

DATE OF DETERMINATION	26 March 2024
DATE OF DECISION	19 March 2024
DATE OF BRIEFING	19 March 2024 9:00am – 9:55am
PANEL MEMBERS	Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald and Matthew Owens
APOLOGIES	None
DECLARATIONS OF INTEREST	None
DEPARTMENT OF PLANNING, HOUSING and INFRASTRUCTURE	Laura Locke, Lawren Drummond & Palitja Woodruff – Eastern District Team Louise McMahon, Douglas Cunningham, Ian Woods & Kate Bartlett (Consultant) – Agile Planning Team Lisa Kennedy & Adam Williams – Planning Panel Team

PLANNING PROPOSAL

PP-2022-2790 (RR-2023-3) – Inner West Council – 67-75 Lords Road, Leichhardt

The planning proposal (January 2024) seeks to facilitate the redevelopment of the site for up to 21,667m² of floor space, including at least 1,700m² of non-residential uses at ground level and the provision of 5% of the residential floor space as affordable housing in perpetuity through a Community Housing Provider. The land at 75 Lords Road is proposed as public open space.

The planning proposal seeks to amend the Inner West Local Environmental Plan 2022 by:

- rezoning the site from IN1 General Industrial to part R3 Medium Density Residential and part RE1 Public Recreation;
- increasing the FSR from 1:1 to 2.4:1 for the R3 zoned land;
- removing the FSR of 1:1 for the RE1 zoned land;
- applying a maximum height of buildings of 30m to the R3 zoned land; and
- introducing a site-specific provision requiring:
 - a minimum 1,700m² of non-residential floor space
 - additional permitted uses of residential flat building; recreation facility (indoor); office premises; business premises; light industry; creative industry; industrial retail outlet; and restaurant or café; and
 - a requirement for a minimum of 5% of residential floor space to be delivered as affordable housing.

PANEL CONSIDERATION AND DECISION

The Panel met with the Department of Planning, Housing and Infrastructure (Department) for a Pre-Gateway determination briefing to consider whether the proponent's planning proposal had addressed the Panel's conditions from the Rezoning Review of 23 August 2023.

The 23 August 2023 Rezoning Review conditions to be complied with prior to the planning proposal proceeding to a Gateway determination are:

- Prepare a flood study consistent with the Flood Risk Management Guideline, 30 June 2023 and to address Ministerial Direction 4.1 Flooding;
- Prepare a reference scheme taking into consideration the outcomes of the flood study and to demonstrate consistency with the Apartment Design Guide and other relevant site conditions to confirm the capability of the site to achieve the proposed Floor Space Ratio and Height of Building;
- Prepare a Site Specific Development Control Plan (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 the proposed non-residential uses on neighbouring local centres;
- Confirm the proposed permissible uses on the site;
- Clarify housing affordability 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 Panel noted the Department's Pre Gateway Determination Briefing Report had found that the planning proposal had sufficiently addressed the August 2023 Panel's conditions for the proposal to proceed to Gateway.

As the Planning Proposal Authority, the Panel determined:

1. To adopt the planning proposal with the following amendment:
 - Identify the application of the Inner West Local Environmental Plan (LEP) 2011 Clause 6.15 Development Control Plans for Certain Development to the site through amendments to the Clause and Key Sites Map.
2. The proponent is to update the planning proposal and supporting reports and studies in accordance with point 1 above, the LEP Making Guidelines (August 2023) and to correctly identify all current versions of supporting reports and studies as appendices.
3. The proponent is to submit the revised planning proposal and supporting reports and studies to the Panel within 8 weeks of this determination.
4. The Panel will then submit the revised planning proposal package for a Gateway determination.

The Panel's decision was unanimous.

REASONS FOR THE DECISION

The Panel discussed the Department's Pre-Gateway Determination Briefing Report and the proponent's revised planning proposal and supporting documents.

The Panel did not agree with the Department's recommendation that the minimum 1,700m² non-residential floor space requirement be deleted. As a consequence, the Department's second recommendation that the Flood Impact Risk Assessment be updated to reflect this land use change and amend the risk mitigation measures accordingly is no longer applicable. The Department's documentation and presentation did not provide adequate justification or reasons to support amending the original decision of the Panel.

PANEL MEMBERS	
 Carl Scully (Chair)	 David Ryan
 Stephen O'Connor	 Brian McDonald
 Matthew Owens	



REZONING REVIEW RECORD OF DECISION

STRATEGIC PLANNING PANEL of the
SYDNEY EASTERN CITY PLANNING PANEL

DATE OF DECISION	5 May 2023
DATE OF BRIEFING	2 May 2023
PANEL MEMBERS	Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Deborah Laidlaw
APOLOGIES	None
DECLARATIONS OF INTEREST	The Inner West Council's two local members - Cr Byrne and Cr Scott had a conflict of interest and did not participate on the Panel. Cr Byrne had previously voted as a councilor not to support the planning proposal (PP-2022-2790) at the Council meeting on 14 February 2023. Cr Scott declared a significant, pecuniary interest for the planning proposal as she lives in close proximity to the site and left the Council meeting on 14 February 2023 before the matter was discussed.

REZONING REVIEW

RR-2023-3 – Inner West Council – PP-2022-2790 at 67 and 75 Lords Road, Leichhardt (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ The council has notified the proponent that the request to prepare a planning proposal has not been supported
- ☐ The council has failed to indicate its support 90 days after the proponent submitted a request to prepare a planning proposal or took too long to submit the proposal after indicating its support

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at briefings and site inspections listed at item 5 in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☐ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site-specific merit
- ☒ **should not** be submitted for a Gateway determination because the proposal has
 - ☒ not demonstrated strategic merit
 - ☐ has demonstrated strategic merit but not site-specific merit

The decision was 3:2 in favour of the decision, against the decision were Carl Scully and David Ryan.

REASONS FOR THE DECISION

The Panel agreed the planning proposal had strategic merit in terms of the proposed zoning of 67 Lords Road, but was inconsistent with the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) in terms of its proposed zoning of 75 Lords Road as R3 Residential Medium Density with the use of gross floor area associated therewith.

The planning proposal had failed to properly document that it provided a better planning outcome by this inconsistency as required by Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy. The majority of the Panel were of the view that the RE1 Public Recreation zone should have

been applied over 75 Lords Road, and had it been, then the majority of the Panel would have recommended the planning proposal be submitted to Gateway determination subject to conditions.

Carl Scully and David Ryan share the view that the planning proposal has not adequately justified the non-inclusion of the RE1 zone on the site as identified in the PRCUTS. However, the minority considers that the planning proposal as a whole demonstrates sufficient strategic and site specific merit to warrant it proceeding to Gateway determination in the circumstances of this case. The minority considers that any such Gateway determination should be subject to requirements for the inclusion of RE1 zoned land, its associated implications for the proposal, and clarification of any public benefit offers.

PANEL MEMBERS	
 Carl Scully (Chair)	 Stephen O'Connor
 David Ryan	 Brian McDonald
 Deborah Laidlaw	

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-3 – Inner West Council – PP-2022-2790 at 67-75 Lords Road, Leichhardt
2	LEP TO BE AMENDED	Inner West Local Environmental Plan (2022)
3	PROPOSED INSTRUMENT	The proposal seeks to facilitate the redevelopment of the site for up to 25,480m² of floor space, including at least 2,000m² of non-residential uses at ground level, and approximately 220 dwellings. The proposal seeks to deliver 60 dwellings as independent living units for seniors housing, and a minimum of 5% of residential floor space to be provided as affordable housing through a Community Housing Provider. It is proposed to amend Inner West Local Environmental Plan 2022 to: • rezone the site from IN1 General Industrial to R3 Medium Density Residential; • increase the FSR on the site from 1:1 to 2.4:1; • apply a maximum height of buildings of 30m; • introduce a site-specific provision requiring a minimum 2000m² of non-residential floor space comprising the following additional permitted uses: - recreation facility (indoor); office premises; business premises; light industry; creative industry; industrial retail outlet; and restaurant or café; and • include a requirement for a minimum of 5% of residential floor space to be delivered as affordable housing.
4	MATERIAL CONSIDERED BY THE PANEL	• Rezoning review request documentation • Briefing report from Department of Planning and Environment
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	• Site inspection: 10.30am - 11.15am, 2 May 2023 ○ Panel members in attendance: Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Deborah Laidlaw ○ Department of Planning and Environment (DPE) staff in attendance: Katie Joyner, Pali Woodruff & Lisa Kennedy ○ Key issues discussed: • Open space – PRCUTS requirements & connections along drainage corridor; flooding/stormwater detention; character of locality; tree loss • Briefing with Department of Planning and Environment (DPE): 1.34pm – 2pm, 2 May 2023 ○ Panel members in attendance: Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Deborah Laidlaw ○ DPE staff in attendance: Katie Joyner, Eva Stanbury, Pali Woodruff, Lisa Kennedy & Mary Francis ○ Key issues discussed: • the material identified in the briefing package being the proposal, site location, background and identified key issues • PRCUTS, open space & better planning outcome • permitted land uses in R3 Residential Medium Density zone in Inner West LEP

		• affordable housing • local & state infrastructure contributions • Briefing with Inner West Council: 2.01pm – 2.53pm, 2 May 2023 ○ Panel members in attendance: Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Deborah Laidlaw ○ DPE staff in attendance: Katie Joyner, Eva Stanbury, Pali Woodruff, Lisa Kennedy & Mary Francis ○ Council representatives in attendance: Daniel East, Gunika Singh, Gill Dawson, Nicola Viselli, James Ogg & Bernadette Balatbat ○ Key issues discussed: • History of site & planning proposal • Inconsistent with PRCUTS & Ministerial Direction 1.5 – better planning outcome • Proposed open space in PRCUTS – future use • Proposed non-residential land uses • Flooding – affected by 1:100 & PMF, high flood hazard & inconsistent with Ministerial Direction 4.1 Flooding • Public benefit – affordable housing & infrastructure • Briefing with Platino Properties PTY LTD (Proponent) on behalf of Lord Sixty Seven (Landholder): 2.53pm – 3.35pm, 2 May 2023 ○ Panel members in attendance: Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Deborah Laidlaw ○ DPE staff in attendance: Katie Joyner, Eva Stanbury, Pali Woodruff, Lisa Kennedy & Mary Francis ○ Proponent representatives in attendance: George Revay, Paula Mottek, Michael File, Jonathan Knapp, Mark Tooker, Ken Hollyoak & Anna Johnston ○ Key issues discussed: • History of site • Inconsistent with PRCUTS – open space mapping, better planning outcomes, out of sequence criteria • Flooding – shelter in place, onsite storage • Traffic study - new study • Panel Determination: 3.40pm – 4.20pm, 2 May 2023 ○ Panel members in attendance: Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Deborah Laidlaw ○ DPE staff in attendance: Katie Joyner, Eva Stanbury, Pali Woodruff, Lisa Kennedy & Mary Francis
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