTS, loss of industrial land as well as strategic planning matters not being sufficiently addressed. In late February 2019, the proponent submitted a rezoning review request. The Sydney Eastern City Planning Panel reviewed the proposal and recommended the proposal should not be submitted for a Gateway Determination because the proposal had not demonstrated strategic merit (June 2019).

1.6.2 Current Proposal

In August 2022, the current planning proposal was lodged with Council. Inner West Council unanimously resolved not to support the planning proposal. As a result, the proponent lodged a rezoning review request in February 2023. In March 2023, the Department wrote to Council outlining a request for a rezoning review had been submitted and invited comments and/or a response why the original request to Council was not progressed. Council provided a response to the rezoning review letter dated 30 March 2023 (Attachment C - Urban Design Report **Attachment C**).

On 5 May 2023, the Sydney Eastern City Planning Panel recommended the planning proposal not proceed to Gateway Determination because it considered the proposal did not demonstrate

strategic merit due to its inconsistency with PRCUTS. The proposal sought to rezone 75 Lords Road as R3 Medium Density Residential. PRCUTS nominates 75 Lords Road as RE1 Public Recreation zone.

In August 2023, the Planning Minister's delegate requested the Panel reconvene to reconsider the Rezoning Review with a revised planning proposal that addresses concerns raised in Panel's decision as documented in the Panel's Record of Decision, 5 May 2023. The Panel did not support the proposal as:

- It was inconsistent with the PRCUTS in terms of its proposed zoning of 75 Lords Road as R3 Medium Density Residential. The Panel were of the view that the RE1 Public Recreation zone should have been applied to 75 Lords Road and that if it had been the proposal would be supported to be submitted for Gateway Determination subject to conditions; and
- It failed to properly justify inconsistency with the Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy and document that the proposal provided a better planning outcome.

The planning proposal was revised to apply the RE1 Public Recreation to 75 Lords Road and provide additional justification on the inconsistency with Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy. The Panel considered the revised proposal in August 2023 and agreed the revised proposal had strategic merit but requested the planning proposal be updated to address the following in order to be supported to progress for gateway determination:

- Prepare a flood study consistent with the Flood Risk Management Guidelines, 30 June 2023 and address Ministerial Direction 4.2 Flooding.
- Prepare a reference scheme taking into consideration that outcomes of the flood study and demonstrate consistency with the Apartment Design Guide and other relevant site conditions to confirm capability of the site to achieve the proposed FSR and HOB;
- Prepare a site-specific DCP incorporating the outcomes of the above;
- Demonstrate compliance with the PRCUTS criteria and Strategic actions, specifically related traffic impact, affordability, design, sustainability and infrastructure to demonstrate consistency with Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy;
- Undertake an economic analysis for the impact of proposed non-residential uses on neighbouring local centres;
- Confirm the proposed permissible uses on the site;
- Clarify affordable housing rates, including floor space and number of units and method of management; and
- Clarify the dedication and proposed management of the proposed RE1 land.

The planning proposal was updated to include the above amendments. In March 2024, the Panel supported the planning proposal to progress for gateway determination subject to updating the proposal to include a provision that identifies the application of the Inner West LEP 2022 Clause 6.15 Development Control Plans for certain development to the site through amendments to the clause and Key Sites Map.

This updated planning proposal was sent to the Panel and was then forwarded to the Department in April 2024.

2 Need for the planning proposal

Q1. Is the planning proposal a result of an assured local strategic planning statement, or Department approved local housing strategy, employment strategy or strategic study or report?

The planning proposal responds to the Parramatta Road Corridor Urban Transformation Strategy which identifies the land for rezoning and uplift.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal seeks to implement specific LEP provisions. There are no other mechanisms other than a planning proposal to amend statutory planning controls to facilitate the intended outcome.

3 Strategic assessment

3.1 District Plan

The site is within the Eastern City District. The former Greater Sydney 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 to affect 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.

Table 5 District Plan assessment

| District Plan Priorities | Justification |
|--------------------------|---------------|
|--------------------------|---------------|

2 Infrastructure and Collaboration

| | |
|---|--|
| <p>E1 – Planning for a city supported by infrastructure</p> <p>E3 – Providing services and local infrastructure to meet peoples needs</p> | <p>Objectives E1 and E3 of the District Plan aim to provide infrastructure that aligns with the forecasted growth, future needs, and is of optimal use.</p> <p>The proposal will facilitate additional homes near existing infrastructure such as the Inner West Light Rail, and rapid bus services along Parramatta Road. The site is also in proximity to green space, active transport connections and community facilities such as Lambert Park and ‘The GreenWay’ green corridor.</p> <p>The proposal seeks to deliver new 1,500sqm area of publicly accessible open space.</p> |
|---|--|

3 – Liveability

| | |
|--|---|
| <p>E5 – Providing housing supply, choice and affordability with access to jobs, services and public transport</p> | <p>The proposal seeks to deliver 210 dwellings, including 5% affordable housing. Redevelopment of the site will facilitate increased housing supply in the area with access to public transport, jobs and services within a 30-minute journey of the site.</p> |
| <p>E6 – Creating and renewing great places and local centres, and respecting the District’s heritage</p> | <p>The proposal will facilitate additional medium density housing in keeping with the local character of the area and in a location with access to supporting services and public transport.</p> <p>The proposal includes new publicly accessible open spaces connected to the broader area. The proposed range of additional permitted uses will assist in activating the ground floor.</p> <p>The proposal is supported by an Urban Design and Heritage Impact Statement (HIS) (Attachment C and Attachment D). These studies demonstrate that the development can respond to and respect the surrounding heritage and local character.</p> <p>There are locally significant heritage items nearby to the site (discussed in Section 3.4). The HIS concludes that the proposal, including the proposed building uses and envelopes, is generally acceptable in terms of the potential impact on the identified heritage significance of Lambert Park, Kegworth Public School and Haberfield Heritage Conservation Area.</p> |

4 – Productivity

| | |
|--|---|
| <p>E10 – Delivering integrated land use and transport planning and a 30-minute city</p> | <p>Additional housing is proposed within 30-minute access to a metropolitan centre (Sydney CBD), aligning with this planning priority. Public transport options include the light rail stops at Marion and Taverners Hill as well at bus stops along Parramatta Road that allow access to the Sydney CBD within 30 minutes.</p> <p>The proposal notes potential enhancements to the active transport network through the provision of a through site links and pedestrian upgrades along Lords Road. The proposal also notes a potential greenway</p> |
|--|---|

| District Plan Priorities | Justification |
|---|--|
| | link from Lords Road to Marion Street via the proposed RE1 Public Recreation land. See further discussion in Section 3.2 . |
| E12 – Retaining and managing industrial and urban service land | <p>This objective aims to retain and manage industrial and urban land services from conversion to residential development, including the conversion to mixed use zones.</p> <p>Although the site is currently zoned E4 General Industrial, the District Plan acknowledges the significant work undertaken for the PRCUTS. The District Plan highlights that as a result, land subject to the PRCUTS, including this site, is not subject to the industrial land strategies and actions of the District Plan.</p> <p>The proposal includes a requirement for a minimum of 1,700 sqm floor space for non-residential uses such as commercial, light industrial and creative uses however this aspect is recommended to be removed from the proposal as discussed in Section 3.4 under Direction 7.1 Employment Zones.</p> |

5 – Sustainability

| | |
|---|---|
| E17 – Increasing urban tree canopy and delivering green grid connections | <p>This objective aims to ensure the development of a network of high-quality green space that connects communities to the natural landscape.</p> <p>Vegetation on the site is generally located along Davies Lane and Lords Road as noted in the Arborist Report (Attachment E). Only two trees along Lords Road (T17 and T18) are proposed to be retained as part of the proposed development noting tree replacement is likely to result in a higher quality landscape outcome.</p> <p>Deep soil areas on the site are currently less than 5% of the site area. The proposal notes that this will increase to 15% across both the proposed public open space.</p> <p>The proposal also looks to increase canopy cover from the current less than 10% to approximately 22% with the development.</p> <p>The Department notes the above percentages for proposed deep soil and canopy cover encompasses the proposed RE1 land and mixed-use development. It is recommended the planning proposal be updated to clarify the proposed deep soil and canopy cover percentages for 67- 73 Lords Road not including the proposed RE1 land.</p> <p>As outlined above, the proposal also notes the possibility of a potential greenway link from Lords Road to Marion Street via the proposed RE1 Public Recreation land. This is further discussed in Section 3.2.</p> |
| E18 – Delivering high quality open space | <p>This objective aims to deliver public open space that is accessible, protected and enhanced.</p> <p>The proposal will support the use of the nearby Lambert Park and the Lambert Park Sports Field comprising a playing field as well as passive open space and a playground.</p> <p>The proposal includes the provision of 1,500sqm of new publicly accessible open space through the rezoning of 75 Lords Road (DP</p> |

| District Plan Priorities | Justification |
|---|--|
| | <p>550608) to RE1 Public Recreation. The proposal notes the potential for this open space to be a secondary greenway link on the eastern side of the Inner West Light Rail.</p> <p>The proposal also looks to create new publicly accessible open space within the site for a range of passive and active recreational activities. This includes an area of open space at 67-73 Lords Road adjacent to ground floor additional permitted uses intended be made accessible to the public.</p> |
| <p>E20 - Adapting to the impacts of urban and natural hazards and climate change</p> | <p>This objective aims to implement effective planning that can reduce a developments exposure to natural and urban hazards and build resilience to shocks and stresses.</p> <p>The proposed site is subject to some degree of flooding during all flooding events and also subject to the presence of contamination and acid sulfate soils.</p> <p>Section 3.4 of this report discusses the impacts of flooding, contamination and acid sulfate soils including mitigation measures that will be employed to respond to the hazards impacts on site.</p> |

3.1.1 Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)

The Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) (**Attachment F**) is an NSW Government 30-year plan that sets out a long-term vision for the Parramatta Road Corridor to grow and bring new life to local communities living and working along the corridor through investments in homes, jobs, transport, open spaces and public amenity. The strategy provides a framework to support co-ordinated employment and housing growth in the Corridor in response to significant transport and infrastructure investment, economic and demographic shifts, and industrial and technological advances.

The PRCUTS is accompanied by the *Implementation Plan 2016-2023*, *Planning and Design Guidelines*, *Urban Amenity Improvement Plan* and *Infrastructure Schedule*. These documents, along with the Strategy provide planned outcomes for sites within the Corridor and along Parramatta Road.

The planning proposal is within the Taverners Hill Precinct (**Figure 3**). The Planning and Design Guidelines identifies the site for redevelopment to a mix of R3 Medium Density Residential and RE1 Public Recreation (Error! Reference source not found.) and recommends a maximum 30m height limit and an FSR of 2.4:1. The planning proposal is consistent with these recommendations.

The Greater Sydney Region Plan and Eastern City District Plan support the Strategy and confirm PRCUTS is to prevail over actions or strategies aimed to 'retain and manage' industrial land. This is discussed further in **Sections 3.1 and 3.2**.

The Implementation Plan 2016-2023 provides the framework to deliver the first stage of PRCUTS and identifies the subject site for release after 2023. Although the timing for the first stage for implementation has passed, the most recent update for the implementation of the strategy was released in July 2021. The Department notes that Inner West Council has been progressing its planning proposal for PRCUTS stage 1 however, this is yet to be finalised.

PRCUTS Implementation Update July 2021

The PRCUTS Implementation Update July 2021 (the update) identified new and amended implementation actions that supplement the existing actions for each precinct in the

Implementation Plan 2016-2023. These new and amended actions related to a range of considerations including the timing of release.

The update noted that planning proposals on individual sites and in frame areas can be considered using clause (a) and (b) under consistency of Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy provided the proposal is:

- consistent with the 'Out of Sequence Checklist' in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), or
- 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 (November, 2016) and Parramatta Road Corridor Implementation Plan 2016-2023 (November, 2016) having regard to the vision and objectives.

The planning proposal includes an assessment against the 'Out of Sequence Checklist' criteria (**Attachment G**).

Out of Sequence Checklist

The 'Out of Sequence Checklist' identifies six criteria the planning proposal must meet in order for it to be supported for gateway determination outside of the timing of the Implementation Plan 2016-2023. These criteria include:

- Criteria 1 – Strategic objectives, land use and development
- Criteria 2 – Integrated Infrastructure Delivery Plan
- Criteria 3 – Stakeholder Engagement
- Criteria 4 – Sustainability
- Criteria 5 – Feasibility
- Criteria 6 – Market Viability

The Department considers the proposal to be consistent with the checklist as it looks to deliver development that aligns with the PRCUTS corridor wide and precinct vision. The proposal is consistent with the recommendations for the site provided in the strategy including the proposed heights, densities, open space, active transport and built form outcomes for the Taverners Hill Precinct.

The proposal generally aligns with the PRCUTS Planning and Design Guidelines except for the proposed non-residential additional permitted uses and minimum non-residential floor space requirement. The proposed additional permitted uses are acceptable however the minimum non-residential floor space requirement is recommended to be removed from the planning proposal. See further discussion under **section 3.4**.

Previous planning proposals for the site were supported by an Integrated Infrastructure Delivery Plan. However, it is noted that the Inner West Local Infrastructure Contributions Plan commenced in February 2023 which includes local infrastructure items for the Taverners Hill precinct. It is also noted that the Housing and Productivity Contribution for State infrastructure will apply to the future redevelopment of the site. Noting the scale of the proposed development and given there are now mechanisms in place for the provision of state and local infrastructure, an Integrated Infrastructure Delivery Plan is not required for the proposal.

The Department considers that a reasonable amount of consultation has been undertaken with a range of stakeholders on previous versions of the planning proposal. The findings of this consultation have informed the current planning proposal. Further consultation will be carried out through the public exhibition of the planning proposal following Gateway determination.

The proposal is consistent with the sustainability and resilience requirements and commits to the delivery of all sustainability targets outlined in PRCUTS.

The proposal is supported by market research and economic impact advice finding the proposal is economically viable, well-located and if rezoned in line with the PRCUTS will be commensurate with the local market both in terms of residential and non-residential uses proposed.

The proposal has adequately addressed the 'Out of sequence Checklist' (**Attachment G**) and is considered appropriate for Gateway determination.

See further assessment of the planning proposal against Ministerial Direction 1.5 in **Section 3.4** below.

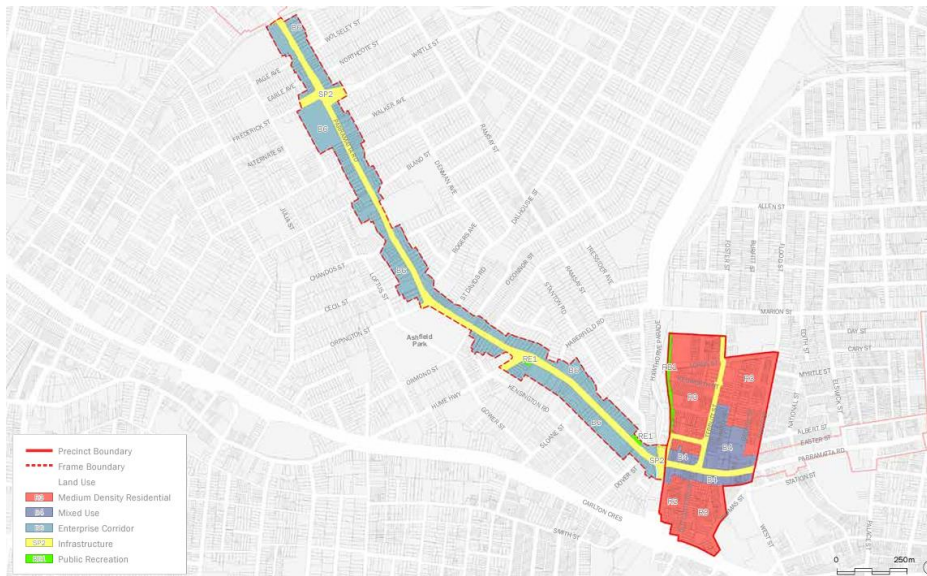


Figure 13 PRCUTS recommended zoning (source: PRCUTS)

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. However, it is noted that the planning proposal has had to justify consistency with the Local Strategic Planning Statement, Local Housing Strategy and Inner West Employment and Retail Lands Strategy due to the proposed removal of industrial and employment lands. The below table provides an assessment against the strategic direction and objectives:

Table 6 Local strategic planning assessment

| Local Strategies | Justification |
|------------------------------------|--|
| Local Strategic Planning Statement | <p>The Inner West Local Strategic Planning Statement (LSPS) was released in March 2020 and identifies a strategic framework to guide land use planning and development for the Inner West LGA until 2036. The LSPS highlights the need to cater for population growth and deliver an additional 20,000 dwellings by 2036. The LSPS is intended to implement the directions and actions of the <i>Greater Sydney Region Plan - A Metropolis of Three Cities</i> and the <i>Eastern City District Plan</i> at a local level providing a clear line of sight between the key strategic priorities identified in these plans.</p> <p>The LSPS notes that dwelling projections within the PRCUTS can be met even if the lands currently zoned for industrial and urban services were protected for ongoing use. Following this view, the LSPS sets out the intention of Council to apply the District Plans principle to 'retain and manage' to the existing industrial and</p> |

| Local Strategies | Justification |
|--|--|
| | <p>urban services land within the Parramatta Road Corridor and Taverners Hill Precinct.</p> <p>This view is not consistent with the <i>Greater Sydney Regional Plan</i> or the <i>Eastern City District Plan</i> as both have made clear that for land subject to the PRCUTS, the industrial land strategies and actions to ‘retain and manage’ do not apply. This includes the subject site. The Department, in its endorsement of the LHS, noted land use change for industrial land identified in the PRCUTS is to be implemented.</p> <p>The proposal looks to retain some employment on the site through the inclusion of a site-specific provision permitting a range of additional permitted uses as outlined earlier in this report. The proposal also includes a requirement for a minimum of 1,700 sqm floor space for non-residential uses such as commercial, light industrial and creative uses however this aspect is recommended to be removed from the proposal as discussed in Section 3.4 under Direction 7.1 Employment Zones. It is noted this does not prevent these uses being provided.</p> <p>Given the above, the proposal is considered justifiably inconsistent with the LSPS as it aligns with the actions and objectives of the PRCUTS, the Regional and District Plans and the relevant Ministerial Direction. The proposal is considered consistent with the remaining priorities outlined in the LSPS including Planning Priority 6 “Plan for high quality, accessible and sustainable housing growth in appropriate locations integrated with infrastructure provision and with respect for place, local character and heritage significance”.</p> |
| Inner West Local Housing Strategy 2020 | <p>The Inner West Local Housing Strategy 2020 was adopted by Council in April 2020. The strategy promotes the sustainable growth of the Inner West LGA with a focus on providing quality housing that contributes positively to residents’ quality of life and surrounding public spaces to ensure people remain easily and freely connected to one another and have good access to their activities.</p> <p>The Department has endorsed the LHS subject to requirements. In its review of the LHS, the Department identified the inconsistency of the LHS with PRCUTS as it proposes an alternative approach to industrial land identified for land use change.</p> <p>In the letter to Council in July 2021 confirming approval of the LHS (Attachment H), the Department stated that in order to support a strategic led approach under the <i>Eastern City District Plan</i> and PRCUTS, land use change for industrial land identified in the PRCUTS is to be implemented. The <i>Section 9.1 Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy</i> (as amended and current) is to prevail to the extent of any inconsistency with the approach identified in relation to PRCUTS within Council’s Local Housing Strategy.</p> <p>The proposal is consistent with the remaining LHS priorities and the Department’s approval requirements which are aimed to better align the LHS to the District Plan.</p> |
| Leichhardt Affordable Housing Policy | <p>Adopted by Council on 10 May 2022, the Leichhardt Affordable Housing Policy aims to protect and increase the supply of housing stock that can be affordably rented or purchased by very low-, low-, and moderate-income households by promoting housing diversity, equity, liveability, and sustainability within the Inner West. This policy looks to align with the objectives and actions of the district plan and give effect to the Council endorsed LSPS and LHS.</p> <p>The proposal includes a site-specific provision that requires a minimum of 5% residential floor space (around 10 dwellings) to be provided as affordable housing in</p> |

| Local Strategies | Justification |
|---|--|
| | <p>perpetuity and managed by a community housing provider. This is consistent with the policy in that it looks to contribute to the needs of the Inner West LGA and provide affordable housing in an appropriate location.</p> <p>However, the policy notes that it seeks to achieve an affordable housing target of 15% of new residential floor space to be dedicated to very low, low and moderate income households. Although the proposal does not meet this requirement, it is considered the 5% provision is appropriate as it consistent with the PRCUTS requirement and in line with the range outlined in the Eastern City District Plan.</p> |
| Inner West Employment and Retail Lands Strategy | <p>Adopted by Council in September 2020, the Employment and Retail Lands Strategy provides the strategic framework to approach the management of land to maximise productivity, facilitate job growth and contribute to the prosperity of the LGA.</p> <p>In line with the LSPS and the LHS, a key principle of the strategy is for industrial areas to be retained and managed so that industries have confidence to locate and expand. The Employment and Retail Strategy seeks to demonstrate how better outcomes can be delivered with the retention of industrial land within the Parramatta Corridor than what is recommended within the PRCUTS and the Parramatta Road Corridor Implementation Plan 2016-2023.</p> <p>On 26 September 2022, the Department provided feedback to Council on the strategy (Attachment I). Similar to the feedback provided on the LHS, the Department reiterated its position and recommended land use change for industrial land identified in the PRCUTS is to be implemented and is to prevail to the extent of any inconsistency with the approach to industrial land identified in Council's ELS. It again recommended that the Section 9.1 Ministerial Direction - 7.3 Parramatta Road Corridor Urban Transformation Strategy is to prevail to the extent of any inconsistency with the approach identified in relation to PRCUTS within Council's ELS.</p> <p>The proposal does seek to allow for some employment generating uses on site that would provide for street activation and accommodate local business and compatible light industrial use. However, it is recommended the site-specific provision proposed for minimum floor space requirement for non-residential uses be removed from the proposal. This is discussed further in Section 3.4 under Direction 7.1 Employment Zones.</p> <p>The Department notes that state plans including <i>PRCUTS</i>, <i>Ministerial Directions</i> and the <i>Eastern City District Plan</i> which all support the rezoning of this site to facilitate residential development, prevail over local strategies.</p> <p>Therefore, the inconsistency with the Strategy is considered justifiable as the proposal aligns with the objectives of the PRCUTS, District Plan and Ministerial Directions.</p> |
| Inner West Integrated Transport Strategy | <p>The Inner West Transport Strategy, adopted by Council in 2020, aims to address the transport challenges within the LGA and outlines strategies and actions that move towards a future that focuses in active and sustainable modes of transport, and land-use planning approaches that support these modes of transport.</p> <p>The planning proposal is consistent with the objectives of this strategy as the proposal looks to facilitate through site links to enhance connectivity (Priority 1) and proposes car parking in accordance with the relevant rates in the Leichhardt DCP with inclusion of charging facilities (Priority 1, 5 and 7). The proposal also looks to</p> |

| Local Strategies | Justification |
|---------------------|--|
| | <p>provide housing growth within close proximity to public transport (Priority 1) and will facilitate street upgrades to Lords Road with improved pedestrian priority and street trees (Priority 3). The proposal ensures end of trip facilities, bike parking and street parking will be provided in accordance with Leichhardt DCP.</p> |
| Greenway Masterplan | <p>The GreenWay Masterplan was adopted by Council in August 2018 to guide the delivery of landscaping and infrastructure within the GreenWay corridor over the next 10 years. It looks to establish the GreenWay as an integrated ecological and active transport corridor for a range of passive and active recreation opportunities while incorporating local places for culture and art.</p> <p>The GreenWay has been delivered in close proximity of the site and comprises of a path that runs between the Inner West Rail Corridor and Hawthorne Canal from Marion Street to Parramatta Road. The path continues to the north of Marion Street along the western side of the Hawthorne Canal adjacent to Hawthorne Parade connecting through to the Bay Run.</p> <p>The proposal site is identified as being within the Gadigal Reserve precinct which runs from Marion Street to the Inner West Light Rail stop in Lewisham (see yellow arrows in Figure 14). The masterplan has identified a secondary pedestrian link to the east of the Inner West Light Rail between Hathern Street and Lords Road, potentially extending all the way to Marion Street (see white line in Figure 14).</p>  <p>Figure 14 Route Options Assessment (source: GreenWay Masterplan)</p> <p>The proposal looks to rezone 75 Lords Road (DP 550608) to RE1 Public Recreation adjacent to the light rail corridor. This area could accommodate the potential secondary path.</p> <p>The Greenway Masterplan notes this secondary path is recommended but has not identified when or how the path would be delivered. Notwithstanding, the proposed</p> |

| Local Strategies | Justification |
|------------------|---|
| | rezoning of 75 Lords Road to RE1 Public Recreation would allow for this path to be developed in the future should this option progress. |

3.3 Local planning panel (LPP) recommendation

The Inner West Local Planning Panel (LPP) considered an earlier version of the proposal on the 20 December 2022 (**Attachment J**) and recommended that the planning proposal should not be supported as:

- The proposal is inconsistent with Section 9.1 Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy 1.5 (1)(a)(b) and (c) as the proposal does not adequately give effect to the objectives 1.5(a) of the Ministerial Direction and is inconsistent with Strategic Actions within the PRCUTS Strategy, and the Planning and Design Guidelines.
- The proposal fails the strategic and site-specific merit test of the Guidelines for Preparing Planning Proposals pursuant to Section 3.33 of the Environmental Planning and Assessment Act 1979.
- The proposal is inconsistent with the LSPS, LHS, Employment and Retail lands Strategy and Affordable Housing Policy
- The proposal is inconsistent with Section 9.1 Direction 1.1 Implementation of Regional Plans, 1.5 Parramatta Road Corridor Urban Transformation Strategy and 4.1 Flooding.
- The proposal is inconsistent with SEPP (Housing) 2021.
- The proposed design is unsatisfactory with respect to:
 - Flooding
 - Site servicing, access and circulation
 - Built form controls, including setbacks, building separation and open space.

The panel also recommended the planning proposal be updated to address a range of more detail matters in addition to the matters above. These matters included concerns related to:

- The omission of business and offices premises from the proposed Additional Permitted Uses provision.
- The provision of a minimum 3000sqm non-residential floorspace.
- Inclusion of an Affordable Housing Contributions Scheme or Planning Agreement with the requirement to comply with the 15% Affordable Housing Policy.
- Discussions with Council, DPE (now DPHI) and TfNSW on the implementation of the Parramatta Road Corridor Precinct-wide Transport and Traffic Study.
- Updated Traffic and Parking Analysis report and any other specialist reports reflecting the most up to date data available.
- Consideration of the proposed RE1 zone along the western boundary (75 Lords Road).
- Consideration of the inadequate floor to ceiling heights of the light industrial units.
- Inclusion of flood risk and impact assessment including pre- and post-development flood modelling be undertaken to satisfy the requirements of Ministerial Direction 4.1 Flooding.

Once updated, the Panel recommended the planning proposal be submitted to the Department for Rezoning Review or to Council for consideration. However, at its meeting on the 14 February 2023 (**Attachment K**), Council unanimously resolved to not support the planning proposal and noted that should the proposal progress notwithstanding Council's recommendation, the key issues as outlined above should be addressed.

The planning proposal discusses the LPP's recommendation regarding a previous planning proposal (advice of 17 December 2018). It is recommended the planning proposal be updated to include discussion of the recommendations of the LPP, from 20 December 2022, against the current planning proposal.

3.4 Section 9.1 Ministerial Directions

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

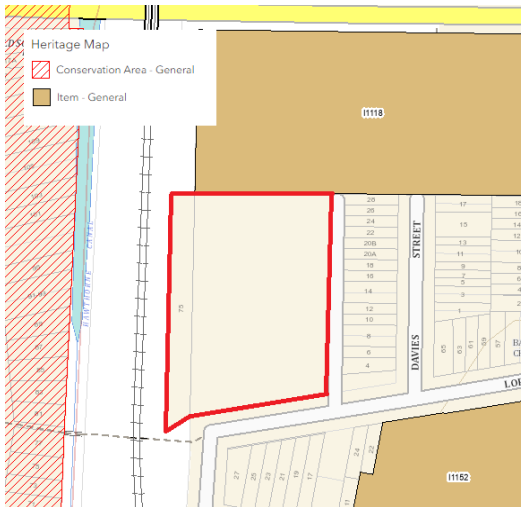
Table 7 9.1 Ministerial Direction assessment

| Directions | Consistency | Reasons for Consistency or Inconsistency |
|---------------------------------------|----------------------------|--|
| Focus Area 1: Planning Systems | | |
| 1.4 Site Specific Provisions | Inconsistency is justified | <p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls including imposing any development standards or requirements in addition to those already contained in the planning instrument being amended.</p> <p>The proposal is inconsistent with this direction as it seeks to include site-specific provisions applicable to 67-73 Lords Road that:</p> <ul style="list-style-type: none"> Require a minimum of 5% of residential floor space to be provided as affordable housing in perpetuity. Allow additional permitted uses including residential flat buildings and a number of non-residential uses. Require a minimum of 1,700sqm of non-residential uses to be provided. Apply Clause 6.15 of the Inner West LEP to the site which requires a Development Control Plan to be prepared. <p>Site-specific provisions are the most appropriate mechanism to facilitate the additional permitted uses, as well provide a provision for the requirement of affordable housing and a site specific DCP to be prepared for the site.</p> <p>In relation to the proposed minimum floor space requirement for non-residential uses, the Department recommends this be removed from the planning proposal noting the proposed medium density residential land use zoning sought and to allow flexibility in the future redevelopment of the site. The Department is also of the view that a minimum floor space requirement is inappropriate noting the findings of the Local Centres Impact Assessment (Attachment L) as discussed in Direction 7.1 Employment Zones below.</p> <p>Subject to the amendments recommended above, the Department considers the inconsistency with this direction is justified. The planning proposal is also recommended to be updated to include an assessment against Direction 1.4 Site Specific Provisions.</p> |
| 1.5 Parramatta Road Corridor Urban | Inconsistency is justified | <p>The objectives of this direction are to facilitate development within the Parramatta Road Corridor consistent with the PRCUTS, the <i>Parramatta Road Corridor Implementation Toolkit</i>, the</p> |

| Directions | Consistency | Reasons for Consistency or Inconsistency |
|----------------------------------|-------------|--|
| Transformation Strategy (PRCUTS) | | <p><i>Implementation Plan 2016-2023 and the Parramatta Road Corridor Urban Transformation Implementation Update 2021.</i></p> <p>The direction seeks to provide a diversity of jobs and housing that meets the needs of the community and guide the transformation of the Parramatta Road Corridor in line with the delivery of necessary infrastructure.</p> <p>This direction applies to the planning proposal as the site is located within the Taverners Hill Precinct of the Parramatta Road Corridor.</p> <p>The direction requires planning proposals to be consistent with the staging and other identified thresholds for land use change identified in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), and the Parramatta Road Corridor Urban Transformation Implementation Update 2021, as applicable.</p> <p>The Implementation Plan 2026-2023 identifies the site for redevelopment post 2023.</p> <p>The implementation update outlines that planning proposals on individual sites and in frame areas can be considered using clause (a) and (b) under consistency of Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy provided the proposal is:</p> <ul style="list-style-type: none"> • consistent with the 'Out of Sequence Checklist' in the Parramatta Road Corridor Implementation Plan 2016 – 2023 (November, 2016), or • 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 (November, 2016) and Parramatta Road Corridor Implementation Plan 2016-2023 (November, 2016) having regard to the vision and objectives. <p>The proposal is considered generally consistent with the 'Out of Sequence' checklist as addressed earlier in this report.</p> <p>The proposed additional permitted uses and minimum non-residential floorspace requirement are inconsistent with Taverners Hill Precinct Structure Plan within the Planning and Design Guidelines. PRCUTS recommends a residential zoning for the land and identifies other areas within the precinct to accommodate non-residential and mixed uses. The proposed additional permitted use for residential flat buildings is necessary to facilitate the built form outcome envisaged for the site in PRCUTS.</p> <p>The non-residential additional permitted uses as listed in Section 1.3 are unlikely to impact the viability of neighbouring local centres and provide the opportunity for employment uses on the site. However, the proposed minimum non-residential floorspace requirement is not recommended as to allow for flexibility in the future redevelopment of the site.</p> |

| Directions | Consistency | Reasons for Consistency or Inconsistency |
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| | | The planning proposal's inconsistency with this direction is considered justified. |

Focus Area 3: Biodiversity and Conservation

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|---------------------------|------------|---|
| 3.2 Heritage Conservation | Consistent | <p>The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>The proposal is unlikely to result in adverse impact on surrounding heritage items.</p> <p>The site is not a heritage item or located within a heritage conservation area (HCA). However, there are several heritage items near the site, including:</p> <ul style="list-style-type: none"> • I1118: 20-22 Foster Street – Former House, including interiors; and • I1152: 60 Tebbutt Street – Kegworth Primary School, including interiors. <p>The Haberfield Heritage Conservation Area adjoins the light rail corridor to the west of the site.</p>  <p>Figure 15 Heritage Map (Source: DPHI)</p> <p>The proposal is supported by a Statement of Heritage Impact (Attachment D). It concludes that the proposal will result in minor visual heritage impacts and that the building envelopes have been designed with appropriate forms and articulation to minimise the visual impact of any additional height or bulk.</p> <p>The Department considers that the proposal is consistent with the direction and has adequately considered its surrounding heritage context. The Department notes the existing heritage provisions with the LEP. A future redevelopment of the site would require</p> |
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| Directions | Consistency | Reasons for Consistency or Inconsistency |
|------------|-------------|---|
| | | consideration of these provisions as part of the detailed development assessment stage. |

Focus Area 4: Resilience and hazards

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| 4.1 Flooding | Inconsistent, further justification required | <p>The objective of this Direction is to ensure development is consistent with the principles of the Floodplain Development Manual 2005 and the provisions of a LEP are commensurate with flood behaviour both on and off the subject land. The land is identified as being flood prone and therefore this Direction applies.</p> <p>A Flood Impact and Risk Assessment (FIRA) (December 2023) (Attachment M) and Flood Risk Impact Assessment (FRIA) (December 2023) (Attachment N) has been prepared to support the planning proposal.</p> <p>The FIRA addresses the requirements of the NSW government 'Flood impact and Risk Assessment – Flood risk management guideline LU01 June 2023'. The Flood Risk Impact Assessment provides a summary of the FIRA and addresses how flood risk of the development is managed as well as providing an assessment against Ministerial Direction 4.1 Flooding.</p> <p>The FRIA has made an assessment against the Ministerial Direction 4.1 Flooding. The FRIA concludes the proposal is consistent with the Direction.</p> <p>The Department is of the view that the proposal is inconsistent with the Direction as follows:</p> <p><u>Consistency with relevant policy</u></p> <p>The Direction states that a planning proposal must include provisions that give effect to and are consistent with:</p> <ul style="list-style-type: none"> (a) The NSW Flood Prone Land Policy (b) The principles of the Floodplain Development Manual 2005 (c) The Considering flooding in land use planning guideline 2021, and (d) Any adopted flood study and/or floodplain risk management plan prepared in accordance with the principles of the Floodplain Development Manual 2005 and adopted by the relevant council. <p>The FRIA notes that the proposal conforms with the above as it minimises the potential flood risk to personal safety and property damage.</p> <p>The Department notes the proposed compensatory flood storage within the basement of the building and the significant risk to</p> |
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property and persons. An assessment of this risk has not been provided.

Development in Floodway Areas

The proposal seeks to permit development in floodway areas. The FRIA notes that the development would not be located within a Floodway as the building platform will be elevated up to the Flood Planning Level (FPL) and would be located in an area of Flood Storage and Flood Fringe. The FRIA should note the definition of “development” in accordance with clause 1.5 of the *Environmental Planning and Assessment Act 1979*.

Residential Accommodation in High Hazard Areas

The proposal permits development for the purposes of residential accommodation in a high hazard flood area. The FRIA states that the proposed development does not include habitable floors in the high flood hazard area. The habitable floors will be located at or above the FPL with the majority of apartments located above the PMF flood level and considered flood free. The Department notes there are significant areas of the site shown as H5 flood hazard vulnerability classification during a PMF event in the “developed case”. H5 is linked to floods which are unsafe for vehicles and people with all building types being vulnerable to structural damage, and some less robust building types vulnerable to failure.

Development/dwelling density increase

The proposal permits a significant increase in the development and/or dwelling density of that land. The FRIA states that this requirement is not relevant to the proposal as it relates to land below the FPL. The building platform is at or above the FPL and the majority of the residential development is above the PMF level and considered flood free. The Department notes the proposed redevelopment of the site for around 210 residential dwellings and around 10 dwellings for affordable housing, therefore is considered a significant development increase. It is not clear why this requirement only relates to land below the FPL.

Sensitive land uses

The proposal permits development for the purpose of centre-based childcare facilities, hostels, boarding houses, group homes, hospitals, residential care facilities, respite day care centres and seniors housing in areas where the occupants of the development cannot effectively evacuate. The FRIA states the development does not propose any sensitive uses of the site for which occupants cannot effectively evacuate. The Department notes that while the concept scheme does not propose sensitive land uses, the proposal seeks to rezone part of the site as R3 Medium Density Residential which permits some sensitive land uses such as childcare, seniors housing, respite day care centres, boarding houses, hostels and group homes with consent.

Special Flood Considerations

The Special Flood Considerations clause 5.22 within IWLEP 2022 applies to sensitive and hazardous land uses on land between the flood planning area and the PMF and for development that is not sensitive or hazardous, on land the consent authority considers in the event of a flood may cause a particular risk to life and require the evacuation of people or other safety considerations. The FRIA states there are no uses within the proposed development that apply

| Directions | Consistency | Reasons for Consistency or Inconsistency |
|--------------------------------------|---|---|
| | | <p>to the Special Flood Considerations. The Department notes that Part 4 of the Direction applies to the proposal.</p> <p>It is recommended that prior to exhibition and consultation with state agencies, the planning proposal and relevant supporting documentation is updated to address and justify the inconsistency of the planning proposal with the direction as required. It is also recommended that the Biodiversity, Conservation and Science (BCS) and the State Emergency Service is consulted regarding the proposal and that this should occur prior to community consultation.</p> <p>It is recommended this direction remain unresolved until the justification as noted above has been considered.</p> |
| 4.4 Remediation of contaminated land | Consistent | <p>The objective of this Direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.</p> <p>The planning proposal is supported by a Contamination Report (Attachment Q) that identifies the presence of PAH, copper and asbestos impacted fill soils on site.</p> <p>The report also identified levels of heavy metals detected above groundwater investigation levels for cadmium, chromium, copper, lead, nickel, and zinc. The elevated heavy metals are of limited concern in relation to groundwater investigation levels as they are believed to be related to offsite regional contaminants and background levels.</p> <p>Two abandoned Underground Storage Tanks (USTs) are believed to be in the south-east portion of the site. It is unknown if these have since been removed.</p> <p>Noting the conclusion and recommendations of the detailed site investigation, the Department is satisfied that the land can be made suitable for the proposed uses. The Department also notes the remediation requirements of Chapter 4 of the SEPP (Resilience and Hazards) 2021 as discussed in Section 3.5 of this report which will need to be considered during the development assessment stage.</p> |
| 4.5 Acid sulfate soils | Inconsistent, but of minor significance | <p>The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>The site has been identified in the Inner West LEP is being located within a Class 5 area on the Acid Sulfate Soils Map noting a Class 3 area to the west (Figure 16). The supporting Preliminary Acid Sulfate Assessment (Attachment R) confirms the site is impacted</p> |

| Directions | Consistency | Reasons for Consistency or Inconsistency |
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| | | <p>by Acid Sulphate Soils within the borehole location of BH1 (see Figure 17).</p>  <p>Figure 16 Current Acid Sulfate Soils Map</p>  <p>Figure 17 Borehole assessment locations (Source: Preliminary Acid Sulfate Soil Assessment)</p> <p>The assessment recommends that a detailed acid sulphate soil assessment and an acid sulfate soil management plan be prepared.</p> <p>The Department notes the existing provisions in IWLEP 2022 relating to acid sulfate soils that is required to be considered during the development assessment stage.</p> <p>Given the recommendations of the preliminary acid sulphate soil assessment and the existing LEP provisions, the inconsistency of the proposal with the direction is considered to be of minor significance.</p> |

Focus Area 5: Transport and Infrastructure

| Directions | Consistency | Reasons for Consistency or Inconsistency |
|---------------------------------------|-------------|--|
| 5.1 Integrated land use and transport | Consistent | <p>The objective of this Direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts improve access to housing, jobs and services, through increased transport options and efficient movement within the road network.</p> <p>The planning proposal is supported by a Traffic and Transport Assessment (the study) (Attachment S). The Department notes the estimated proposed development and existing development trip generation discussed within the planning proposal do not align with outcomes outlined in the study. It is recommended the planning proposal be updated to reflect the accurate trip generations as identified in the study.</p> <p>The study concluded that proposal is expected to generate less traffic than the existing traffic generation potential of the site which is 110 trips during peak periods. This has included the traffic generation from both the residential and non-residential uses on site.</p> <p>The Department is satisfied the proposal is unlikely to have a significant impact on the local and broader road networks noting an estimated trip generation of 68 trips during AM and 53 trips during PM Peak. This is a net increase of 38 trips in the AM (and a net reduction of 58 trips in the PM Peak).</p> <p>The study considers the cumulative impacts of redevelopment for the Taverners Hill precinct, including the impact on the surrounding road network and undertaken a review of the Parramatta Road Corridor Precinct-wide Traffic and Transport Study. The corridor study recommends several upgrades along the corridor which would have a staggered effect of improving expected traffic conditions at the Tebbutt Street and Lords Road intersection.</p> <p>Further to this, there is access to various public transport options within walking distance of the site including the Inner West Light Rail, a number of bus stop locations within a 400-metre catchment radius of the site on Marion Street and Parramatta Road (Figure 18) as well as a range of active transport within close proximity to the</p> |

site. This includes the GreenWay, on-road and off-road bicycle routes and sealed pedestrian paths along Lords Road.

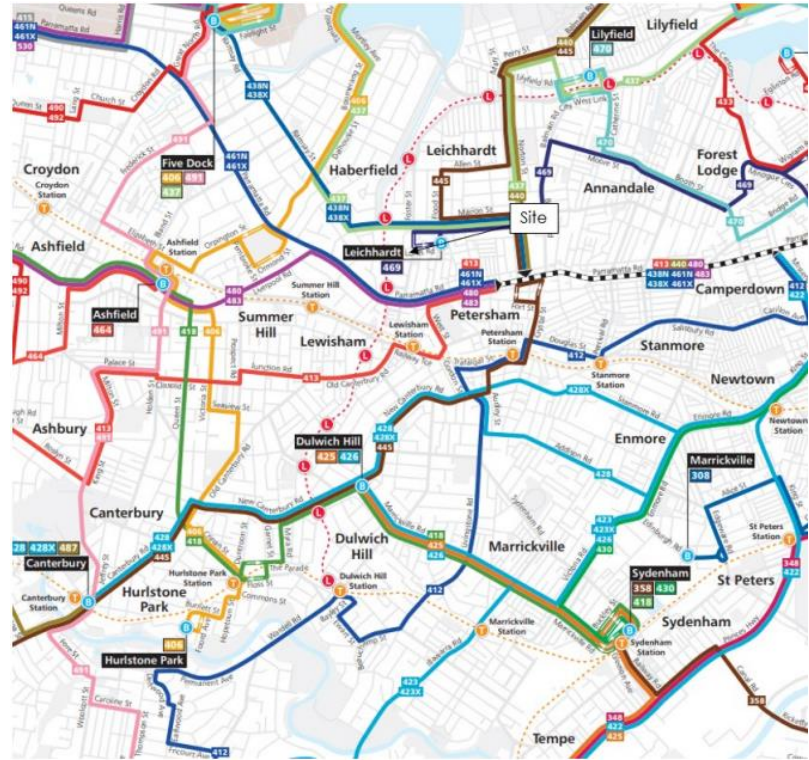


Figure 18 Existing Bus Map (Source: Transit Systems)

The study identifies that in line with the Leichhardt DCP, the Transport for New South Wales (TfNSW) Guide to Generating Developments 2002 and the PRCUTS, a car parking provision of 130 (as per PRCUTS with no non-residential rates included) to 223 (as per the DCP maximum rate) spaces is appropriate to adequately serve the proposed development. The study determines that 205 car parking spaces (including non-residential car spaces) could be accommodated within a basement car park, with access off Lords Road. This includes car parking for non-residential uses.

The planning proposal does not confirm the number of car parking spaces that are to be included in the development but ensures that car parking will be provided in accordance with the DCP. Further considerations around this matter can be addressed at the development application stage, this includes the appropriate allocation for car share facilities, bicycle and motorcycle parking spaces would be provided in accordance with relevant parking codes/guideline.

The study recommends the implementation of a green travel plan to assist in reducing traffic generated by the proposal.

The planning proposal is consistent with this Direction, in that it will enable additional dwellings in close proximity to existing and future jobs and services, encouraging walking, cycling and use of public transport. While this proposal will have a minor impact on local roads, it is recommended that the proposal be forwarded to Transport for NSW for comment.

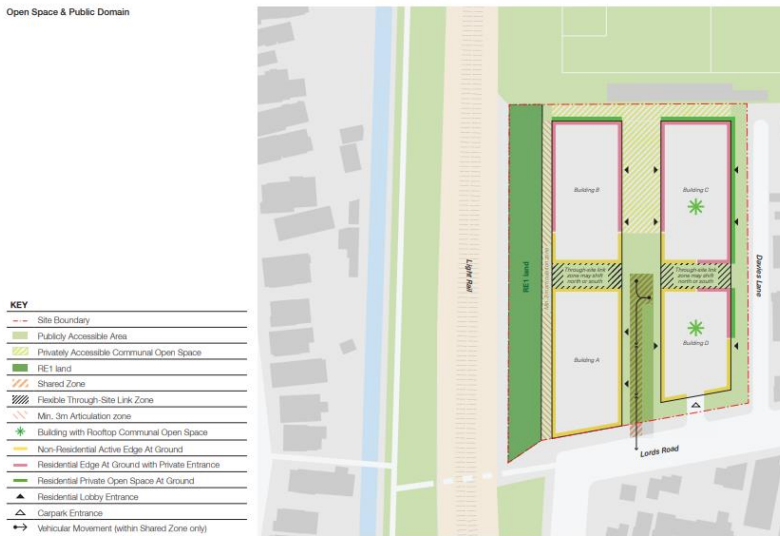
| Directions | Consistency | Reasons for Consistency or Inconsistency |
|---|--------------|---|
| 5.2 Reserving land for a public purpose | Inconsistent | <p>The objective of this Direction is to facilitate the provision of public services and facilities by reserving land for public purposes and ensure the removal of reservations of land for public purposes where the land is no longer required for acquisition.</p> <p>The proposal has identified 75 Lords Road (DP 550608) to be rezoned from E4 General Industrial to RE1 Public Recreation (Figure 19) and has proposed the Land Reservation Acquisition Map be updated to reflect this land for acquisition. The planning proposal nominates that the Inner West Council be the acquisition authority for this part of the site. The planning proposal is inconsistent with this direction as Council has not agreed to be nominated acquisition authority. It is understood that the proponent is working with Council regarding the future ownership of this land.</p> <p>The proposal has also outlined an alternative solution to ensuring this land is publicly accessible. Should Council not agree to be nominated as the acquisition authority, it proposes to rezone the land to RE2 Private Recreation with a 24-hour public access easement.</p> <p>It is recommended the consistency with this Direction remain unresolved while negotiations continue. It is recommended that a gateway condition requires a suitable mechanism to be place prior. to the finalisation of the planning proposal to secure 75 Lords Road as publicly accessible open space.</p>  |

Figure 19 Open Space (Source: Urban Design Report)

| Directions | Consistency | Reasons for Consistency or Inconsistency |
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Focus Area 6: Housing

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| 6.1 Residential Zones | Consistent | <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage a variety and choice of housing types to provide for existing and future housing needs, (b) make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) minimise the impact of residential development on the environment and resource lands. <p>The planning proposal seeks up to 210 dwellings on the site, broadening housing choice within the LGA and assist meeting the housing targets of the District Plan. This includes 5% of dwellings to be used for affordable housing (approx. 10 dwellings). The site is in an established urban area and can make efficient use of existing infrastructure and services such as the light rail and other public transport options.</p> <p>The site is also with 400 metres of the Marion Street Local Centre which provides a range of services. Adjacent to the site is the Kegworth Public School. The Kegworth Preschool is located on the southern side of Lords Road.</p> <p>The Social Impact assessment (Attachment T) supporting the planning proposal indicates no additional demand for state-provided infrastructure – education, health and social welfare will be created.</p> <p>The Department considers the proposal to be consistent with this Direction.</p> |
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Focus Area 7: Business and Industrial zones

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| 7.1 Employment Zones | Inconsistent, considered justified | <p>The objectives of this direction are to:</p> <ul style="list-style-type: none"> (a) encourage employment growth in suitable locations, (b) protect employment land in employment zones, and (c) support the viability of identified centres. <p>The planning proposal is considered inconsistent with this direction as the proposal seeks to reduce the amount of floor space used for industrial uses from approximately 9,979sqm and rezone land from E4 General Industrial to R3 Medium Density Residential.</p> <p>The inconsistency is considered justified as the PRCUTS has identified this site for redevelopment to residential and public recreation uses. The PRCUTS is identified in the Greater Sydney Region Plan and the Eastern City District Plan as prevailing over the action and strategies of the plan to retain and manage industrial</p> |
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| Directions | Consistency | Reasons for Consistency or Inconsistency |
|------------|-------------|--|
| | | <p>land and again confirmed by the Department in its approval of the Inner West Local Housing Strategy.</p> <p>Notwithstanding, the proposal seeks to allow additional permitted uses such as recreation facility (indoor), office premises, business premises, light industry, creative industry, industrial retail outlet and restaurant or café on the site. It is proposed to retain a minimum of 1,700sqm of non-residential uses on site however this is recommended to be removed from the planning proposal as discussed above.</p> <p>The Local Centres Impact Assessment (Attachment L) supporting the planning proposal concludes it is unlikely that the addition of the additional permitted uses will significantly impact on the viability of the nearby local centres. It recommends that the site is only developed for residential uses noting existing high levels of vacancies for industrial and commercial and the limitations of the site in securing tenants.</p> <p>Given the above, the inconsistency with the Direction is considered justified.</p> |

3.5 State environmental planning policies (SEPPs)

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

Table 8 Assessment of planning proposal against relevant SEPPs

| SEPPs | Requirement | Consistency | Reasons for Consistency or Inconsistency |
|---|--|-------------|---|
| State Environmental Planning Policy (Transport and Infrastructure) 2021 | Chapter 2 – Infrastructure, aims to facilitate the effective delivery of infrastructure. | Consistent | <p>Chapter 2, Clause 2.100 of the Transport, and Infrastructure SEPP identifies the noise criteria for all development adjacent to rails corridors including development for the purposes of residential accommodation. This is supported by the Interim guide the Assessment of Noise from Rail Infrastructure Projects.</p> <p>The proposal is supported by an Acoustic Report (Attachment U). The report has considered aircraft noise, rail noise from the Inner West Light Rail and noise associated with the use of the adjoining playing field.</p> <p>The report concluded that the relevant noise criteria can be met with the adoption of typical envelope</p> |

| SEPPs | Requirement | Consistency | Reasons for Consistency or Inconsistency |
|---------------------|--|-------------|---|
| | | | <p>treatment. Refer to Section 4.3 for a more detailed assessment.</p> <p>The planning proposal is recommended to be updated to address clause 2.98 and 2.99 of the SEPP.</p> |
| SEPP (Housing) 2021 | Chapter 2 – Affordable housing, provides provisions for development for affordable housing, and the retention of existing affordable rental housing. | Consistent | <p>Chapter 2 of the housing SEPP outlines the need for affordable housing across the state including the requirements that must be considered by Council, as a consent authority, before imposing an affordable housing condition on a development consent in accordance with section 7.32 of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act).</p> <p>The proposal includes a provision requiring a minimum of 5% of residential floor space as affordable housing. This is consistent with the recommendations of the PRCUTS and aligns with the Eastern City District Plan affordable housing target of 5-10%.</p> |
| | Chapter 4 – This chapter aims to improve the design quality of residential apartment development in NSW | Consistent | <p>The proposal has considered the design principles and Apartment Design Guide (ADG).</p> <p>An Urban Design Report (Attachment C) supports the planning proposal.</p> <p>The proposal is likely to satisfy the requirements of the SEPP and the ADG. Refer to (Section 4.1) for further discussion on overshadowing.</p> <p>It is noted that any future development application will be required to comply with the requirements of the SEPP and Apartment Design Guide.</p> <p>It is recommended that a gateway condition requires the planning proposal to consider Chapter 4 of this SEPP.</p> |

| SEPPs | Requirement | Consistency | Reasons for Consistency or Inconsistency |
|------------------------------------|---|-------------|---|
| SEPP (Resilience and Hazards) 2021 | Chapter 4 (Remediation of Land) aims to provide a state-wide planning approach to the remediation of contaminated land. | Consistent | <p>Future development of the site will be required to consider the relevant provisions of this SEPP in relation to remediation of contaminated land during the development assessment stage.</p> <p>The planning proposal is recommended to be updated to consider this SEPP.</p> |

4 Site-specific assessment

4.1 Environmental

The following provides an assessment of the potential environmental impacts associated with the proposal.

4.1.1 Built form and local character

The site is surrounded by 1-2 storey residential dwellings to the east and south separated by Lords Road to the south and Davies Lane to the east. The topography of the site slopes east to west. It is noted that the recommended building heights in the PRCUTS Planning and Design Guidelines for the land directly to the east and south of the site is 17 metres (5 storeys). For the site, the PRCUTS Planning and Design Guidelines recommend a maximum height of 30 metres.

The Urban Design Report supporting the planning proposal (**Attachment C**) illustrates the maximum 30 metre building height (8 storeys) located on the western portion of the site adjacent to the proposed RE1 land and light rail corridor. The proposed built form transitions down to 6 storeys on the eastern side with a 4-storey street wall height fronting Davies Lane and Lords Road. The Urban Design Report notes a 6-metre building setback from Davies Lane to allow for footpaths, landscaping and private open space for residences at ground level (**Figure 23**).

The Urban Design Report outlines various aspects of the design to assist in reducing the bulk and scale of the development including vertical articulation and accentuating 4-storey street wall to provide a heavier building base. This correlates with the surrounding heights PRCUTS has recommended for the precinct. The use of vertical articulation will allow the building to be perceived as individual blocks providing a more sympathetic interface with the surrounding residential uses.

View and privacy impacts will be largely felt by the properties on streets adjoining the site on Davies Lane and Lords Road. The proposed building setbacks and building height transition down towards the boundaries of the site will minimise the visual impacts experienced. A three metre setback above the street wall will provide a greater separation distance from the upper levels. The planning proposal argues that additional tree planting and landscaping will also minimise overlooking. The Department notes that landscaping may be used in addition to other methods to minimise visual privacy impacts but cannot be solely relied upon.

In a wider setting, the visual impact of the proposal is minor as the bulk of the building being screened by the existing surrounding landform and vegetation. View impacts from the Haberfield Conservation Area, Lambert Park and Marion Street North are also considered minor.

The Department notes the proposal seeks to require the preparation of a site specific DCP. The site specific DCP will provide further detailed planning and design guidance for the redevelopment of the land. A site specific DCP has been prepared to support the planning proposal. The Panel also recommends the draft DCP is placed on public exhibition concurrently to the planning proposal.

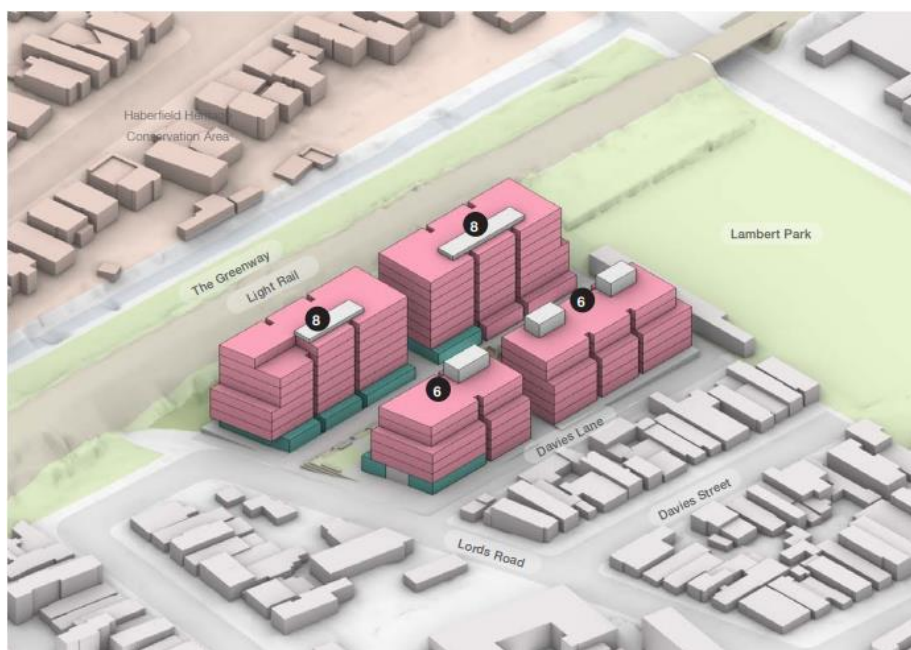


Figure 20 Proposed built form (source: Urban Design Report)

4.1.2 Overshadowing

A shadow analysis was undertaken as part of the Urban Design Report (**Attachment C**). The report states that the site would be compliant for neighbouring properties along Davies Lane and Lords Road based on the applicable DCP controls. These sites would maintain at least 3 hours of direct sunlight to approximately 50% of the primary open space and into living rooms between 9am and 3pm on June 21 (Error! Reference source not found.).

The Urban Design Report also provides an analysis of the solar access to residential facades on the subject site between 9am and 3pm on June 21 (Error! Reference source not found.). The analysis finds that the concept plan would achieve ADG solar access compliance greater than or equal to two hours noting the following:

- all eastern facing facades achieve compliance.
- dwellings located on southern facades will need to prioritise living spaces to the east and west facades.
- the northern and western building facades are considered compliant except for façades between buildings. Dwellings in these non-compliant areas will also need to prioritise living spaces to the east and west.
- the proposed public open space (75 Lords Road), public open space (within 67-73 Lords Road) and private communal open space (within 67-73 Lord Road) are compliant with ADG requirements of 50% of open space to achieve greater than 2 hours sunlight between 9am and 3pm June 21.

It is noted that the consideration of environmental impacts including overshadowing is required in the preparation of a site-specific DCP under clause 6.15 of the Inner West LEP 2022. Solar access

and overshadowing impacts will be further assessed during the detailed development application stage.

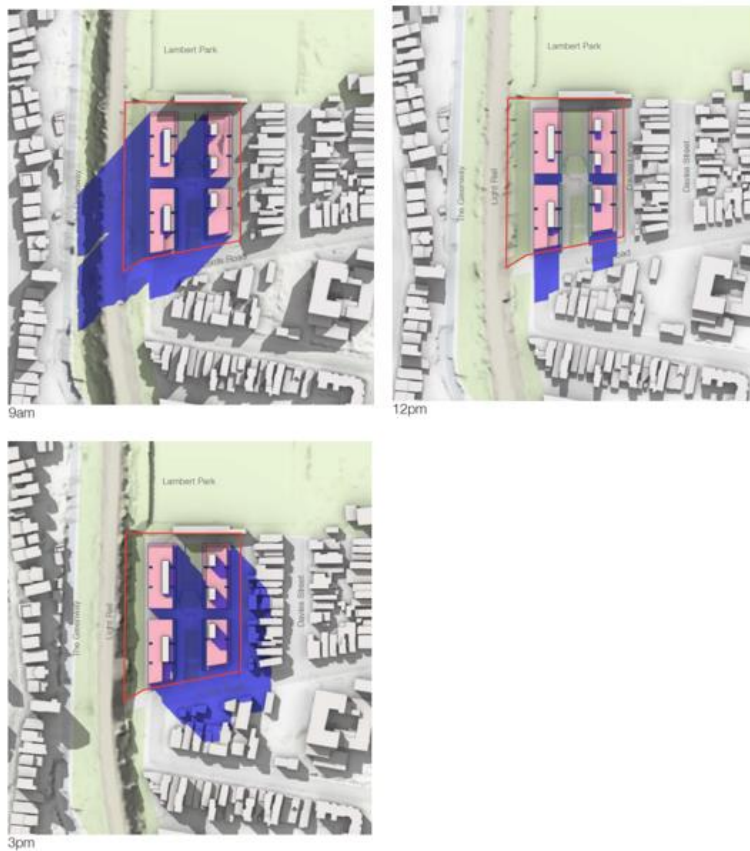


Figure 21 Shadow Analysis (Source: Urban Design Report)



Figure 22 Facade Solar Analysis (Source: Urban Design Report)

4.2 Social and economic

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

Table 10 Social and economic impact assessment

| Social and Economic Impact | Assessment |
|----------------------------|---|
| Housing | The proposal will result in positive social and economic benefits in the provision of additional housing, choice and diversity including 5% affordable housing in a well located area close to services and amenity. |
| Jobs | Several jobs will be created during the construction stage of the redevelopment. The proposal notes potential employment generation of up to 105 jobs on the site based on 2,000sqm of non-residential floor space. However, the Department has recommended that the site-specific provision proposed for minimum 1,700sqm non-residential floor space requirement be removed from the proposal. Refer to discussion in Section 3.4 . |
| Local Centres | As discussed in Section 3.4 under 7.1 Employment Zones, it is unlikely that the proposed additional permitted uses will significantly impact on the viability of the nearby Local Centres. |

4.3 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. The proponent has not entered into a public benefit planning agreement or Voluntary Planning Agreement with Council.

Table 11 Infrastructure assessment

| Infrastructure | Assessment |
|-------------------|---|
| Utilities | Any future development may require utility services to be upgraded and/or augmented. As the proposal will intensify development on the site, it is recommended that relevant state utility providers are consulted as part of the Gateway determination, including Sydney Water and Ausgrid. |
| Public Open Space | The proposal includes the rezoning of 75 Lords Road to RE1 Public Recreation. The mechanism to secure this land as publicly accessible open space is to be determined as discussed above in this report. Notwithstanding, the provision of this area of approximately 1,500sqm of land as well as other publicly accessible open space areas in the development will result in a positive benefit for the community. |

5 Consultation

5.1 Community

The planning proposal is categorised as a complex under the LEP Making Guidelines (August 2023). Accordingly, a community consultation period of 30 working days is recommended and this forms part of the conditions to the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

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

- Transport for NSW (TfNSW)
- School Infrastructure (SINSW)
- Department of Climate Change, Energy, the Environment and Water (DCCEEW)
 - Biodiversity, Conservation and Science (BCS)
 - NSW Environment Protection Authority (EPA)
- NSW State Emergency Service (SES)
- Utility providers

Given the flood matters raised in Section 3.4, consultation with BCS and SES is recommended prior to public exhibition.

6 Timeframe

The Department recommends an LEP completion date of 4 July 2025 in line with its commitment to reducing processing times and with regard to the benchmark timeframes. A condition to the above effect is recommended in the Gateway determination.

7 Local plan-making authority

The Sydney Eastern City Planning Panel is the PPA. It is recommended the Department be authorised as the local plan-making authority noting the mechanism to deliver the publicly accessible open space on 75 Lords Road is still to be determined.

8 Assessment summary.

The planning proposal is supported to proceed with conditions for the following reasons:

- The planning proposal is generally consistent with the strategic planning framework including the Eastern City District Plan.
- The planning proposal is considered inconsistent with the Inner West Local Housing Strategy and Local Strategic Planning Statement. This inconsistency is considered justifiable as the District and Regional Plan state that any industrial land identified in PRCUTS is to be implemented and is to prevail to the extent of any inconsistency.
- Is generally consistent with the section 9.1 Directions, noting Direction 4.1 Flooding remains unresolved and is to be further justified. The inconsistency with Direction 1.4 Site Specific Provisions, Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy, Direction 4.5 Acid Sulfate Soils and Direction 7.1 Employment Zones is justified subject to recommended changes to the planning proposal as discussed in this report.
- The proposal will contribute to the NSW Government's dwelling targets under the National Housing Accord and contribute towards providing a mix of social, affordable and market value dwellings consistent with the existing use and maximum permissible density of the site.
- Is generally consistent with relevant SEPPs.
- The proposal has considered the likely environmental, social and economic, and infrastructure.

Based on the assessment outlined in this report, the proposal must be updated before consultation to:

- Provide further justification and consultation to address Section 9.1 Directions of 1.4 Site-specific Provisions and 4.1 Flooding.

Gateway conditions are recommended in this regard.

9 Recommendation

It is recommended the delegate of the Secretary:

- Agree that any inconsistency with section 9.1 Directions 1.4 Site Specific Provisions, 1.5 Parramatta Road Corridor Urban Transformation Strategy, 4.5 Acid Sulfate Soils and 7.1 Employment Zones is minor and justified.
- Note that the inconsistency with section 9.1 4.1 Flooding is unresolved and will require justification.

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

The following conditions are recommended to be included on the Gateway determination:

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. PP-2022-2970 (IRF24/1291)
 - 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.

Given the nature of the planning proposal, it is recommended that the Department be the local plan-making authority and that an LEP completion date of 4 July 2025 be included on the Gateway.



21 August 2024

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23 August 2024 (Date)

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