

Pre-Gateway Report – PP-2022-2790

Rezone land at 67-75 Lords Road, Leichardt from E4 General Industrial to R3 Medium Density Residential and RE1 Public Recreation and increase maximum Floor Space Ratio from 1:1 to 2.4:1 and apply maximum building height of 30m (approx. 210 homes, 10 affordable housing dwellings and 105 jobs)

1 Introduction

The purpose of this report is to update the Sydney Eastern City Planning Panel (Panel) on the status of the planning proposal at 67-75 Lords Road, Leichardt (PP-2022-2790). The report to makes a recommendation to the Panel to submit the proposal to the Department of Planning, Housing and Infrastructure (the Department) for Gateway Assessment.

On 23 August 2023, the Panel determined at a rezoning review that the proposal had strategic and site merit (**Attachment B**), however revisions were needed prior to submitting the proposal to the Department for Gateway Assessment. Subsequently, the proposal was updated to comply with these conditions.

Table 1 – Overview of planning proposal

Element	Description
LGA	Inner West Council
LEP to be amended	Inner West Local Environmental Plan (LEP) 2022
Address	67 -73 Lords Road - Lot 1 DP 940543 75 Lords Road - Lot 1 DP 550608
Reason for review	<input checked="" type="checkbox"/> Council notified the proponent it will not support the proposed amendment. <input type="checkbox"/> Council failed to indicate support for the proposal within 90 days.
Brief overview of the timeframe/ progress of the planning proposal	<ul style="list-style-type: none">2014 – 2019 - Two previous planning proposals had not been supported by the Panel in Rezoning Reviews. Refer to (PP_2016_LEICH_002_00) and (IWC_PP_2018_4).31 August 2022 – This version of the planning proposal was lodged with council (PP-2022-2790)14 February 2023 – Council unanimously resolved not to support the planning proposal.15 February 2023 – The proponent lodged a rezoning review request.9 March 2023 – The Department wrote to Council outlining a request for a rezoning review has been submitted.30 March 2023 – Council provided a response to the rezoning review letter dated 9 March 2023.

Element	Description
	<ul style="list-style-type: none">• 5 May 2023 – The Panel determined that the planning proposal should not be submitted for a Gateway determination as the proposed zoning of 75 Lords Road as R3 Residential Medium Density was inconsistent with Parramatta Road Corridor Urban Transformation Strategy (PRCUTS), however, the remainder of the zoning was consistent with the Strategy.• 15 May 2023 – The proponent wrote to the Panel and proposed to change the zoning of 75 Lords Street to RE1 Public Recreation, consistent with PRCUTS.• July 2023 – The Department requests the panel reconvene to consider an altered proposal.• 17 August 2023 – The Panel reconsidered the subject proposal and determined that it should be submitted for a Gateway determination subject to the proposal being revised to address several items.• 24 January 2024 – The applicant submitted the complete revised planning proposal to the Agile Planning addressing the Panel's conditions.
Department contact:	Douglas Cunningham – Manager, Agile Planning

1.1 The site and local context

The subject site (**Figure 1**) is located at 67-75 Lords Road, Leichhardt and comprises of 2 lots (Lot 1 DP 940543 and Lot 1 DP 550608). The existing built form on the site comprises of several brick warehouse style buildings which have a maximum building height of 11.5m, and a smaller building in the south-east corner. The site also contains hardstand used primarily for access and vehicle parking.

There is currently 9,979m² of floor space on the site which accommodates 19 tenancies. Currently 11 occupancies are tenanted employing an estimated 79.5 full time equivalent employees. These occupancies accommodate a range of light industrial and commercial uses including warehousing / storage facilities, small scale manufacturing, joinery and furniture restoration businesses, and private recreation facilities.

The site is located 150m from the Leichhardt Marketplace shopping centre and retailing along Marion Street and Norton Street. The Marion light rail stop is located approximately 150m to the north of the site and can be accessed via a pedestrian underpass at Lords Road and shared path along the western side of the light rail corridor. The site is also within 7km of the Sydney CBD.

To the west of the site is the Inner West Light Rail corridor and a steep heavily vegetated rail embankment runs alongside this frontage. Lambert Park football field is located to the north. Low density residential uses are located to the east and south of the site. The Kegworth Public School is located beyond these dwellings to the east.



Figure 1 Subject site (source: SJB December 2023)

1.2 Planning proposal

Table 2 – Overview of planning proposal

Element	Description
Site area	10,617m ²
Proposal summary	<p>The planning proposal would enable the redevelopment of the site for up to 21,667m² of floor space comprising at least 1,700sqm of non-residential uses. The proposal includes a local provision providing 5% of residential floor space as affordable housing in perpetuity through a Community Housing Provider. 75 Lords Roads is proposed as public open space.</p> <p>In summary, the proposal seeks to amend the Inner West Local Environmental Plan (LEP) 2022 as follows:</p>

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Element	Description
	<ul style="list-style-type: none">• rezone the site to R3 Medium Density Residential and RE1 Public Recreation.• increase the floor space ratio (FSR) to 2.4:1.• apply a maximum height of buildings of 30m.• introduce a site-specific provision requiring a minimum non-residential floor space, additional permitted uses and 5% affordable housing contribution rate.
Relevant State and Local Planning Policies, Instruments	<ul style="list-style-type: none">• Greater Sydney Region Plan• Eastern City District Plan• Parramatta Road Corridor Urban Transformation Strategy• Parramatta Road Corridor Urban Transformation Strategy – Implementation Update 2021• Parramatta Road Corridor – implementation Plan 2016-2023• Parramatta Road Corridor – Infrastructure Schedule• Parramatta Road Corridor – Planning and Design Guidelines• Inner West Council Local Strategic Planning Statement 2020• Inner West Local Housing Strategy 2020• Inner West Employment and Retail Lands Strategy• Inner West Integrates Transport Strategy• Inner West Local Environmental Plan 2022• SEPP (Transport and Infrastructure) 2021• SEPP (Housing) 2021• SEPP (Sustainable Buildings) 2022

The planning proposal (**Attachment A**) seeks to amend the Inner West LEP 2022 per the changes in **Table 3** below.

Table 3 – Current and proposed controls

Control	Current	Proposed
Zone	E4 General Industrial	RE1 Public Recreation (75 Lords Road) R3 Medium Density
Maximum height of the building	N/A	30m
Floor space ratio	1:1	2.4:1
Additional permitted uses	N/A	<ul style="list-style-type: none">• Residential flat buildings• Recreation facility (indoor)• Office premises

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Control	Current	Proposed
		<ul style="list-style-type: none"> Business premises Light industry Creative industry Industrial retail outlet Restaurant or café.
Affordable Housing	N/A	5% of residential floor space to be delivered as affordable housing
Non-residential floor space	N/A	1,700m ² minimum

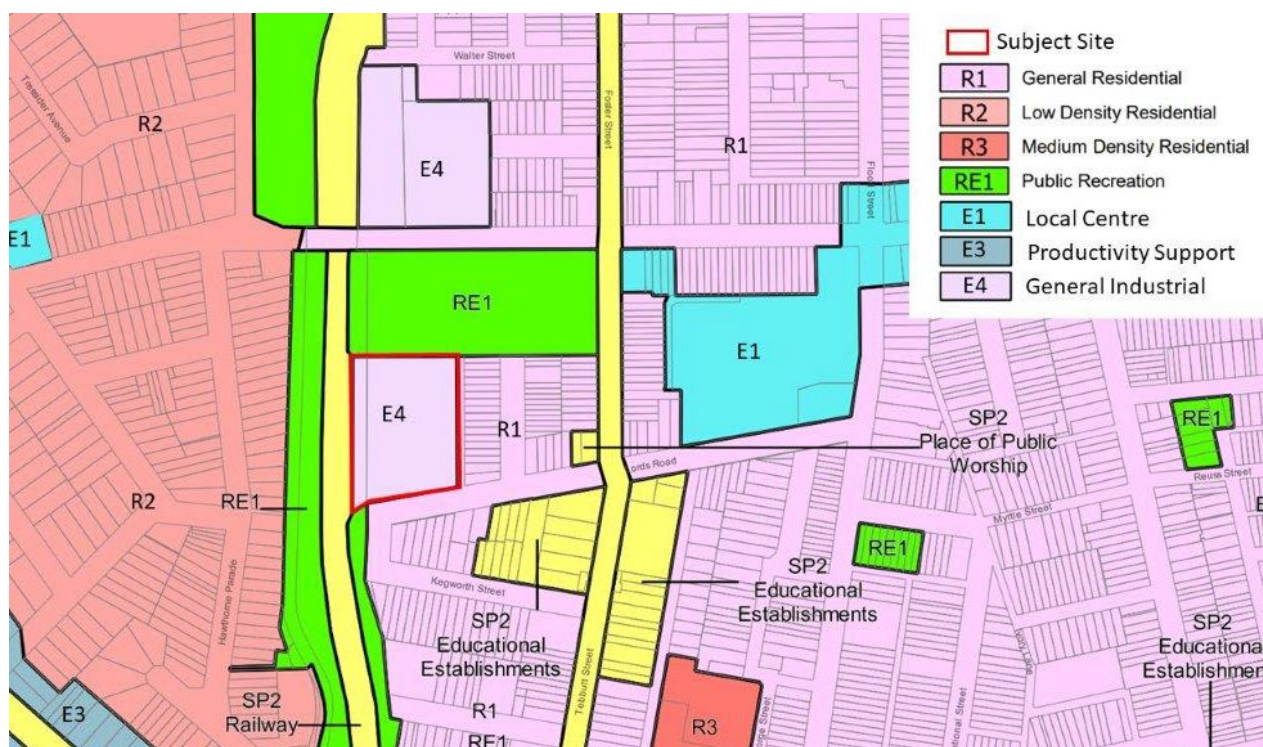


Figure 2. Current zoning (source: [NSW Planning Portal Spatial Viewer – February 2024](#))



Figure 3: Proposed zoning (source: Planning Proposal 67-75 Lords Road, Leichhardt Report by FPD Planning January 2024)



Figure 4. Current maximum building height (source: NSW Planning Portal Spatial Viewer – February 2024)

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Figure 5: Proposed maximum building height (source: Planning Proposal 67-75 Lords Road, Leichhardt Report by FPD Planning January 2024)



Figure 6: Current maximum floor space ratio (source: NSW Planning Portal Spatial Viewer – February 2024)

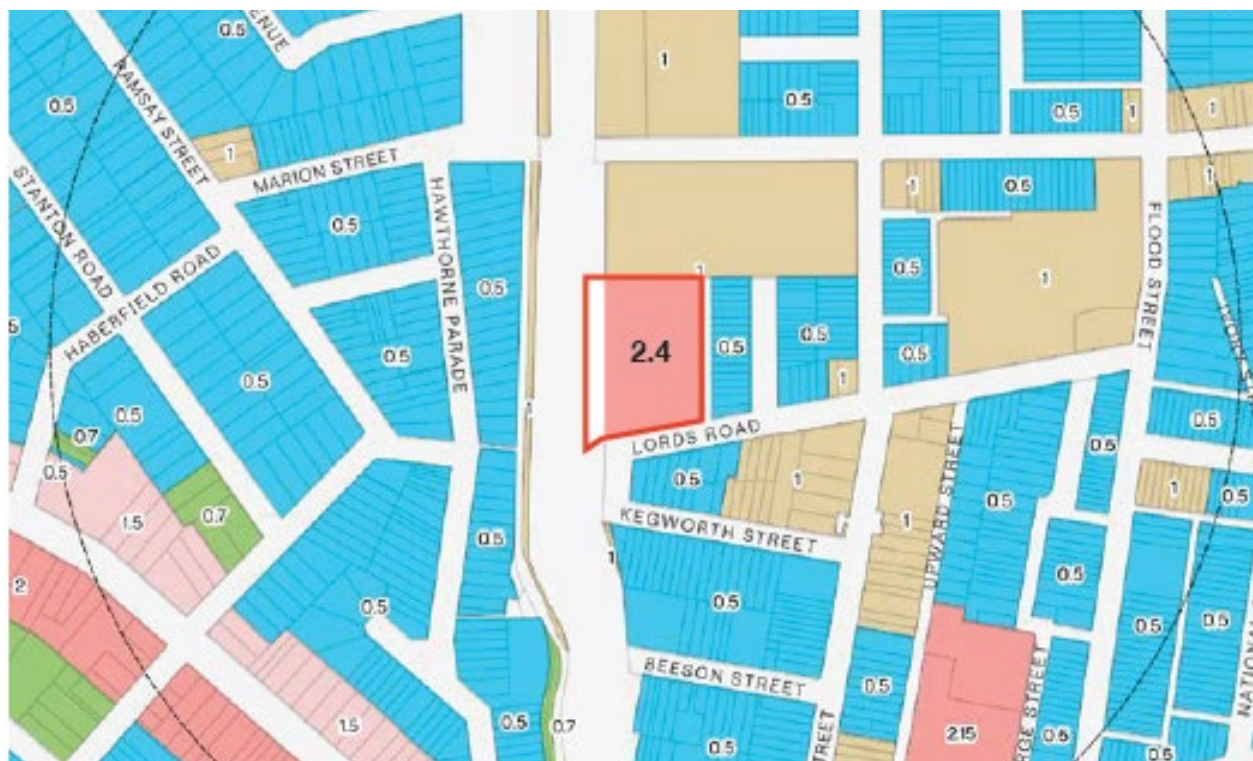


Figure 7: Proposed maximum floor space ratio (source: Planning Proposal 67-75 Lords Road, Leichhardt Report by FPD Planning January 2024)

2 Rezoning review

Rezoning Review - May 2023

On 5 May 2023, the Panel considered a rezoning review request for this planning proposal because Council notified the proponent it will not support the proposed amendment.

This Panel decision found that the site 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.

Rezoning Review - August 2023

On 23 August 2023, the Sydney Eastern City Planning Panel considered a rezoning review for this planning proposal because Council notified the proponent it will not support the proposed amendment (**Attachment B**).

The Panel resolved that the planning proposal demonstrated Strategic Merit and Site-Specific Merit. In making this decision, the Panel made the following recommendations:

- 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 Direct 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.
- Clarify the dedication and proposed management of the proposed RE1 land.

The Panel's determination and reasons for its decision are provided in **Attachment B**.

The Panel appointed itself as the planning proposal authority (PPA).

3 Assessment against Panel conditions

The Agile Planning team is satisfied that the planning proposal and supporting documents have been amended to meet the conditions of the Panel conditions and the planning proposal can be submitted to the Department for Gateway assessment.

The applicant has made two changes to the planning proposal in response to the introduction of the RE1 Public Recreation zone for 75 Lord Street and therefore the reduction in gross floor area. The revised planning proposal now seeks to introduce a minimum non-commercial floor space on 1,700m², rather than the 2,000m² previously considered by the Panel. The proposal also no longer specifies an exact number of seniors housing independent living units at this stage, rather than the proposed 60 units previously considered by the Panel. The proponent has provided justification for these changes at **Attachment D**. The Agile Planning team notes that these changes were not requested by the Panel.

The planning proposal has several appendices that are either no longer associated with the proposal (such as the Integrated Infrastructure Delivery Plan) and therefore have not been submitted or appendices that are included with the proposal (local centres impact or voluntary Planning agreement) that have not been included as appendices in the proposal. Prior to submitting the proposal for Gateway determination, the Agile Planning team recommends that the appendices in the planning proposal are updated to reflect the correct supporting documents.

An assessment against the Panel conditions has been undertaken (see **Attachment C**).

Commercial Needs Study and Consistency with PRCUTS

This planning proposal seeks to implement the recommendations of the PRCUTS, which was endorsed by the State Government in November 2016.

The site is located within the Taverners Hill Precinct and is identified for residential development. The PRCUTS Planning and Design Guidelines recommend R3 Medium Density Residential zoning, 30m maximum building height and 2.4:1 FSR for the land at 67 Lords Road and RE1 Public Recreation, with no floor space ratio or maximum building height controls for 75 Lords Road.

In making its determination, the Panel agreed that the planning proposal should be able to achieve Site Specific Merit subject to revisions, including demonstrating compliance with the PRCUTS.

Currently the proposal generally aligns with PRCUTS, except for the proposed minimum non-residential floor space.

The Local Centres Impact Study (**Attachment A17**) prepared by Hadron Group, and required by the Panel, concludes:

- The provision of non-residential uses on the site will not create significant competition for neighbouring local centres.
- The limitations of the site when combined with existing high levels of vacancies for both industrial and commercial uses will make it difficult to find tenants.
- Restricting the range of uses permitted will only increase the likelihood that these tenancies will remain vacant.
- It is recommended that the site is developed such that it is fully consistent with PRCUTS by providing only residential uses, for which there is a strong and continuing demand.

Agile Team Recommendation: Given that the strategic framework in PRCUTS recommends residential only uses for the site, and the limitations of finding tenants for non-residential uses on site, Agile Planning recommends that the minimum 1,700sqm of non-residential floor space be removed.

The additional permitted non-residential uses are recommended to be retained, without requiring a minimum amount through a development standard. This enables greater flexibility in delivery of non-residential floor space on the site that best responds to both planning and economic drivers. It also retains the ability at development application stage for ground floor uses to be non-residential in portions of the site if required to assist in managing and mitigating flood risk.

Flood Impact Risk Assessment and Land Use

The Panel required the proponent to prepare a flood study consistent with the Flood Risk Management Guideline, 30 June 2023 and to address Ministerial Direction 4.1 Flooding.

The proponent has provided a Flood Risk Impact Assessment (Tooker and Associates, December 2023) (**Attachment A5**) and a Flood Impact and Risk Assessment (Water Technology, December 2023) (**Attachment A6**) both of which identify that the site is subject to flooding during storm events, however the site can be made suitable for residential development through detailed design responses.

The key findings of the Flood Impact and Risk Assessment (Water Technology, December 2023) for the site included:

- The site is subject to some degree of flooding during all design events considered, which is concentrated within the western lot.
- Flooding impacting the site is a result of flash flooding in response to short duration storm events.
- The site is primarily a flood storage area and flood storage volumes within the site will be maintained across all events by the provision of compensatory storage.
- A portion of the site has a secondary flood conveyance function during the probable maximum flood (PMF) only and this will be maintained by the development.

The design of the development seeks to manage the flood risk through measures including filling the developed site area to Council's 1% annual exceedance probability (AEP) flood level plus a minimum 0.5m (RL 4.6m AHD) which would also keep the development footprint 'flood immune' up to the 0.2% AEP flood event. Additionally, compensatory flood storage and a boundary wall (along the northern and eastern site boundaries) for flood control are also proposed to manage and

mitigate flood risk. The compensatory storage tank will be free-draining with a connection to the existing pipe outlet from the site.

Even in the PMF, the developed site will maintain flood free access to Lords Road from its south-eastern corner. However, given the nature of flooding in the area (flash flooding in response to short duration events) evacuation is not a recommended response as warning times are insufficient. Users in the western buildings may require retreat to the upper levels for a short duration of under 2 hours, which is consistent with the Department's draft Guidelines related to 'shelter in place'.

Agile Team Recommendation: It is noted that the current planning proposal currently envisages non-residential uses at ground level, and this is one of the measures the Flood Impact and Risk Assessment (FIRA) considers mitigate the risk to public safety from flood. To ensure the FIRA is up to date it is also recommended that the FIRA be updated to reflect the change in uses and clearly demonstrate the risk mitigation measures to be used if the ground floor is residential moving forward.

4 Recommendation

The Panel notes the Agile Planning teams comments and agrees the planning proposal be submitted to the Department for Gateway Assessment, subject to the deletion of the minimum 1,700sqm non-residential floor space requirement and the FIRA be updated to reflect this change in the land uses and amend the risk mitigation measures accordingly.

Attachments

Attachment A – Planning proposal and supporting documents

Attachment B – Panel's decision on Rezoning Review

Attachment C – Assessment against the Panel conditions

Attachment D – Justification of changes made to planning proposal



(Signature)

07/03/2024 (Date)

Douglas Cunningham

Manager, Agile Planning



(Signature)

11/3/2024 (Date)

Louise McMahon

Director, Agile Planning

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