

Planning Proposal

**36 Lonsdale Street and 64-70 Brenan Street, Lilyfield
May 2020**

EXECUTIVE SUMMARY

This Planning Proposal explains the intent of and justification for a proposed amendment to *Leichhardt Local Environmental Plan 2013* (LLEP 2013) as it applies to 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield.

This Planning Proposal has been prepared to increase the maximum floor space ratio (FSR) to 1.5:1 and introduce a maximum building height control of 33.2 R1 for a residential apartment development.

It follows a request from the proponent to increase the maximum floor space ratio (FSR) to 2.1:1 and introduce a maximum building height control of 33.2 R1, **Attachment 4**. Council considered this original Planning Proposal involved an excessive increase to the FSR standards for the site, but considered that a greater residential density could be accommodated and has prepared this proposal for an FSR of 1.5:1, no more than 5 storeys and a series of setbacks.

The proposed amendments will enable redevelopment to increase the diversity of housing types and sizes in the area.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and guidelines published by the DPIE including the Planning Proposal Guide as well as '*A guide to preparing planning proposals*' and '*A guide to preparing local environmental plans*'.

BACKGROUND

Council considered a similar Planning Proposal for the site at its 8 October 2019 meeting. It declined to support this and asked for a new proposal that would address overlooking and overshadowing of the houses to the immediate south of the site to be prepared. That new proposal was submitted in February 2020 and while it did address Council's concerns the bulk and scale of the proposed development was still excessive to some extent.

Council officers have amended that Proposal to reduce the bulk and scale with a lower FSR, setbacks and a limit on the number of storeys.

This document is that amended Planning Proposal.

Site Description

The site is 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield (Lots 18, 19 & 20 DP 977323, Lot 1 DP 1057904, Lot 22 DP 977323, and Lots 1 & 2 DP 529451), 6km west of the Sydney CBD and 50 metres west of the Lilyfield Light Rail Station, part of the Inner West Light Rail (**Figure 1**).

It is an irregularly shaped 2,145m² block with three streets frontages of 54 metres to City West Link to the north, a 36 metre frontage to Lonsdale Street on the eastern boundary and a 30 metre frontage to Russell Street on the western boundary.

City West Link (Brenan Street) is a major arterial road running east–west, at a lower level than the site. Lonsdale Street is a left in, left out only cul-de-sac onto the City West Link. Russell Street is a local road. The southern boundary is next to low rise dwellings.

The site has a part single and part two storey industrial building with vehicle access from Lonsdale Street (36 Lonsdale Street) and a part single and part two storey commercial building with vehicle access from Brenan Street (64 Brenan Street). 66-70 Brenan Street is three detached dwelling houses with limited vehicle access due to the location of the City West Link and the height of the wall down to this road.

Existing development on the site is illustrated in **Figures 2, 3 and 4**.



Figure 1: Aerial photograph showing land affected by the Planning Proposal



Figure 2: The site looking west along the northern boundary to City West Link



Figure 3: Lonsdale Street frontage of the site



Figure 4: Russell Street frontage of the site

The site is in a low density residential neighbourhood with some mixed uses to the east and is dominated by the City West Link, which carries significant volumes of traffic at all times.

Development to the south is predominantly single detached dwellings. The property to the south located beyond the City West Link road barrier wall is a single storey brick dwelling at 34 Lonsdale Street. There is a single storey weatherboard dwelling on the northern boundary at 37 Russell Street.

Apart from some small trees in the lots facing Russell Street and the City West Link trees there are no significant natural features on the site. The site slopes down from Russell Street to the intersection of Lonsdale Street and the City West Link (Brenan Street). Parts of it are significantly higher than the City West Link. The long axis of the site has a northern orientation.

The site has no heritage items and is not in a conservation area. The only heritage item in the vicinity is the Lilyfield (Catherine Street) Overbridge listed in Schedule 4, Part 3 of the Sydney Regional Environmental Plan No.26 and the NSW RailCorp state agency 170 register.

The large light rail stabling facility, industrial premises, the light rail station, a large digital advertising sign and the IGA development are much closer to the bridge so this development is unlikely to have any additional impacts on the Overbridge.

The site is close to the IGA, the Catherine Street neighbourhood centre 150 metres to the south-east as well as the retail and commercial services in Leichhardt town centre 1.2km to the south-west. The site is well served by local schools, the light rail station and the Catherine Street bus route.

Current Planning Controls

The site is zoned R1 General Residential under LLEP 2013, illustrated in **Figure 5**. The objectives of the zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.*
- *To protect and enhance the amenity of existing and future residents and the neighbourhood.*

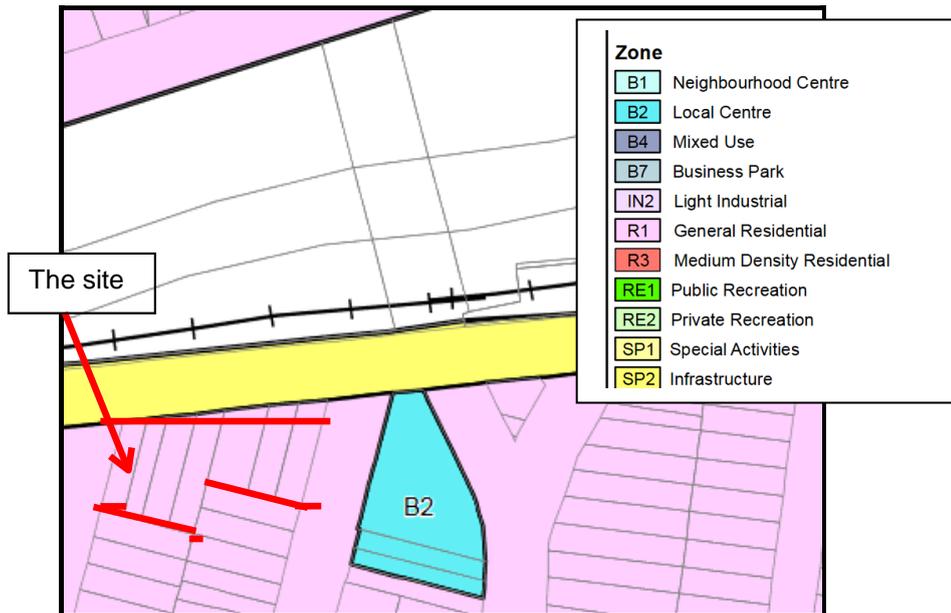


Figure 5: Extract from the Land Zoning Map showing land affected by the Planning Proposal

The site has a maximum permitted (FSR of 0.6:1 pursuant to Clause 4.4(2B)(a)(iv)) of LLEP 2013 as the site is located in Area 6 and has a site area greater than 450m². The current FSR map for the site is illustrated in **Figure 6**.

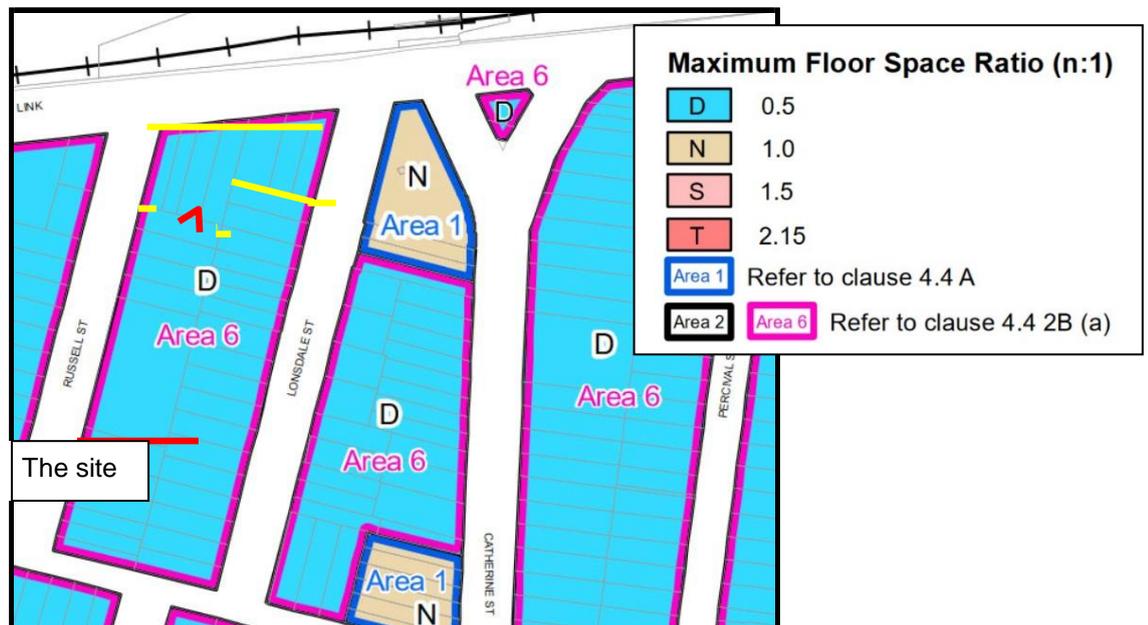


Figure 6: Extract from the FSR Map showing land affected by the Planning Proposal

There is no maximum height of building control for the site in the LEP. The *Leichhardt Development Control Plan 2013* (LDCP 2013) for Catherine Street Distinctive Neighbourhood has a maximum building wall height of 7.2m.

Request to amend the planning controls

Council has prepared this Planning Proposal to amend LLEP 2013 as follows:

- Increase the maximum floor space ratio for the site to 1:5:1;
- Introduce a maximum height of buildings development standard of RL 33.2 for the site;
- Add the site to the Key Sites Map as Key Site 7 of LLEP 2013; and
- Add a site-specific clause to LLEP 2013 which includes the following provisions:-
 - objectives for the future redevelopment of the site,
 - setbacks and maximum height in storeys for future development; and
 - a requirement for non-residential development adjoining the City West Link.

PLANNING PROPOSAL

This Planning Proposal has been prepared by Council officers following consideration and assessment of the proponent's original requested amendments to LLEP 2013 lodged on 5 February 2020.

Part 3 of this Planning Proposal demonstrates that it has strategic merit. Further details of the anticipated built form massing should be provided prior to public exhibition along with compliance with *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* (SEPP 65) and the Apartment Design Guide (ADG).

Additional traffic generation information should also be provided prior to public exhibition. Consultation with Roads and Maritime Services (RMS) will be required to ensure the likely increase in traffic generation onto City West Link is acceptable.

The proponent's original Planning Proposal was accompanied by supporting documentation, including concept plans and technical assessments. It is recommended that a Gateway Determination require this material to be updated prior to exhibition to reflect the development concept envisaged by this Planning Proposal.

PART 1 – Objectives and Intended Outcomes

To amend the Leichhardt Local Environmental Plan 2013 for 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield to facilitate the residential redevelopment of the site by increasing the FSR development standard and introducing a new maximum building height development standard.

PART 2 – Explanation of Provisions

To achieve the intended outcomes, the Planning Proposal seeks to amend the Leichhardt Local Environmental Plan 2013 as follows:

Allow a maximum floor space ratio of 1.5:1. on the affected sites

Allow a maximum height of building of RL 33.2. on the affected sites.

Amend the Key sites map to identify the sites.

Include a new local provision for the sites which has controls for a transition in building height in combination with minimum building setbacks which will ensure an acceptable development impact on surrounding dwellings and the streetscape.

The intended new local provision (as written below) is subject to legal drafting with NSW Parliamentary Counsel's Office and is subject to change.

Clause 6.22 Development of land at 36 Lonsdale Street and 64- 70 Brenan Street, Leichardt.

- 1 The objective of this clause is to have different maximum heights and minimum setbacks for buildings to achieve a sympathetic relationship with adjacent dwellings without adversely affecting the streetscape, character, amenity or solar access of surrounding land.
- 2 Any proposed building is set back at least:
 - (i) 3 metres from the southern boundary adjoining 34 Lonsdale Street and 37 Russell Street, and
 - (ii) 3 metres from the northern site boundary adjoining City West Link, and
 - (iii) 4 metres from the eastern and western site boundaries to adjoining side streets
- 3 The height in storeys of any proposed building will not exceed:
 - (i) 2 storeys adjacent to 34 Lonsdale Street and 37 Russell Street.
 - (ii) 5 storeys including a partially above ground basement podium adjacent to the City West Link road.
- 4 Only non-residential uses are permitted at street level adjoining City West Link.

PART 3 – Justification

The amendments will facilitate the redevelopment of site zoned for residential uses in a location well served by public transport. This in turn will increase the number and variety of dwellings in the area.

The proposed controls will moderate the bulk and scale of the buildings and ensure an appropriate transition from the low density residential area to the south. It is also close enough to the city with nearby cycle and pedestrian routes to be attractive for active transport.

Section A – Need for the planning proposal

Q1. *Is the planning proposal a result of an endorsed local strategic planning statement (LSPS), strategic study or report?*

The proposal is consistent with the endorsed Inner West LSPS, the Local Housing Strategy, Integrated Transport Strategy and draft Employment and Retail Land Strategy.

Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

The proposal is consistent with the objectives of the LLEP 2013 R1 General Residential zone and deliver the benefits outlined above.

The R1 General Residential zoning permits *residential flat buildings* as well as other uses suitable for the site including *shop top housing* and therefore no change in the zoning of the site is required.

Section B - Relationship to strategic planning framework

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?

The planning proposal meets the objectives and addresses the action of the Greater Sydney Regional Plan (GSRP) 2018, Eastern City District Plan (ECDP) 2018, the Inner West LSPS, Local Housing Strategy, Integrated Transport Strategy and draft Employment and Retail Land Strategy.

Greater Sydney Region Plan: A Metropolis of Three Cities (2018)

The *Greater Sydney Region Plan 2018: A Metropolis of Three Cities* (GSRP) was released in March 2018 and sets out a vision of three cities, comprising the Western Parkland City, the Central River City and the Eastern Harbour City, where most residents will live within 30 minutes of their jobs, education and health facilities, services and recreational places. The site is in the Eastern Harbour City.

The GSRP sets a 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. To achieve this, the GSRP includes 10 directions and associated objectives. Directions relevant to this Planning Proposal including the following:

- **Direction 1: A city supported by infrastructure and Objective 4: Infrastructure use is optimised** - The site is well located for the Lilyfield Light Rail Station, major roads and bus services. Increased density will optimise the use of existing infrastructure.
- **Direction 2: A collaborative city and Objective 5: Benefits of growth realised by collaboration of governments, community and business** – The proposal is supported by a VPA offer which will allow Council to enhance affordable housing opportunities in the area.
- **Direction 3: A city for people and Objective 7: Communities are healthy, resilient and socially connected** – The site is well located for active transport to support a healthy and socially connected community.
- **Direction 4: Housing the city and Objective 10: Greater housing supply and Objective 11: Housing is more diverse and affordable.**

The proposed development would help Council achieve its GSRP and District Plan housing supply target.

The proposed mix of apartment types and sizes will address Objective 11 and Planning Priority E5.

- **Direction 5: A city of great places and Objective 12: Great places that bring people together** – This planning proposal would deliver an appropriate development form and density within a walkable neighbourhood close to transport and services.

This will also complement Strategy 12.1 which states “providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centre”.

- **Direction 6: A well connected city and Objective 14: A metropolis of three cities-integrated land use and transport creates walkable and 30-minute cities**
 - the site's proximity to the Catherine Street neighbourhood centre, Leichhardt Town Centre the Lilyfield light rail station and bus stops will ensure residents live in a 30 minute city location. This also addresses Strategy 14.1 to integrate land use and transport plans to deliver the 30-minute city.
- **Direction 7: Jobs and skills for the city and Objective 23: Industrial and urban services land is planned, protected and managed** – The proposal is consistent with this direction as the site is already located within a residential zone. Until recently most of the site was in use for commercial and industrial purposes but it is zoned for residential development and does not need to be protected or maintained for employment.
- **Direction 8: A city in its landscape and Objective 25: The coast and waterways are protected and healthier, Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced and Objective 30: Urban tree canopy cover is increased** - The redevelopment of the site will provide an opportunity to deliver a more effective stormwater management system that will allow for groundwater absorption and capture and reuse of stormwater. Together with the removal of non-conforming industrial uses this will improve the water quality in Sydney Harbour and local drainage waterways.

There will be no adverse impacts on bushland or biodiversity. Landscaping and deep soil planting will enhance the tree canopy.

- **Direction 9: An efficient city and Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change** - Development will be required to comply with BASIX requirements for water and energy efficiency. Deep soil planting and landscaping will also help meet this Objective. Additional controls for environmental performance and sustainability should be incorporated into a site-specific Development Control Plan to be provided as a condition of the Gateway Determination.
- **Direction 10: A resilient city and Objective 37: Exposure to natural and urban hazards is reduced and Objective 38: Heatwaves and extreme heat are managed** – The proposal will be subject to the BASIX requirements at DA stage. Landscaping and tree planting will help reduce the heat island effects. The proposal is generally consistent with this direction.

The proposal is therefore generally consistent with the GSRP.

Eastern City District Plan (2018)

The *Eastern City District Plan* (ECDP) is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains planning priorities and actions for implementing the GSRP at a district level.

This planning proposal is consistent with the ECDP as outlined below:

- **Direction 1: A city supported by infrastructure and Planning Priority E1: A city supported by infrastructure** – The site is well located in relation to existing and

planned active road and rail transport infrastructure consistent with Direction 1 and the associated objective and planning priorities.

- **Direction 2: A collaborative city and Planning Priority E2: Working through collaboration** - The proposed VPA provision of community benefits is collaborative.
- **Direction 3: A city for people and Planning Priority E3: Providing services and social infrastructure to meet people's changing needs and E4: Fostering healthy, creativity, culturally rich and socially connected communities** - The site is next to a supermarket and in close proximity to Lilyfield local centre, 250 metres to the east. This centre has a café, newsagent and a grocer. It is a walkable neighbourhood with opportunities for social connections.
- **Direction 4: Housing the city and Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport** – The site is close to transport and services. Council's Affordable Housing Policy requires a 15% Affordable Housing contribution within various sites (including infill development) where there are more than 20 dwellings proposed or GFA of more than 1,700m². The proposal involves providing this affordable housing via a cash contribution in a VPA which satisfies this requirement. The site is close to job opportunities in the city, the development will provide a range of dwelling types and sizes to enhance local choice and help meet Local Housing Strategy targets for new homes.
- **Direction 5: A city of great places and Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage** - This Direction 5 is addressed above in the assessment of the GSRP. The only heritage consideration is the nearby Catherine Street Overbridge. It has a number of large developments around it such as the light rail station, a train stabling facility, industrial premises and a large scrolling advert, which means this proposal would have no impact on the heritage significance of the Overbridge.
- **Direction 6: A well connected city and Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city** - The site is close to the light rail station and bus stops, Lilyfield local centre and Leichhardt town centre so well within the 30 minute city parameter.
- **Direction 7: Jobs and skills for the city and Planning Priority E12: Protecting industrial and urban services land** - The site is in the R1 General Residential zone. There will be no loss of zoned industrial land and the site is not in the core industrial lands identified in the District Plan.
- **Direction 8: A city in its landscape and Planning Priority E14: Protecting and improving the health and enjoyment of Sydney Harbour, and the District's waterways, Planning Priority E15: Protecting and enhancing bushland and biodiversity and Planning Priority E17: Increasing urban tree canopy cover and delivering Green Grid connections** – The proposal is unlikely to have an adverse impact on the water quality of Sydney Harbour and will not adversely affect any bushland or biodiversity. New tree planting and landscaping will increase the tree canopy.
- **Direction 9: An efficient city and Planning Priority E19: Reducing carbon**

emissions and managing energy water and waste efficiently - The development will comply with BASIX requirements for water and energy efficiency. Further controls for environmental performance and sustainability will be incorporated in a site-specific Development Control Plan.

- **Direction 10: A resilient city and Planning Priority E20: Adapting to the impacts of urban and natural hazards and climate change** - The site is not affected by any natural hazards and energy efficiency will be addressed in the site-specific development control plan.

The proposal is therefore generally consistent with the ECDP.

Strategic Merit Assessment Criteria

DPIEs Planning Proposal Guide establishes Assessment Criteria to be considered in the justification of a planning proposal to determine if it has sufficient strategic merit to proceed to a Gateway Determination. **Table 1** below shows this proposal meets these criteria.

Table 1: Consideration of the Planning Proposal against the Assessment Criteria of 'A guide to preparing Planning Proposals'

CRITERIA	COMMENT
Qu 3 (a) Does the proposal have strategic merit? Is it:	
<ul style="list-style-type: none"> • Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment. 	<p>The proposal is consistent with the Eastern City District Plan as outlined above. The site is well located to optimise the use of infrastructure, in particular the Lilyfield Light Rail Station as well as major roads, bus services, cycling and pedestrian routes. Its proximity to the city and local centres place it within the 30 minute city parameter. The proposal is supported by a VPA offer for affordable housing contributions and the mix of apartment types will enhance housing choice.</p> <p>This proposal will help meet the Local Housing Strategy targets.</p> <p>The redevelopment will deliver more effective stormwater management system, phase out non-conforming industrial uses and improve the water quality of the district's waterways. The proposal will not effect bushland or biodiversity and deep soil planting will contribute to the tree canopy. Development will comply with BASIX requirements for water and energy efficiency.</p>

<ul style="list-style-type: none"> • Consistent with relevant local council strategy that has been endorsed by the Department; or • Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls. 	<p>Consistent with the LSPS endorsed by the Greater Sydney Commission.</p> <p>NA</p> <p>It is therefore considered that the proposal has strategic merit.</p>
Qu 3 (b) Does the proposal have site-specific merit, having regard to:	
<ul style="list-style-type: none"> • The natural environment (including known significant values, resources or hazards) and • The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and • The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision. 	<p>The site has no significant environmental value. The few small trees are insignificant and there are no other natural site features. It is not affected by any significant natural hazards.</p> <p>The site is zoned R1 General Residential and no changes to the zoning are proposed to this existing zoning or the uses permissible on the site. The area to the south and west is also in the R1 General Residential zone with the exception of the small B2 Local Centre area to the east on Lonsdale Street. Until recently there were some commercial and industrial uses on the site relying on existing use rights. Given there is no change to the zoning or permissible uses and the area is primarily residential, use of the site for apartments is acceptable.</p> <p>The site is close to transport and services, including the Lilyfield light rail stop, bus stops and the Lilyfield local centre. The site is also adequately serviced with the relevant infrastructure including reticulated water and sewerage, electricity and telecommunications.</p> <p>Therefore the proposal has site-specific merit.</p>

Q4. Is the planning proposal consistent with a council’s local strategy or other local strategic plan?

The relevant Council Policies are considered below in relation to this Planning Proposal.

Our Inner West 2036 – Community Strategic Plan

The Inner West Community Strategic Plan, *Our Inner West 2036* (the CSP), identifies the community’s vision for the future, long-term goals, the strategies to get there and how to measure progress towards that vision. The CSP is structured around the guiding principle, ‘*To work together in a way that is creative, caring and just*’.

The proposal’s consistency with the CSP’s five (5) strategic directions is confirmed in **Table 2** below.

Table 2: Consideration of Council's Community Strategic Plan

STRATEGIC DIRECTION	OUTCOMES	COMMENT
Strategic Direction 1: An ecologically sustainable inner west	<p>1.1 <i>The people and infrastructure of Inner West contribute positively to the environment and tackling climate change.</i></p> <p>1.2 <i>Inner West has a diverse and increasing urban forest that supports connected habitats for flora and fauna</i></p> <p>1.3 <i>The community is water sensitive, with clean, swimmable waterways</i></p> <p>1.4 <i>Inner West is a zero emissions community that generates and owns clean energy</i></p> <p>1.5 <i>Inner West is a zero waste community with an active share economy.</i></p>	<p>The proposal contributes to this Direction with landscaping, increased tree canopy and communal open space.</p> <p>Development will comply with BASIX requirements. Additional energy and water efficient initiatives can be considered at the detailed design/DA stage.</p>
Strategic direction 2: Unique, liveable, networked neighbourhoods	<p>2.1. <i>Development is designed for sustainability and makes life better.</i></p> <p>2.2. <i>The unique character and heritage of neighbourhoods is retained and enhanced</i></p> <p>2.3. <i>Public spaces are high-quality, welcoming and enjoyable places, seamlessly connected with their surrounding</i></p> <p>2.4. <i>Everyone has a roof over their head and a suitable place to call home</i></p> <p>2.5. <i>Public transport is reliable, accessible, connected and enjoyable</i></p> <p>2.6. <i>People are walking, cycling and moving around Inner West with ease.</i></p>	<p>Given its proximity to the light rail and bus services the residents of this higher density development will be well placed to use public transport.</p> <p>The proposal has the potential to enhance the streetscape and public domain. The proposed development will have a range of dwelling sizes and types.</p>
Strategic	3.1. <i>Creativity and culture are valued and</i>	The proposal is likely to have a

<p>Direction 3: Creative communities and a strong economy</p>	<p><i>celebrated</i></p> <p>3.2. <i>Inner West is the home of creative industries and services</i></p> <p>3.3. <i>The local economy is thriving</i></p> <p>3.4. <i>Employment is diverse and accessible</i></p> <p>3.5. <i>Urban hubs and main streets are distinct and enjoyable places to shop, eat, socialise and be entertained.</i></p>	<p>positive economic impact through greater patronage of nearby retail and commercial services</p> <p>The proposal does not remove any creative uses and is not contrary to this Direction.</p>
<p>Strategic Direction 4: Caring, happy, healthy communities</p>	<p>4.1. <i>Everyone feels welcome and connected to the community.</i></p> <p>4.2. <i>The Aboriginal community is flourishing, and its culture and heritage continues to strengthen and enrich Inner West.</i></p> <p>4.3. <i>The community is healthy and people have a sense of wellbeing</i></p> <p>4.4. <i>People have access to the services and facilities they need at all stages of life.</i></p>	<p>The proposal is consistent with this Direction.</p>
<p>Strategic Direction 5: Progressive local leadership</p>	<p>5.1. <i>People are well informed and actively engaged in local decision making and problem solving.</i></p> <p>5.2. <i>Partnerships and collaboration are valued and recognised as vital for community leadership and making positive changes</i></p> <p>5.3. <i>Government makes responsible decisions to manage finite resources in the best interest of current and future communities.</i></p>	<p>Detailed community consultation would be undertaken following a positive Gateway Determination. This report represents a thorough consideration of the proposal.</p>

Integrated Transport Strategy

This Strategy has the following key principles:

1. Plan land use to reduce travel times and distances;
2. Improve safety, personal security, and provide equitable access for full community participation;
3. Prioritise people in centres and main streets and revitalise key roads;
4. Commit to active transport infrastructure, services and programs;
5. Encourage shift to sustainable transport from private vehicles and reduce the negative impacts of congestion and parking;
6. Managing an efficient freight and goods delivery network to enhance efficiency and Inner West liveability;
7. Harness technology to improve information, safety, travel choices and environmental outcomes.

Principles 1, 3, 4 and 5 are particularly relevant to this proposal. The site is 50m from Lilyfield Light Rail Stop which will encourage active transport and may help reduce the use of

private vehicles. This is in line with the 30-minute city vision as per the ECDP but also points 1, 4 and 5.

The potential increase in traffic using City West Link requires consultation with RMS following the Gateway determination. The planning proposal is consistent with this Plan.

Local Strategic Planning Statement

The Council's Local Strategic Planning Statement (LSPS) guides land use planning and development in the area to 2036 and links the Eastern City District Plan with the priorities of Council's Community Strategic Plan. The LSPS was adopted by Council on 25 February 2020 and has been approved by the GSC. The planning proposal is consistent with the LSPS as outlined below:

Planning Priority 3 – A diverse and increasing urban forest that connects habitats of flora and fauna – Action 3.1 Maintain and increase the tree canopy and urban forest of Inner West and enhance biodiversity corridor:

The proposal will enhance the urban tree canopy through deep soil planting facilitated by new setback controls.

Planning Priority 6 - Plan for high quality, accessible and sustainable housing growth in appropriate locations integrated with infrastructure provision and with respect for place, local character and heritage significance - Action 6.1 Implement the Local Housing Strategy including protecting the heritage and character values of the Inner West

The proposed LLEP amendments incorporate design measures to ensure that the development will integrate well with infrastructure and respect the local character.

Planning Priority 8 - Provide improved and accessible sustainable transport Infrastructure - Action 8.1 Implement the Integrated Transport Strategy

The site is 50m from the Lilyfield Light Rail Stop. The site-specific DCP will be formulated to encourage walking, cycling and use of public transport.

Local Housing Strategy

Council's Housing Strategy was adopted in February 2020 to provide direction for meeting the housing needs of the area's growing communities and an evidence-base to inform the new Inner West LEP and DCP. The area around the site is identified for investigation of how it may accommodate over 300 new dwellings so this proposal will help achieve part of that potential.

Employment and Retail Lands Strategy

IWC's Draft Inner West Employment and Retail Lands Strategy (EaRLS) is an evidence based approach to managing employment lands and commercial centres in the LGA. The strategy was exhibited between 23 September 2019 and 27 October 2019.

The key relevant directive is "Strategy 3.1: Retain a diversity of industrial land, urban services land and employment generating uses".

The site is in a residential zone (R1 General Residential) and no changes to the zoning are proposed. The surrounding area is also in the R1 zone with the exception of the small B2 Local Centre on the opposite side of Lonsdale Street. Until recently there were commercial and industrial uses on part of the site that relied on existing use rights. Given the zoning however,

the site is not in the employment lands protected by this strategy and its retention as an industrial site is not required.

Affordable Housing Policy 2016

Council’s *Affordable Housing Policy 2016* seeks to increase the supply of affordable housing through planning instruments and policies. It expects the land value uplift created through planning decisions and approvals to contribute to affordable housing as key infrastructure or other public benefits, planning agreements or other legal mechanisms.

The Policy (Section 2.5) requires 15% of the total gross floor area (GFA) of a rezoning related development of more than 20 dwellings and a GFA of > 1,700m² to be provided as affordable housing. Contributions may be made as apartments, cash contributions or a combination of the two. Where the share of land value uplift is provided as apartments Council will determine the size of apartments in accordance with its strategic priorities.

This proposal has an associated VPA offer to provide a monetary contribution for affordable housing. The details of this VPA will be finalised following a positive Gateway Determination.

Q5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The Planning Proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs) as shown in the table below.

Table 3: Consideration of the Relevant SEPPs to the Planning Proposal

STATE ENVIRONMENTAL PLANNING POLICY (SEPP)	COMMENT
SEPP No 65—Design Quality of Residential Apartment Development	<p>The proposal is considered to be generally consistent with the design quality principles of SEPP 65 as outlined below:</p> <ul style="list-style-type: none"> <p><i>Principle 1: Context and neighbourhood Character</i> - This principle states that good design responds and contributes to its context. Context is defined as the key natural and built features of an area, their relationship and the character they create when combined. Responding to this context involves identifying the desirable elements of an area’s existing or future character. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change. Contextually, whilst the low-scale houses to the south of the site</p>

may be enlarged through extensions over time, in the short-to-medium term it will be important for the proposed development on the subject site to have an appropriate transition in height and built form in relationship to these dwellings.

The proposed setback and minimum height controls will ensure the contextual relationship with the lower density development to the south is retained. Articulation and these setbacks also ensure that potential adverse impacts will be minimised.

- *Principle 2: Built form and scale* – This principle states that good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building’s purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. The proposed density changes achieve an appropriate built form for the site given the low density residential character of the area to the south and west of the site.
- *Principle 3: Density* – This Principle states that good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate for the site and its context. The proposed maximum FSR of 1.5:1 will allow increased density while preserving the amenity of the surrounding area in terms of overshadowing, bulk and scale and overlooking. Further controls are proposed for minimum setbacks and a maximum number of storeys to reinforce the protection of amenity.
- *Principle 4: Sustainability* – This principle states that good design combines positive environmental, social and economic outcomes. The proposed density changes will provide for natural ventilation and solar access to minimise the use of artificial heating and cooling for the buildings. The proposal will also require the provision of landscaping throughout the site to ensure groundwater recharge and a tree canopy for biodiversity. Future development will meet the requirements of BASIX for water and energy efficiency.

- *Principle 5: Landscape* – This principle states that good design recognises landscape and buildings should operate as an integrated and sustainable system to create attractive developments with good amenity. The proposal has adequate setbacks for landscaping to enhance amenity and protect privacy.
- *Principle 6: Amenity* – This principle states that good design positively influences internal and external amenity for residents and neighbours. The proposed controls have been developed to reduce potential adverse impacts on adjoining properties and increase internal amenity for future residents. The provision of minimum setbacks and a maximum number of storeys will reduce overshadowing and overlooking. The proposed density controls will also ensure there is adequate provision for communal open space and car parking on the site.
- *Principle 7: Safety* – This principle states that good design optimises safety and security within the development and the public domain. These design features will be elaborated on at the detailed design stage. It is considered that a building can be designed on the site to provide informal surveillance of the street and entry areas and a secure basement car park.
- *Principle 8: Housing Diversity and Social Interaction* – This principle states that good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. In this regard, Clause 6.13 of the LLEP 2013 already requires a mix of apartment sizes. The housing mix on the site will be finalised at the detailed design stage. The proposed density changes will be able to facilitate a housing mix on the site.
- *Principle 9: Aesthetics* – This principle states that good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. The aesthetics on the site will be considered at the detailed design stage. The proposed density changes can accommodate a built form with positive aesthetics.

Further consideration of an appropriate building envelope and layout will be required following a positive

	Gateway Determination to ensure that the proposal will achieve a high quality design and that the matters required to be addressed by the ADG and SEPP 65 are fully resolved.
SEPP 55 - Remediation of Land	The site has had commercial and industrial land uses and there is a risk of contamination. SEPP 55 requires consideration of potential areas of contamination. A Detailed Site Investigation (DSI) report was provided but it only relates to 36 Lonsdale Street. This issue is discussed further in Question 8 below. This issue can be addressed following a positive Gateway Determination.
SEPP 70 - Affordable Housing (Revised Schemes)	The proposal is supported by a VPA offer for an affordable housing monetary contribution.
SEPP (Affordable Rental Housing) 2009	The proposal is supported by a VPA offer for an affordable housing monetary contribution.
SEPP (Building Sustainability Index: BASIX) 2004	Future development must comply with the requirements of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	Consistent.
SEPP (Infrastructure) 2007	Acoustic testing and reporting will be required given the site's proximity to City West Link. Development must comply with this SEPP and can be addressed at the detailed design/DA stage.
Sydney REP (Sydney Harbour Catchment) 2005	The site is in SREP area but not in the Foreshores and Waterways area or zoned under this Policy. The proposal is consistent with the RFP.

Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?

The Planning Proposal is consistent with the relevant Section 9.1 Ministerial Directions subject to various matters being addressed following a positive Gateway Determination, as outlined in the table below.

Table 4: Assessment of the Planning Proposal against the relevant s9.1 directions

DIRECTION	REQUIREMENT	COMMENT
2. Environment and Heritage		
2.6 Remediation of Contaminated Land	4) A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless: a) the planning proposal authority has considered whether the	A Phase 1 site investigation has been undertaken for 36 Lonsdale Street, but not for 64 to 70 Brenan Street. The Gateway determination requires that prior to finalisation of the LEP amendment an updated Phase 1 report is to be provided for the entire site in accordance with the Contaminated Land Planning

	<p><i>land is contaminated, and</i></p> <p><i>b) if the land is contaminated, the planning proposal authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and</i></p> <p><i>c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose.</i></p> <p><i>In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.</i></p> <p><i>5) Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.</i></p>	<p>Guidelines.</p> <p>Should the updated Phase 1 site investigation indicate further studies are required to ensure the land is, or can be made suitable for all permissible uses, these will also be provided to the Department prior to finalisation of the LEP amendment.</p>
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	<p><i>4) A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <p><i>a) broaden the choice of building types and locations available in the housing market, and</i></p> <p><i>b) make more efficient use of existing infrastructure and</i></p>	<p>The Planning Proposal will increase the maximum permitted density on the site thereby making more efficient use of land and existing infrastructure and services.</p> <p>The housing mix will be determined at the development</p>

	<p><i>services, and</i></p> <p><i>c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p><i>d) be of good design.</i></p> <p><i>5) A planning proposal must, in relation to land to which this direction applies:</i></p> <p><i>a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></p> <p><i>b) not contain provisions which will reduce the permissible residential density of land.</i></p>	<p>application stage. Clause 6.13 (Diverse housing) of LLEP 2013 specifies a minimum proportion of small (studio or one bedroom) dwellings and a maximum proportion of dwellings including three or more bedrooms.</p> <p>The proposal has been prepared by Council following a review of the site configuration and likely best fit in terms of building envelopes, height and FSR. Fine tuning of an appropriate building envelope and layout will be required following the Gateway Determination to ensure good design and that ADG and SEPP 65 matters are fully considered.</p> <p>The site is adequately serviced and there are no planning provisions which would reduce the permissible residential density of land.</p>
3.4 Integrating Land Use and Transport	<p><i>4) A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i></p> <p><i>a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p><i>b) The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p>	<p>The site is close to bus and light rail stops, particularly those servicing the CBD. There are also local on-road and shared-path cycle routes, including on Lilyfield Road, Victoria Road and Catherine Street.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p><i>4) In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant</i></p>	<p>The subject site is in the Australian Noise Exposure Forecast (ANEF) 20-25 contour area for Sydney Airport.</p>

	<p><i>planning authority must:</i></p> <ul style="list-style-type: none"> a) <i>consult with the lessee/operator of that airport;</i> b) <i>take into consideration the operational airspace and any advice from the lessee/operator of that airport;</i> c) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i> d) <i>not allow development types that are incompatible with the current and future operation of that airport.</i> 	<p>Consultation with Sydney Airport Corporation would be undertaken during public exhibition.</p>
	<p>5) <i>In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</i></p> <ul style="list-style-type: none"> a) <i>consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</i> b) <i>for land affected by the prescribed airspace (as defined in Regulation 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</i> c) <i>not allow development types that are incompatible with the current and future operation of that airport.</i> d) <i>obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of</i> 	<p>Consultation is required as outlined above.</p>

	<i>the Environmental Planning and Assessment Act 1979.</i>	
	<p>6) <i>In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</i></p> <p>a) <i>consult with the Department of Defence if:</i></p> <p>(i) <i>the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</i></p> <p>(ii) <i>no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km of the airfield.</i></p> <p>b) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></p> <p>c) <i>not allow development types that are incompatible with the current and future operation of that airfield.</i></p>	Not relevant.
	<p>7) <i>A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:</i></p> <p>a) <i>for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25; or</i></p> <p>b) <i>for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</i></p> <p>c) <i>for commercial or industrial purposes where the ANEF is</i></p>	Clause 6.8 of the LLEP 2013 - <i>Development in areas subject to aircraft noise</i> provides adequate controls to meet this requirement.

	above 30.	
	8) <i>A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 ANEC/ANEF contour for Western Sydney Airport.</i>	Not applicable.
4. Hazard and Risk		
4.1 Acid Sulfate Soils	<p>4) <i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i></p> <p>5) <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be consistent with:</i></p> <p>a) <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i></p> <p>b) <i>such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</i></p> <p>6) <i>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant</i></p>	<p>The site is located on Class 5 acid sulfate soils (ASS) land and next to City West Link Class 3 land.</p> <p>There are no proposed new provisions contrary to Clause 6.1 of the LLEP 2013 in relation to ASS.</p> <p>An Acid Sulfate Soils Study will be required following a positive Gateway Determination to ensure no significant environmental impacts arise from residential development on the site.</p>

	<p><i>planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p>7) <i>Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</i></p>	<p>Clause 6.1 of the LLEP 2013 requirements in relation to ASS must be complied at the development application stage.</p>
<p>6. Local Plan Making</p>		
<p>6.3 Site Specific Provisions</p>	<p>4) <i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i></p> <ul style="list-style-type: none"> a) <i>allow that land use to be carried out in the zone the land is situated on, or</i> b) <i>rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</i> c) <i>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i> <p>5) <i>A planning proposal must not contain or refer to drawings that</i></p>	<p>The proposed maximum FSR and maximum height of buildings development standards are already in the LLEP 2013 and no additional provisions are required. The site is zoned R1 General Residential which allows a variety of uses including residential apartments buildings and shop top housing so no changes are required to the zoning.</p> <p>The proposed setbacks, limit on number of storeys and the requirement to provide non-residential development next to City West Link are a minor inconsistency with this Direction. These provisions will not create unnecessarily restrictive planning controls and are similar to existing LLEP 2013 controls for other sites.</p> <p>The proposal does not include or reference detailed drawings.</p>

	<i>show details of the development proposal.</i>	
7. Metropolitan Planning		
7.1 Implementation of a Plan for Growing Sydney	4) <i>Planning proposals shall be consistent with:</i> a) <i>the NSW Government's A Plan for Growing Sydney published in December 2014.</i>	The Proposal will achieve the vision and desired outcomes of the Plan by increasing housing supply close to services and transport to the CBD while maintaining the amenity of the area. Consistency of the planning proposal with the regional and district plans is discussed in detail in Section B Question 3.

Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

There are some trees and shrubs in and next to the site but no significant vegetation. There are no critical habitats, threatened species, populations or ecological communities or their habitats.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Built Form

The proposed built form takes the principles and requirements of SEPP 65 and the *Apartment Design Guide* (ADG) into account as discussed above in Question 5. The proposal is generally consistent with these principles subject to fine tuning following a positive Gateway Determination and the introduction of the recommended controls for minimum setbacks and maximum number of storeys.

The ADG recommends that primary development controls should shape the scale of development to relate to the context and desired future character of an area and manage impacts on neighbours. The site is in a predominantly low density residential environment with detached houses and a mixed use B2 Local Centre on Lonsdale Street. The proposed increase in density through an adjustment of the FSR and height controls for this site need to ensure that the amenity and character of the area is protected.

The proposal has addressed the primary development controls as follows:

- **Building Height** – The proposed maximum height of buildings is RL 33.2. This will minimise visual and physical impacts for adjoining and nearby properties while taking the sloping nature of the site into account. This maximum height of buildings development standard can accommodate up to five (5) storey buildings across the site with varying heights and setbacks to reduce impacts to adjoining properties. This maximum height has been developed in conjunction with the maximum FSR taking into account the topography of the site, particularly the fall towards the northern boundary. It spreads the bulk across the site with varying heights and setbacks.

- FSR - The proposed density has been calculated having regard to the following elements:-
 - A setback of at least 3 metres to the southern boundary with the adjoining low density residential development;
 - A front setback to the City West Link of approximately 3 metres to reduce noise and other amenity impacts;
 - Side setbacks to Lonsdale and Russell Streets of approximately 4 metres;
 - A deep soil zone shall extend for the length of the site to the south and along the side boundaries; and
 - Building height in storeys restrictions to ensure the degree of bulk, scale and overshadowing is acceptable, a maximum two (2) storey limit next to the adjoining southern properties will be essential in this context.

Based on this analysis, the FSR for the site should be increased to 1.5:1 to allow an additional 1,930.5m² of GFA with a total permissible GFA of 3,217.5m². A maximum height to RL 33.2 (or approximately five (5) storeys) is also proposed. These controls are appropriate to allow an increased density while protecting the amenity of adjoining and nearby residential development.

- Building depth – The depth of the building footprint of the site is largely set by the controls within the ADG and should be within the range of 10 to 18 metres, depending on orientation and unit configuration. The controls have been designed to meet this guideline.
- Building separation and setbacks - The ADG notes that adequate building separation ensures useability of communal and private open space, provision of deep soil areas, solar and daylight access, privacy, outlook and natural ventilation. It recommends that 'apartment buildings should have an increased separation distance of 3 metres when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping'.

There is no zoning change in this instance, but the proposed higher density in comparison to the adjoining sites will facilitate a scale of development on this site that is greater than that of the areas to the south and west. Therefore, it is recommended that the rear setback should be a minimum of 3 metres as well as having a lower scale in terms of height (in storeys). This will provide a more appropriate transition to the surrounding low density area.

Fine tuning of an appropriate building envelope and layout will be required following a positive Gateway Determination to ensure good design and that ADG and SEPP 65 matters are fully considered. It is recommended that a Gateway determination require that this documentation be provided and/or updated prior to exhibition of the proposal.

Overshadowing

The proposed increased density and height for this site has been calculated on the basis of ensuring, among other things, that adequate sunlight can be achieved by both the proposed development and the existing adjoining buildings, particularly the low density residential dwellings to the south of the site. The separation of the building forms within the site will also assist with minimising overshadowing of adjoining properties and the internal open space.

Past Gateway fine tuning of building forms and layouts will ensure there is no additional overshadowing. It is requested that a Gateway determination require that this documentation be provided and/or updated prior to exhibition of the proposal.

Public Domain

The proposed development will increase pedestrian flows in the area. The planning proposal is an opportunity to improve the public domain around the site through:

- Enhancement of pedestrian links between Lonsdale Street, Russell Street and City West Link;
- New street lights; and
- Tree planting.

These opportunities could be included in the final VPA.

Heritage

The subject site is not a heritage item or in a heritage conservation area. It will not have an adverse impact on the Catherine Street Overbridge heritage item next to the Lilyfield Light Rail Station

Landscaping and deep soil zone

None of the trees and shrubs on the site are significant. Subject to appropriate new tree planting their removal is not a constraint.

The proposed deep soil zones that will be included in the site-specific DCP will accommodate tree planting and landscaping, help with water management and improve residential amenity and privacy. A tree canopy target of 25% of the site should be adopted to meet Regional and District Plans and Council objectives. These requirements should also be reflected in a Gateway determination in respect of a site-specific DCP.

Site-specific DCP

The site is in the 'Peripheral Sub Area' of the Catherine Street Distinctive Neighbourhood in Lilyfield under Section C2.2.4.1 of the LDCP 2013. The proposal is inconsistent with the maximum building wall height of 7.2 metres that applies to this Sub Area.

This inconsistency will be addressed in the site-specific Development Control Plan for the site. The DCP will include specific design measures and other controls including (but not limited to):-

- Desired future character statement;
- Public domain;
- Built form and design controls as follows:-
 - *Building height and bulk* including a sympathetic building height transition

from existing dwellings on Lonsdale and Russell Street up to 4 storeys above a ground level non-residential podium along City West Link Road in accordance with LLEP 2013;

- *Building setbacks and articulation* to have apartments oriented toward Lonsdale Street and Russell Street, with a dual aspect layout and cross ventilation, winter garden balconies to ameliorate noise and a middle quiet open zone for apartments to face;
 - *Building separation* to comply with ADG requirements;
 - *Building materials and finishes* including architectural cues to complement adjacent houses in Lonsdale Street and Russell Street and the residential character of those streets. Exterior building finishes should use a variety of complementary materials to provide visual interest and strengthen sense of place. A monolithic building appearance will not be supported;
 - *Design of building elements* including a noise screen wall or similar device should be constructed between buildings along the northern part of the site. (e.g. a 3 storey wall and horizontal top return placed above the lower level non-residential storey);
 - *Disability access*; and
 - *Ground floor apartments* adjoining City West Link must not be used for residential uses, although subject to detailed design at the DA stage they may be suitable as part of live work units.
- Residential amenity (including solar access, cross ventilation, open space, visual privacy, and deep soil and podium planting landscaping areas). Deep soil zones should provide:
 - a 3m wide perimeter deep soil area for a tree planting area adjacent to adjoining dwellings to the south;
 - a 3m wide perimeter deep soil zone along Lonsdale Street to establish front gardens;
 - for use of roof top gardens; and
 - a 3m wide deep soil zone along City West Link;
 - Parking and access;
 - Waste management; and
 - Communal open space of 25% of site area (irrespective of the ADG provisions due to the 'U shape' design concept).

The environmental impacts of the proposal can be addressed through the provision of these controls in the site-specific DCP.

Traffic and Transport

The original planning proposal was supported by a July 2018 *Traffic Impact Assessment* based on 54 residential apartments. It suggested that between 33 and 55 car parking spaces would be required.

That report has been replaced by an October 2020 Traffic Impact Assessment for the smaller development now proposed.

The revised design concept would provide 34 residential apartments and 6 live/work units with 35 parking spaces in total. This complies with the current LDCP (2013) controls and would generate less traffic than the original proposal's 54 apartments.

The site is large enough to provide two basement levels of parking for the proposed 35 spaces, car share, bicycle and motorcycle parking. Further analysis of car parking can be undertaken at the detailed design/DA stage.

The site is well served by bus services and light rail. It is 50m from Lilyfield light rail station and 200m from bus stops on Catherine Street and Lilyfield Road that serve routes to the Sydney central business district and the surrounding region.

The traffic report concluded that the proposed development would generate traffic volumes less than those generated by the existing industrial, commercial and residential uses of the site. It estimated that the net difference will be eight (8) fewer vehicle trips than existing traffic generation from the site in the AM peak and three (3) fewer vehicle trips in the PM peak.

Council's Engineers consider that the proposal has the potential to have an adverse impact on City West Link.

They are also concerned about pedestrian safety as a result of the increased foot traffic, particularly at the intersection of Catherine Street and the City West Link. There is a high level of pedestrian activity at this intersection as people cross it to reach Lilyfield light rail station and the local supermarket. The revised urban design will reduce the prospective level of pedestrian traffic.

Stormwater Management and Flooding

The site is not affected by flooding although City West Link can be. This issue can be considered at the detailed design/DA stage. Clause 6.4 (Stormwater management) of LLEP 2013 has adequate stormwater management controls.

Land Contamination

Given its past use for industrial and commercial purposes potential land contamination will be an important consideration for this site. *State Environmental Planning Policy No 55 – Remediation of Land* (SEPP 55) requires the consent authority to consider if the land is within an investigation area and whether the land has been used for a purpose referred to in Table 1 of the contaminated land planning guidelines for changes of use.

A Phase 1 site investigation is available for the 36 Lonsdale Street part of the site, but not for 64 to 70 Brennan Street. The latter properties have a low risk of contamination due to their residential use.

In accordance with condition 2(a) of the Gateway determination, Council will provide the Department of Planning, Industry and Environment with an updated Phase 1 site investigation report covering the entire site prior to finalisation of an amendment to LLEP (2013). Should the updated Phase 1 site investigation indicate further studies are required to ensure the land is, or can be made suitable for all permissible uses, these will also be provided to the Department prior to finalisation of the LEP amendment.

Acid Sulfate Soils

The site is affected by Class 5 acid sulfate soils (ASS). Under Ministerial Direction 4.1 an ASS study should be provided prior to finalisation of an LLEP Amendment being made. The study will indicate whether the site can be safely redeveloped in this context.

Noise

There are several noise sources close which need to be considered. These include aircraft noise as the site is in the ANEF 20 - 25 contour, light rail and traffic.

There are adequate provisions in the LLEP 2013 (Clause 6.8 – aircraft noise) and the Infrastructure SEPP to ensure acoustic impacts are adequately addressed at the detailed design/DA stage.

Voluntary Planning Agreement (VPA)

The proposal is supported by a VPA offer to share the value uplift that would arise from the proposed amendment to LLEP 2013. This could fund a variety of projects, including affordable housing.

Council's initial Valuation Report suggest the offer needs to be revised. The revised report should be based on a Residual Land Valuation (RLV) and a Hypothetical Development Methodology (HDM). It is recommended that a Gateway determination require that this issue be finalised prior to exhibition of the planning proposal.

Q9. *Has the planning proposal adequately addressed any social and economic effects?*

The proposed variety of dwelling types and VPA contributions for affordable housing will help meet housing needs within the ECDP's 30 minute city parameter.

The proposal fits GSRP and the ECDP housing targets for the area. The likely demographic characteristics of the residents are unlikely to substantially increase demand for social infrastructure such as schools, hospitals and community facilities. The proposal is satisfactory in terms of social impacts.

In relation to economic impacts, there are unlikely to be any significant economic impacts arising from this proposal given the site is already zoned for residential development and will utilise existing infrastructure. The proposal does not involve any commercial development which may seek to compete with nearby businesses and services.

The new residents will boost patronage of local shops and services. The displacement of potential commercial and industrial uses is acceptable given the site is zoned residential and the previous uses relied on existing use rights. The site is not part of the core employment lands of the local government area. The proposal is satisfactory in terms of economic impacts.

Q10. *Is there adequate public infrastructure for the planning proposal?*

The area is well served by public transport, electricity, telecommunications, water and sewerage infrastructure. Additional demand created under the Planning Proposal is likely to be minimal, without overburdening existing services. Consultation with relevant authorities during public exhibition of the planning proposal will confirm the capacity of current utilities.

Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

Further consultation with relevant State and Commonwealth public authorities will be undertaken in accordance with a Gateway determination. The proposal is consistent with the relevant Regional and District Plans and the Government's housing targets and strategies for the Sydney region.

PART 4 – Mapping

The planning proposal mapping changes for the FSR map, Height of Building map and Key Sites Map of the LLEP 2013 are outlined below

Current Planning Controls

- Land subject to the planning proposal – Lots 18, 19 & 20 DP 977323, Lot 1 DP 1057094, Lot 22 DP 977323, and Lots 1 & 2 DP 529451 (36 Lonsdale Street and 64-70 Brenan Street, Lilyfield);
- Current zoning of the land – R1 General Residential;
- Current development standards relating to the land – the land is currently affected by the following mapping:
 - Acid Sulphate Soils – The site is currently located within the Class 5 land on ASS_004 map. No changes are proposed;
 - FSR – The site is currently located within the 'D' classification (0.50:1) and within "Area 6" (Clause 4.4(2B)(a)(iv)) land on FSR_004 map. Changes are proposed;
- Proposed zone – There are no zoning changes proposed.

Proposed Planning Controls

- Amend the Floor Space Ratio Map Sheet FSR_004 as shown in Part 4 of this Planning Proposal to increase the FSR from 0.5:1 to 1.5:1;
- Amend the Height of Building Map Sheet HOB_004 as shown in Part 4 of this Planning Proposal to nominate the maximum height to RL 33.2 for the site by adding the site to the RL 21m – 40m category;
- Amend the Key Sites Map Sheet KYS_004 as shown in Part 4 of this Planning Proposal to nominate the site as a key site; and

The proposed amended mapping for the LLEP 2013 is shown in Figures 7, 8 and 9.

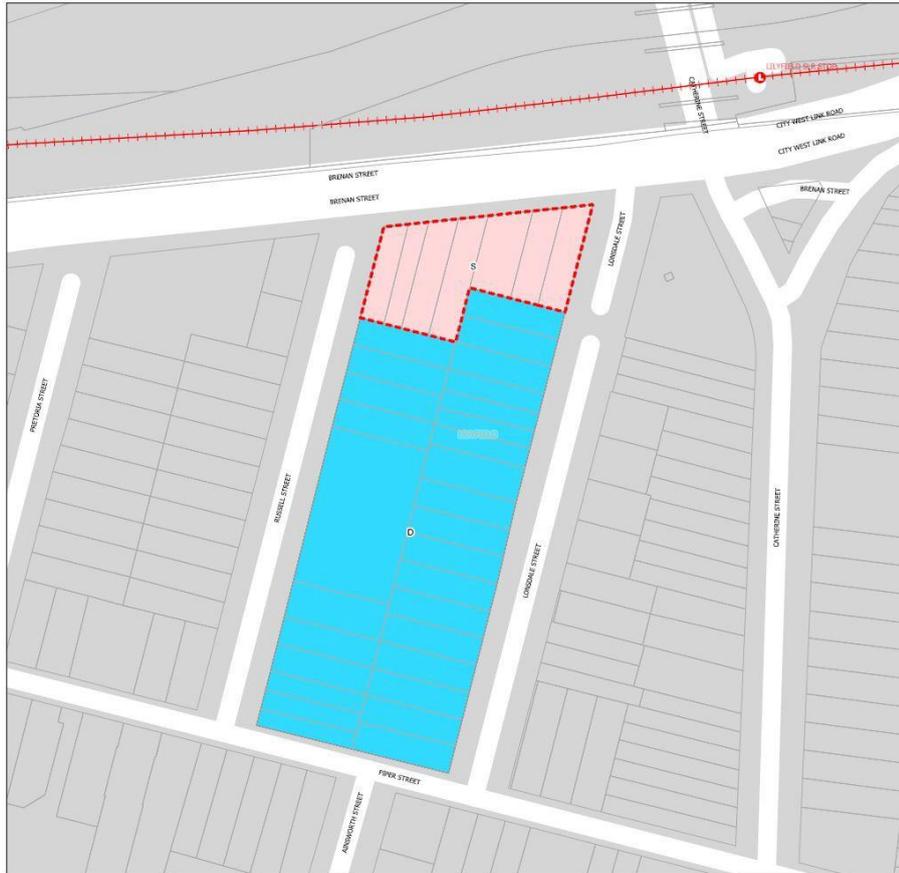
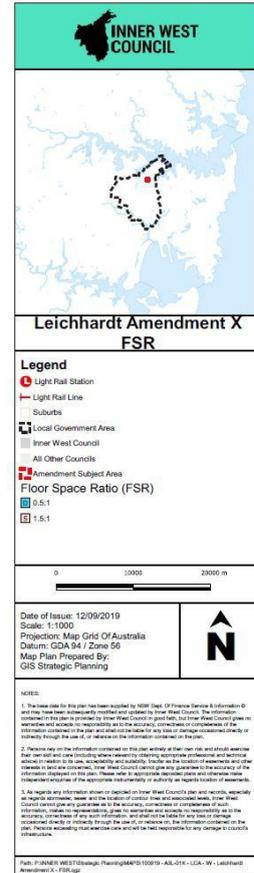


Figure 7: Amended Floor Space Ratio map



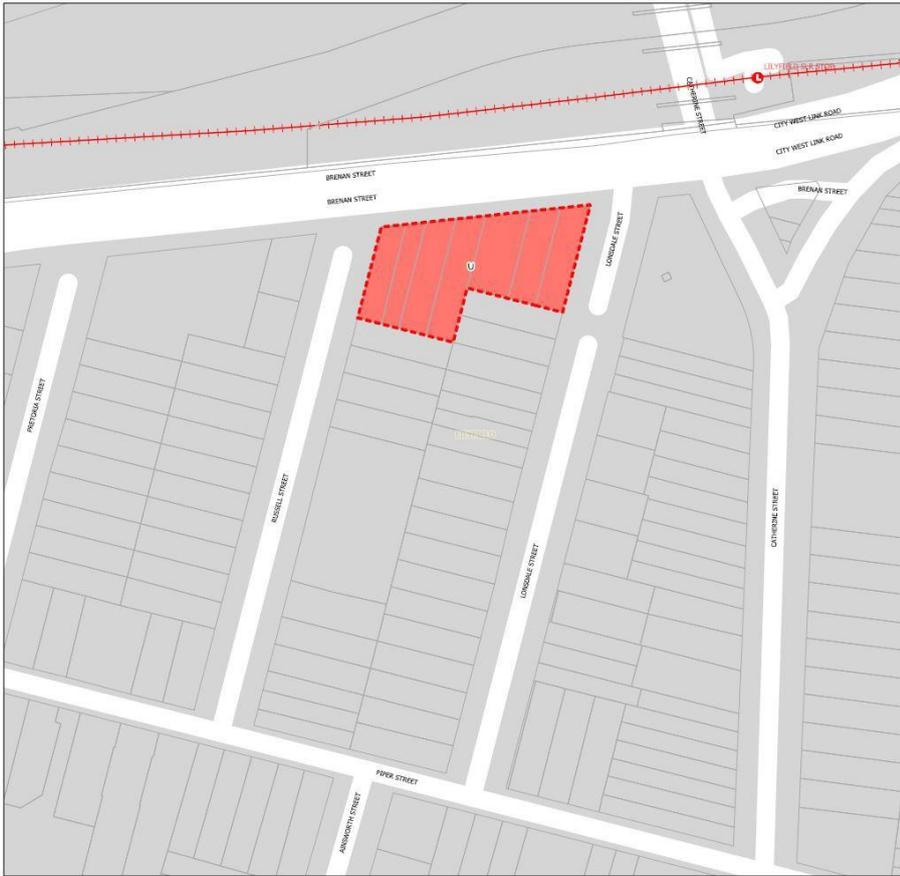


Figure 8: Amended Height of Building map

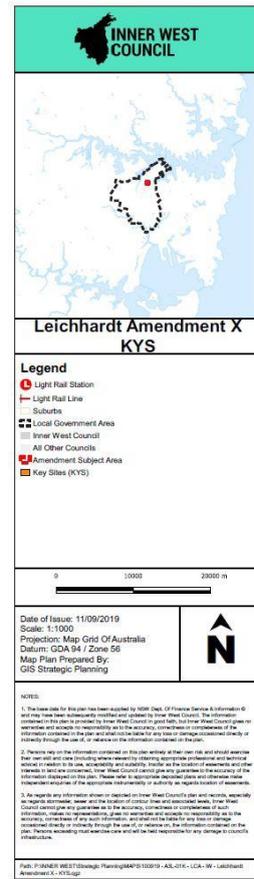


Figure 9: Amended Key Sites map

PART 5 – Community Consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway determination, the DPIE’s Planning Proposal Guide and ‘A guide to preparing local environmental plans’ and Council’s Community Engagement Framework.

It is expected that the Planning Proposal will be exhibited for not less than 28 days after notification of the public exhibition.

The exhibition material will be made available on the Inner West Council website, on the DPIE’s website and, if possible under Covid 19 circumstances, at the Leichhardt Customer Service Centre at 7-15 Wetherill St, Leichhardt.

The Gateway Determination will specify the level of public consultation that must be undertaken including with Government agencies.

PART 6 – Project Timeline

The table below outlines an anticipated timeline for completion of the Planning Proposal if approved for public exhibition at Gateway.

Table 5: Project Timeline

Milestone	Timeframe
Planning Proposal submitted to Department of Planning, Industry and Environment seeking Gateway determination	July 2020
Anticipated commencement date (date of Gateway determination)	August 2020
Anticipated timeframe for the completion of required technical information and peer review by Council	October 2020
Public exhibition and public authority consultation	November/December 2020
Timeframe for consideration of submissions	December 2020/January 2021
Timeframe for the consideration of a proposal post exhibition (including reporting to Council)	March 2021
Drafting of instrument and finalisation of mapping	April 2021
Date of submission to the Department to finalise the LEP	May 2021
Anticipated date Planning Proposal Authority will make the plan (if delegated)	June 2021
Anticipated date Planning Proposal Authority will forward to the Department for notification	June 2021