



**REZONING REVIEW  
RECORD OF DECISION**

STRATEGIC PLANNING PANEL of the  
SYDNEY EASTERN CITY PLANNING PANEL

<b>DATE OF DECISION</b>	23 August 2023
<b>DATE OF BRIEFING</b>	17 August 2023
<b>PANEL MEMBERS</b>	Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Matthew Owens
<b>APOLOGIES</b>	Deborah Laidlaw
<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 as revised by the proponent – 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 Planning Minister's delegate requested that the Panel reconvene to reconsider the Rezoning Review with a revised proposal and the Panel's decision as documented in the Panel's Record of Decision, 5 May 2023.

The Panel considered: the material listed at item 4 and the matters raised and/or observed at briefings and the site inspection 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 unanimous.

**REASONS FOR THE DECISION**

**Strategic Merit**

The Panel agreed that the revised planning proposal had Strategic Merit given that:

- The planning proposal is consistent with applicable strategic planning documents, particularly as they relate to the general objectives for housing. These include the Greater Sydney Region Plan,

2018; Sydney Eastern City District Plan, 2018; and Our Place Inner West, 2018 (Inner West Council's Local Strategic Planning Statement (LSPS)).

- The planning proposal is generally consistent with what is envisaged by the Parramatta Road Corridor Urban Transformation Strategy (PRCUTS) and the Ministerial Direction 1.5 Parramatta Road Corridor Urban Transformation Strategy.
- Delivering housing supply is a priority issue for Sydney for all levels of Government.

### **Site Specific Merit**

The Panel agreed that the revised planning proposal has Site Specific Merit consistent with the PRCUTS outcomes for the site.

### **Panel recommendations**



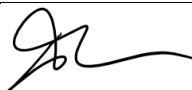
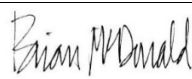

The Panel recommends that prior to submitting the planning proposal for a Gateway determination, the planning proposal is to be revised to address the following:

- 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 also recommends that the draft DCP is placed on public exhibition with the planning proposal.

The Panel wishes to review the revised controls prior to the planning proposal being submitted for a Gateway determination. In addition, the Panel requests pre and post exhibition briefings to hear the matters, as is standard protocol.

Inner West Council has previously refused to progress the proposal. In accordance with Section 3.32(1) of the *Environmental Planning and Assessment Act 1979*, the Planning Panel as delegate of the Minister for Planning has determined to appoint itself as the PPA for this Planning Proposal.

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

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	RR-2023-3 as revised by the proponent – 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 revised proposal seeks to facilitate the redevelopment of the site for up to 21,850m<sup>2</sup> of floor space, including at least 1,700m<sup>2</sup> of non-residential uses at ground level, and approximately 197 dwellings.</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 part R3 Medium Density Residential and part RE1 Public Recreation;</li> <li>• increase the FSR from 1:1 to 2.4:1 for the R3 zoned land;</li> <li>• remove the FSR of 1:1 for the RE1 zoned land;</li> <li>• apply a maximum height of buildings of 30m to the R3 zoned land;</li> <li>• introduce a site-specific provision requiring a minimum 1,700m<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>• Department of Planning and Environment (DPE) Rezoning Review briefing report, 12 April 2023</li> <li>• DPE letter to Panel (23/6/2023) - seeking a review &amp; Platino's (proponent) revised proposal</li> <li>• Platino letters to DPE (15/5/2023 and 20/7/2023) - revised proposal</li> <li>• 67-75 Lords Road Masterplan Revised Design, SJB Urban, 18 July 2023</li> <li>• Inner West Council letters to DPE and Panel 6/7/2023 &amp; 9/8/23 – review and revised proposal</li> <li>• DPE letter to Inner West Council (24/7/2023) - review &amp; revised proposal</li> <li>• DPE revised proposal slide presentation, 17/8/2023</li> </ul>
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL	<ul style="list-style-type: none"> <li>• <b>Site inspection:</b> 10.34am - 11.05am, 17 August 2023 <ul style="list-style-type: none"> <li>○ <b>Panel members in attendance:</b> Carl Scully (Chair) &amp; Matthew Owens</li> <li>○ <b>Department of Planning and Environment (DPE) staff in attendance:</b> Eva Stanbury, Amanda Harvey, Lisa Kennedy and Adam Williams.</li> <li>○ <b>Key issues discussed:</b> <ul style="list-style-type: none"> <li>• Open space – PRCUTS requirements &amp; connections along drainage corridor; site and application history; proposed RE1 zoning; rezoning industrial land challenges.</li> </ul> </li> </ul> </li> </ul>

- **Briefing with Department of Planning and Environment (DPE):**  
1.00pm – 1.47pm, 17 August 2023
  - **Panel members in attendance:** Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Matthew Owens
  - **DPE staff in attendance:** Amanda Harvey, Katie Joyner, Eva Stanbury, Pali Woodruff, Thomas Atkinson, Doug Cunningham, Aoife Wynter, Lisa Kennedy, Barbara Gilbert and Adam Williams.
  - **Key issues discussed:**
    - ability for Panel to conduct a review of its previous decision
    - revised proposal & PRCUTS
    - open space & interface with proposed residential buildings
    - permissible land uses in R3 Residential Medium Density zone
  
- **Briefing with Inner West Council:** 1.47pm – 2.18pm, 17 August 2023
  - **Panel members in attendance:** Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Matthew Owens
  - **DPE staff in attendance:** Amanda Harvey, Katie Joyner, Eva Stanbury, Pali Woodruff, Thomas Atkinson, Doug Cunningham, Aoife Wynter, Lisa Kennedy, Barbara Gilbert and Adam Williams.
  - **Council representatives in attendance:** Simone Plummer, Daniel East, Gunika Singh, Gill Dawson, Nicola Viselli, James Ogg & Bernadette Balatbat
  - **Key issues discussed:**
    - Review of revised proposal & consistency with rezoning review process
    - Strategic merit issues – affordable housing, design excellence, sustainability, resilience and infrastructure
    - Flooding – modelling & inconsistent with Ministerial Direction 4.1 Flooding
    - Site merit issues – environmental effects, adverse social & economic impact, public benefit & infrastructure
    - DCP – detail on setbacks, controls,
    - Ownership and management of proposed RE1 lands
    - Proposed non-residential uses & impacts on nearby local centres
    - VPA & community benefit - affordable housing & infrastructure
  
- **Briefing with Platino Properties PTY LTD (Proponent) on behalf of Lord Sixty Seven (Landholder):** 2.45pm – 3.14pm, 17 August 2023
  - **Panel members in attendance:** Carl Scully (Chair), Stephen O'Connor, David Ryan, Brian McDonald & Matthew Owens
  - **DPE staff in attendance:** Amanda Harvey, Katie Joyner, Eva Stanbury, Pali Woodruff, Thomas Atkinson, Doug Cunningham, Aoife Wynter, Lisa Kennedy, Barbara Gilbert and Adam Williams
  - **Proponent representatives in attendance:** George Revay, Paula Mottek, Jonathan Knapp, Mark Tookah and Anna Johnston

		<ul style="list-style-type: none"><li>○ <b>Key issues discussed:</b><ul style="list-style-type: none"><li>● Revised proposal – 75 Lords to be rezoned RE1 with no HOB or FSR controls</li><li>● Proposed density has been reduced by 15%</li><li>● Ownership of proposed RE1 lands via a VPA</li><li>● Affordable housing to be 10% residential floor space</li><li>● Flooding</li><li>● Additional Permitted Uses clause to include Residential Flat Buildings</li><li>● Proposed non-residential uses &amp; impacts on local centres</li><li>● DCP – building density, form, separation</li></ul></li><li>● <b>Panel Determination:</b> 3.15pm – 3.21pm, 17 August 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; Matthew Owens</li><li>○ <b>DPE staff in attendance:</b> Amanda Harvey, Katie Joyner, Eva Stanbury, Pali Woodruff, Thomas Atkinson, Doug Cunningham, Aoife Wynter, Lisa Kennedy, Barbara Gilbert and Adam Williams.</li></ul></li></ul>
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