



**REZONING REVIEW  
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the  
SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DECISION</b>	5 May 2023
<b>DATE OF BRIEFING</b>	2 May 2023
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Deborah Laidlaw
<b>APOLOGIES</b>	None
<b>DECLARATIONS OF INTEREST</b>	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	<p>The proposal seeks to facilitate the redevelopment of the site for up to 25,480m<sup>2</sup> of floor space, including at least 2,000m<sup>2</sup> 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.</p> <p>It is proposed to amend Inner West Local Environmental Plan 2022 to:</p> <ul style="list-style-type: none"> <li>• rezone the site from IN1 General Industrial to R3 Medium Density Residential;</li> <li>• increase the FSR on the site from 1:1 to 2.4:1;</li> <li>• apply a maximum height of buildings of 30m;</li> <li>• introduce a site-specific provision requiring a minimum 2000m<sup>2</sup> 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</li> <li>• include a requirement for a minimum of 5% of residential floor space to be delivered as affordable housing.</li> </ul>
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> <li>• Rezoning review request documentation</li> <li>• Briefing report from Department of Planning and Environment</li> </ul>
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• <b>Site inspection:</b> 10.30am - 11.15am, 2 May 2023 <ul style="list-style-type: none"> <li>○ <b>Panel members in attendance:</b> Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald &amp; Deborah Laidlaw</li> <li>○ <b>Department of Planning and Environment (DPE) staff in attendance:</b> Katie Joyner, Pali Woodruff &amp; Lisa Kennedy</li> <li>○ <b>Key issues discussed:</b> <ul style="list-style-type: none"> <li>• Open space – PRCUTS requirements &amp; connections along drainage corridor; flooding/stormwater detention; character of locality; tree loss</li> </ul> </li> </ul> </li> <li>• <b>Briefing with Department of Planning and Environment (DPE):</b> 1.34pm – 2pm, 2 May 2023 <ul style="list-style-type: none"> <li>○ <b>Panel members in attendance:</b> Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald &amp; Deborah Laidlaw</li> <li>○ <b>DPE staff in attendance:</b> Katie Joyner, Eva Stanbury, Pali Woodruff, Lisa Kennedy &amp; Mary Francis</li> <li>○ <b>Key issues discussed:</b> <ul style="list-style-type: none"> <li>• the material identified in the briefing package being the proposal, site location, background and identified key issues</li> <li>• PRCUTS, open space &amp; better planning outcome</li> <li>• permitted land uses in R3 Residential Medium Density zone in Inner West LEP</li> </ul> </li> </ul> </li> </ul>

- 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