

PLANNING PROPOSAL AUTHORITY
RECORD OF DECISION TO SUBMIT PLANNING PROPOSAL
TO GATEWAY DETERMINATION
 STRATEGIC PLANNING PANEL of the SYDNEY EASTERN CITY
 PLANNING PANEL

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.

Planning Panels Team

4PSQ 12 Darcy Street, Parramatta NSW 2150 | Locked Bag 5022, Parramatta NSW 2124 | T 02 8217 2060 | strategicpanels@dpie.nsw.gov.au

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