



Planning,  
Industry &  
Environment

IRF 20/5243

## Gateway determination report – PP\_2020\_IWEST\_005\_00

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36 Lonsdale Street and 64-70 Brenan Street, Lilyfield  
(34 dwellings)

November 20



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# 1 Introduction

## 1.1 Overview of planning proposal

The planning proposal is supported by the following reports and plans:

- Planning Proposal (SJB) – January 2020
- Cover letter – 30 June 2020
- Planning Proposal (Council) - May 2020
- Planning Proposal Report to Inner West Planning Panel
- Inner West Local Planning Panel Meeting Minutes – 4 June 2020
- Draft Council Officer's Planning Proposal Assessment Report – 5 June 2020
- Council Meeting Minutes – 23 June 2020
- Urban Analysis and Context – January 2020
- Urban Analysis and Context – October 2020
- Architectural Drawings – 01/20 and 03/20
- Architectural Drawings – 10/20
- Detailed Site Investigation Report: 36 Lonsdale Street, Lilyfield - 24 March 2015
- Traffic Impact Assessment – July 2018
- Traffic Impact Assessment – October 2020
- Letter: IWC Company Employment Schedule – 17 August 2020

**Table 1 Planning proposal details**

<b>LGA</b>	<b>Inner West</b>
<b>PPA</b>	<b>Inner West Council</b>
<b>NAME</b>	<b>36 Lonsdale Street and 64-70 Brenan Street, Lilyfield</b>
<b>NUMBER</b>	<b>PP_2020_IWEST_005_00</b>
<b>LEP TO BE AMENDED</b>	<b>Leichhardt Local Environmental Plan 2013</b>
<b>ADDRESS</b>	<b>36 Lonsdale Street and 64-70 Brenan Street, Lilyfield</b>
<b>DESCRIPTION</b>	<b>Lots 18, 19, 20 and 22 DP 977323, Lot 1 DP 1057904, and Lots 1 &amp; 2 DP 529451</b>
<b>RECEIVED</b>	<b>26/06/2020 (Adequate: 28 October 2020)</b>
<b>FILE NO.</b>	<b>IRF20/5243</b>
<b>POLITICAL DONATIONS</b>	<b>There are no donations or gifts to disclose and a political donation disclosure is not required.</b>
<b>LOBBYIST CODE OF CONDUCT</b>	<b>There have been no meetings or communications with registered lobbyists with respect to this proposal.</b>

## 1.2 Site description and surrounding area

The subject site is described as 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield. The site is irregular in shape and consists of seven lots with an approximate area of 2,145m<sup>2</sup>. The legal description of the lots is provided in **Figure 2** and **Table 2**.

The site has three street frontages. The western boundary to Russell Street is approximately 30m in length, the northern boundary to City West Link (also known as Brenan Street) is approximately 54m and the eastern boundary to Lonsdale Street is approximately 36m (**Figures 1** and **2**).

The site is approximately 6km west of the Sydney CBD and 100m (walking distance) south-west of the existing Lilyfield Light Rail Station, part of the Inner West Light Rail (**Figure 3**).

City West Link is a major east–west arterial road to the CBD and is at a lower level than the site. Lonsdale Street is a left in, left out only cul-de-sac onto City West Link (**Figures 1, 2** and **4**). Russell Street is a local road (**Figures 1, 2** and **6**). The southern boundary is directly adjacent to low rise residential dwellings (**Figures 1, 2, 5** and **6**).

Currently on the site includes 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 / City West Link (64 Brenan Street) (**Figure 4**). The land known as 66-70 Brenan Street contains three detached dwelling houses, one of which has a double garage fronting City West Link (**Figure 5**).

To the east of the site bounded by Lonsdale Street, Brenan Street and Catherine Street is a part two-storey and part five-storey mixed-use building with an IGA supermarket at ground level and residential dwellings above. The surrounding area is generally characterised by one and two-storey attached and detached residential dwellings of varying ages and styles.

The site is in the 'Peripheral Sub Area' of the Catherine Street Distinctive Neighbourhood in Lilyfield under section C2.2.4.1 of the Leichhardt Development Control Plan (DCP).

**Table 2: Site description**

Street Address	Lot and DP	Approximate Site Area
36 Lonsdale Street	Lot 18 DP 977323	313m <sup>2</sup>
	Lot 19 DP 977323	287m <sup>2</sup>
	Lot 20 DP 977323	366m <sup>2</sup>
64 Brenan Street	Lot 1 DP 1057904	370m <sup>2</sup>
66 Brenan Street	Lot 22 DP 977323	342m <sup>2</sup>
68 Brenan Street	Lot 2 DP 529451	210m <sup>2</sup>
70 Brenan Street	Lot 1 DP 529451	244m <sup>2</sup>





Figure 1 Subject site (source: Six Maps, overlay by DPIE)

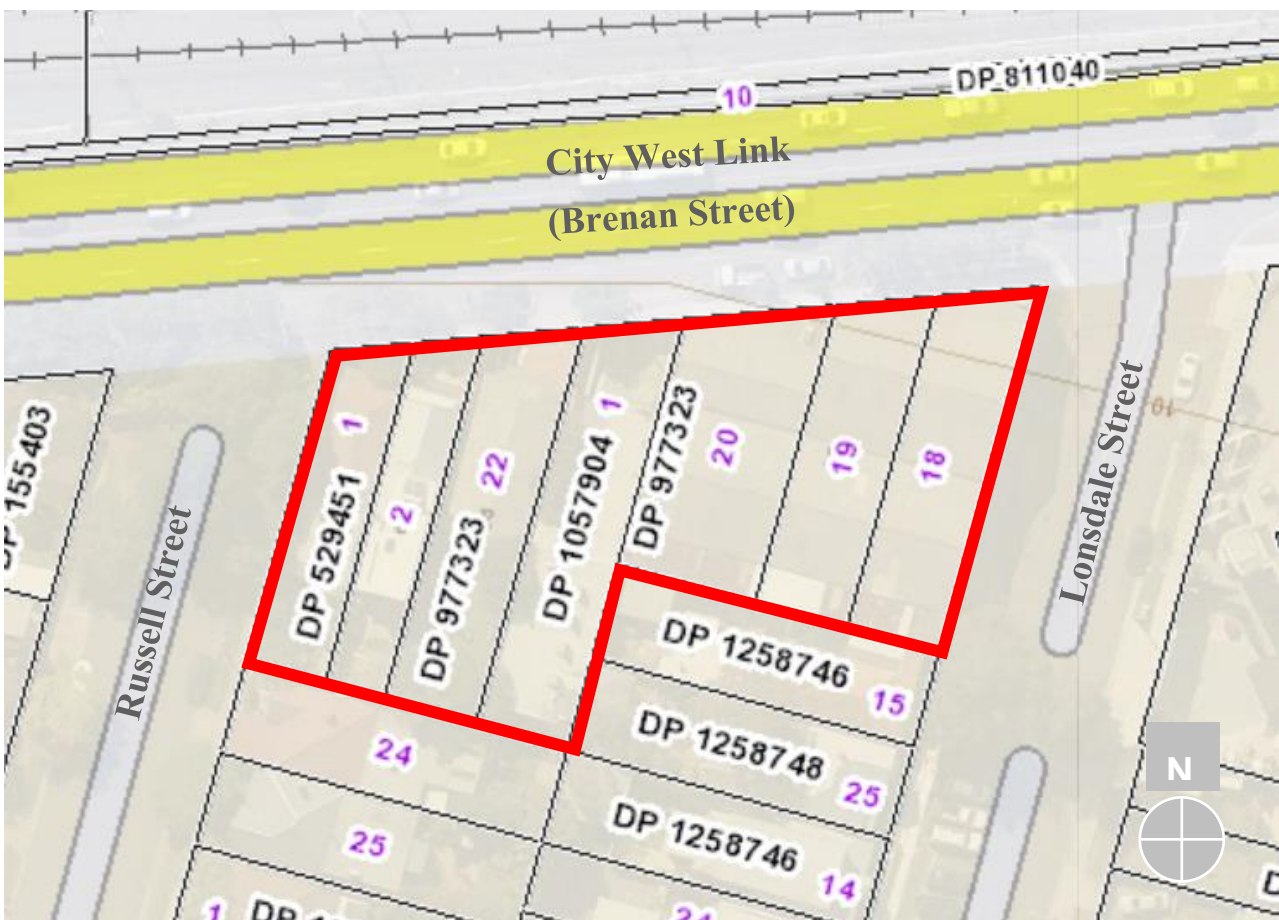
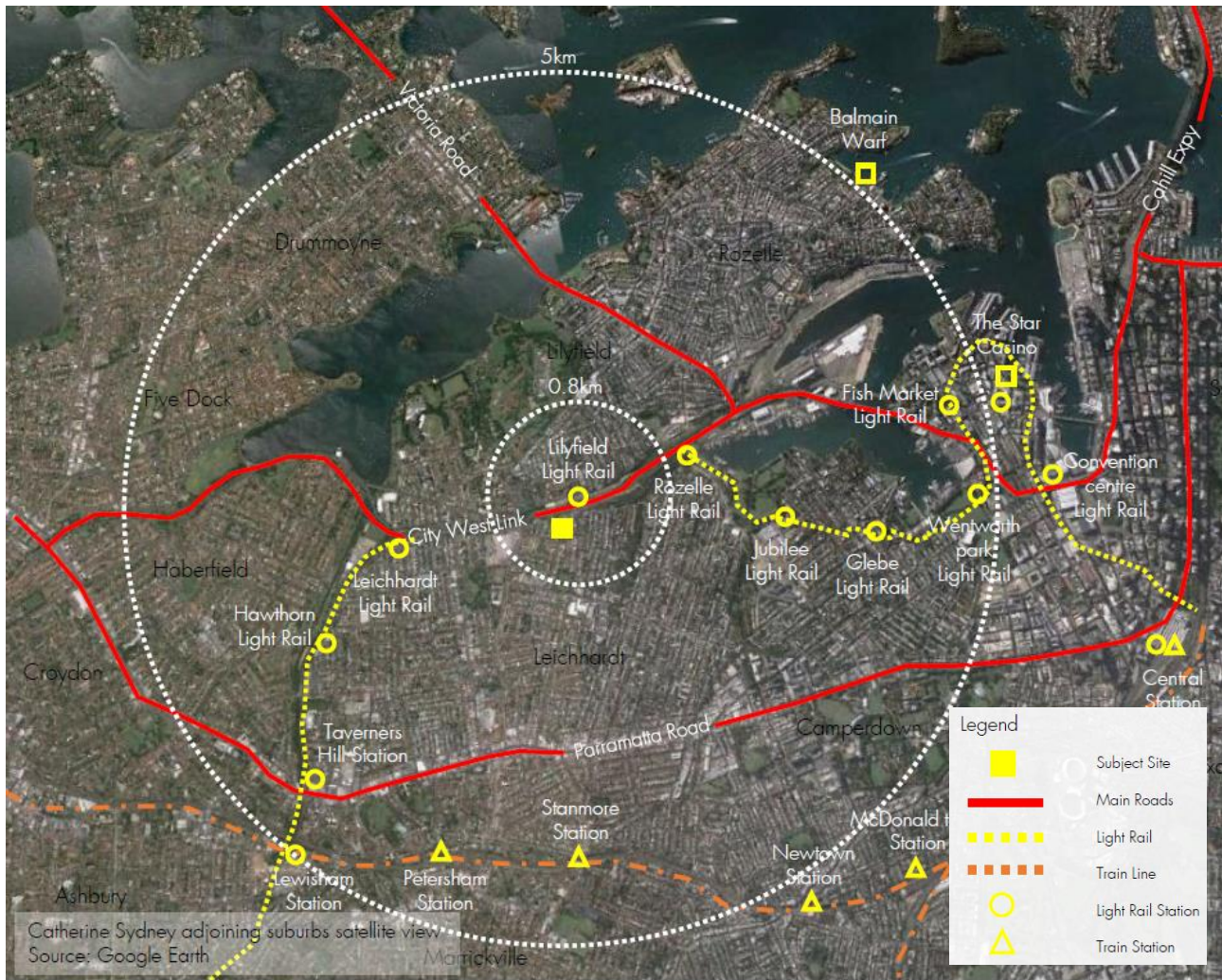


Figure 2 Site lot numbers (source: Six Maps, overlay by DPIE)





**Figure 3 Aerial photograph showing the location of the site in relation to the surrounding suburbs.**



**Figure 4 Existing industrial building at the corner of City West Link (Brenan Street) and Lonsdale Street, Lilyfield looking west (source: Google Maps)**





**Figure 5 Existing residential dwellings forming part of the site at 66-70 Brenan Street (City West Link), Lilyfield, looking south (source: Google Maps)**



**Figure 6 Existing residential dwellings (30-34 Lonsdale Street) adjoining the southern boundary of the site, looking north west (source: Google Maps)**



**Figure 7 Existing residential dwellings on Russell Street, Lilyfield looking east (source: Google Maps)**



## 2 Proposal

### 2.1 Objectives or intended outcomes

The objectives of the planning proposal are to:

- amend the Leichhardt Local Environmental Plan (LEP) 2013 to facilitate residential redevelopment of the site at 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield.

The planning proposal is based on a concept development scheme that provides for 34 apartments, including 6 live/work units.

The planning proposal contains objectives and intended outcomes that adequately explain the purpose of the proposal.

### 2.2 Explanation of provisions

The planning proposal seeks to amend the Inner West Council's Leichhardt LEP 2013 per the changes below:

**Table 3 Current and Proposed controls**

Control	Current	Proposed
Zone	R1 General residential	R1 General residential, no change
Maximum height of building	No maximum height of building control	RL 33.2m (5 storeys)
Maximum floor space ratio	0.6:1 [the site is within 'Area 6' and has a land area greater than 450m <sup>2</sup> , refer to Clause 4.4(2B) (a)(iv) of the Leichhardt LEP]	1.5:1
Additional local provisions	N/A	Add the site to the Key Sites Map as 'Key Site 7' and a site specific clause as outlined below.

The site at 36 Lonsdale Street and 64-70 Brenan Street is to be identified as 'Key site 7' on the Key Sites Map, with an additional local provision included in Part 6 of the Leichhardt LEP 2013. The intent of the site-specific clause is to include objectives for the future redevelopment of the site, setbacks and maximum storey height controls, and a requirement for non-residential use adjoining the City West Link at street level.

The planning proposal includes a proposed site-specific clause as follows:

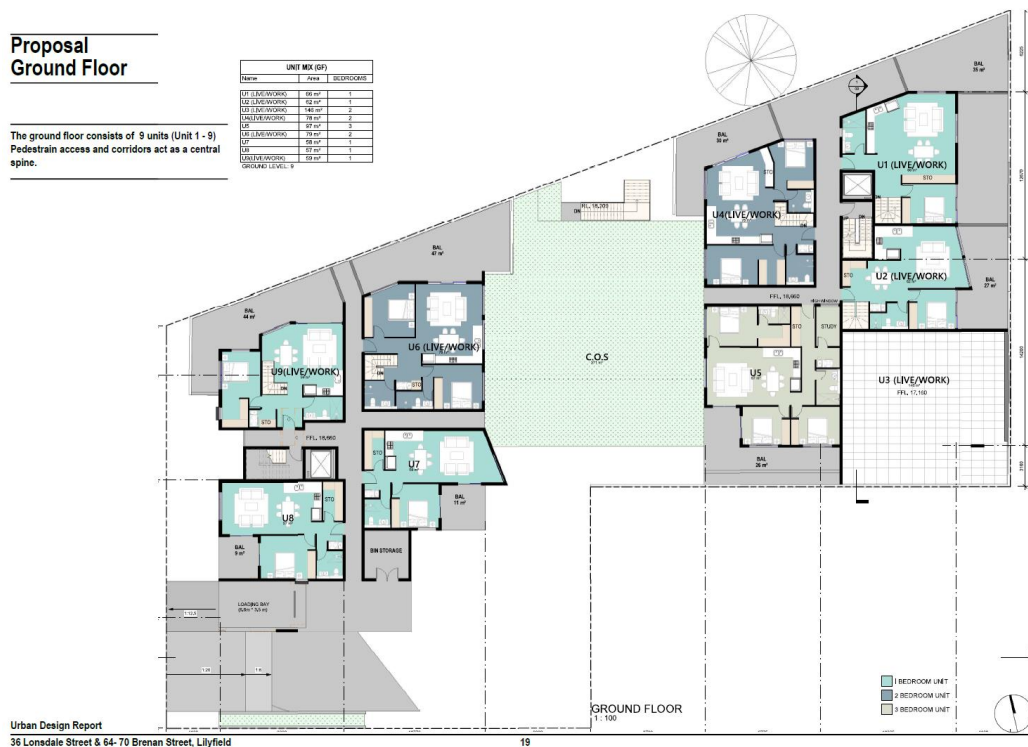
- *Controls for different maximum heights and minimum setbacks for buildings to achieve a sympathetic relationship with adjacent dwellings without adversely affecting the streetscape, character, amenity or solar access of surrounding land.*
- *Development consent must not be granted unless the consent authority is satisfied that the development complies with the following:*
  - (a) *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.
- (b) the height in storeys of any proposed building will not exceed:
- (i) 2 storeys adjacent to 34 Lonsdale Street and 37 Russell Street to provide a suitable transition in built form and land use intensity.
  - (ii) 5 storeys including a partially above ground basement podium adjacent to the City West Link.
- (c) only non-residential uses at street level adjoining City West Link.

It is recommended that a Gateway condition be included to replace the above draft clause with a plain-English explanation, prior to exhibition. Legal drafting will be prepared by Parliamentary Counsel at the finalisation stage, as such it is not appropriate for a detailed draft clause to be included in the planning proposal.

The proposal is accompanied by concept drawings of the proposed development (**Figures 8 to 12**).

The concept scheme (supporting the proponent's planning proposal – authored by SJB) originally proposed 42 dwellings with an FSR of up to 2:1. However, Council did not support the proposed FSR and resolved to prepare a planning proposal with an FSR of 1.5:1. A revised concept scheme was submitted to Council in October 2020 to support the above revised planning proposal.



**Figure 8 Ground floor plan – revised concept scheme (source: Derek Raithby Architecture)**

Proposal  
First Floor Plan

The first floor consists of 12 units (Unit 10-21)  
Pedestrian access and corridors act as a central spine.

UNIT MIX (GFA)		
Name	Area	Bedrooms
U10	58 m <sup>2</sup>	1
U11	58 m <sup>2</sup>	1
U12	58 m <sup>2</sup>	1
U13	87 m <sup>2</sup>	2
U14	87 m <sup>2</sup>	2
U15	76 m <sup>2</sup>	1
U16	58 m <sup>2</sup>	1
U17	58 m <sup>2</sup>	1
U18	58 m <sup>2</sup>	1
U19	58 m <sup>2</sup>	1
U20	58 m <sup>2</sup>	2
U21	58 m <sup>2</sup>	1
U22	58 m <sup>2</sup>	1
U23	58 m <sup>2</sup>	1

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Figure 9 First floor plan – revised concept scheme (source: Derek Raithby Architecture)

Proposal  
Second Floor Plan

The second floor consists of 11 units (Unit 22-32)  
Unit 22 to Unit 27 are walk-up loft units with the entrance access on this level. Pedestrian access and corridors act as a central spine.

UNIT MIX (GFA)		
Name	Area	Bedrooms
U22	58 m <sup>2</sup>	1
U23	58 m <sup>2</sup>	1
U24	58 m <sup>2</sup>	1
U25	58 m <sup>2</sup>	1
U26	58 m <sup>2</sup>	1
U27	58 m <sup>2</sup>	1
U28	58 m <sup>2</sup>	1
U29	58 m <sup>2</sup>	1
U30	58 m <sup>2</sup>	1
U31	58 m <sup>2</sup>	1
U32	58 m <sup>2</sup>	1
U33	58 m <sup>2</sup>	1
U34	58 m <sup>2</sup>	1
U35	58 m <sup>2</sup>	1
U36	58 m <sup>2</sup>	1
U37	58 m <sup>2</sup>	1
U38	58 m <sup>2</sup>	1
U39	58 m <sup>2</sup>	1
U40	58 m <sup>2</sup>	1
U41	58 m <sup>2</sup>	1
U42	58 m <sup>2</sup>	1
U43	58 m <sup>2</sup>	1
U44	58 m <sup>2</sup>	1
U45	58 m <sup>2</sup>	1
U46	58 m <sup>2</sup>	1
U47	58 m <sup>2</sup>	1
U48	58 m <sup>2</sup>	1
U49	58 m <sup>2</sup>	1
U50	58 m <sup>2</sup>	1
U51	58 m <sup>2</sup>	1
U52	58 m <sup>2</sup>	1
U53	58 m <sup>2</sup>	1
U54	58 m <sup>2</sup>	1
U55	58 m <sup>2</sup>	1
U56	58 m <sup>2</sup>	1
U57	58 m <sup>2</sup>	1
U58	58 m <sup>2</sup>	1
U59	58 m <sup>2</sup>	1
U60	58 m <sup>2</sup>	1
U61	58 m <sup>2</sup>	1
U62	58 m <sup>2</sup>	1
U63	58 m <sup>2</sup>	1
U64	58 m <sup>2</sup>	1
U65	58 m <sup>2</sup>	1
U66	58 m <sup>2</sup>	1
U67	58 m <sup>2</sup>	1
U68	58 m <sup>2</sup>	1
U69	58 m <sup>2</sup>	1
U70	58 m <sup>2</sup>	1
U71	58 m <sup>2</sup>	1
U72	58 m <sup>2</sup>	1
U73	58 m <sup>2</sup>	1
U74	58 m <sup>2</sup>	1
U75	58 m <sup>2</sup>	1
U76	58 m <sup>2</sup>	1
U77	58 m <sup>2</sup>	1
U78	58 m <sup>2</sup>	1
U79	58 m <sup>2</sup>	1
U80	58 m <sup>2</sup>	1
U81	58 m <sup>2</sup>	1
U82	58 m <sup>2</sup>	1
U83	58 m <sup>2</sup>	1
U84	58 m <sup>2</sup>	1
U85	58 m <sup>2</sup>	1
U86	58 m <sup>2</sup>	1
U87	58 m <sup>2</sup>	1
U88	58 m <sup>2</sup>	1
U89	58 m <sup>2</sup>	1
U90	58 m <sup>2</sup>	1
U91	58 m <sup>2</sup>	1
U92	58 m <sup>2</sup>	1
U93	58 m <sup>2</sup>	1
U94	58 m <sup>2</sup>	1
U95	58 m <sup>2</sup>	1
U96	58 m <sup>2</sup>	1
U97	58 m <sup>2</sup>	1
U98	58 m <sup>2</sup>	1
U99	58 m <sup>2</sup>	1
U100	58 m <sup>2</sup>	1

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Figure 10 Second floor plan – revised concept scheme (source: Derek Raithby Architecture)

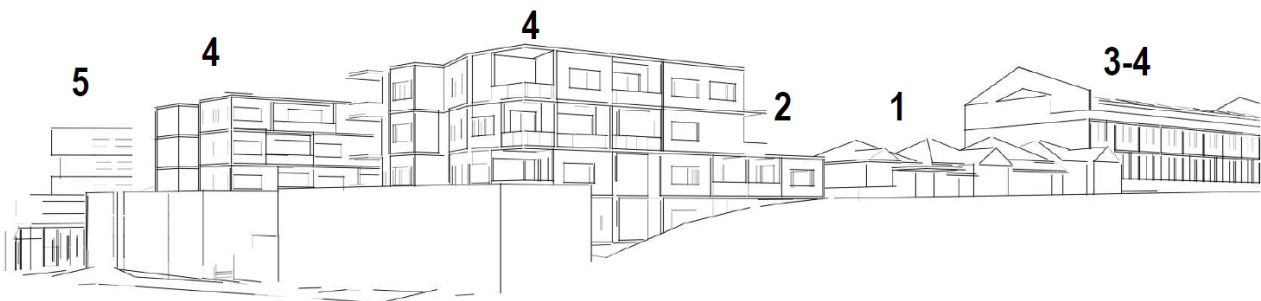


### Proposal Third Floor Plan

The third floor consists of 8 units (Unit 22 - 27 & Unit 33- 34). Pedestrian access and corridors act as a central spine.



**Figure 11 Third floor plan – revised concept scheme (source: Derek Raithby Architecture)**



**Figure 12 Perspective image of the revised concept scheme, looking from City West Link towards south-east (source: Derek Raithby Architecture)**

## 2.3 Mapping

The planning proposal includes indicative mapping of the proposed changes, which are considered acceptable for the purpose of community consultation. The proposed mapping shown in the planning proposal will require updating to the Department's Standard Technical Requirements prior to finalisation.

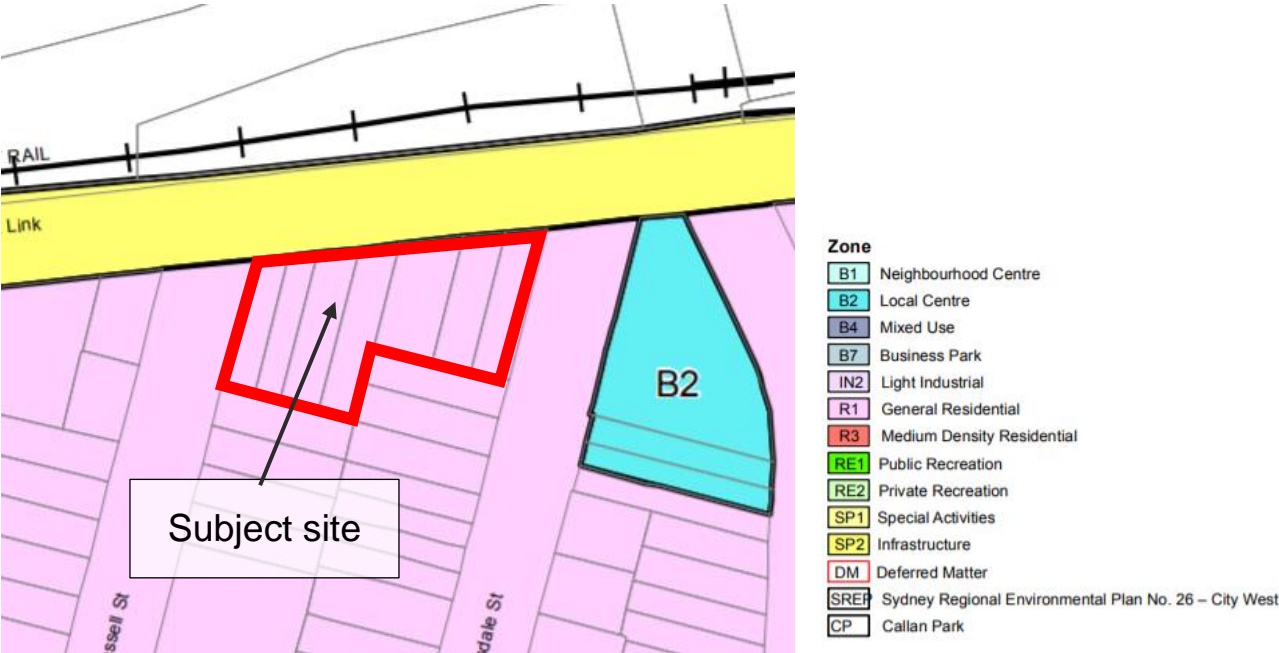


Figure 13 Current land zoning map LZN\_004 (no change proposed) (source: Planning Proposal, Inner West Council)



Figure 14 Current height of buildings map HOB\_004 (source )



Figure 15 Proposed building height (source: Planning Proposal, Inner West Council)

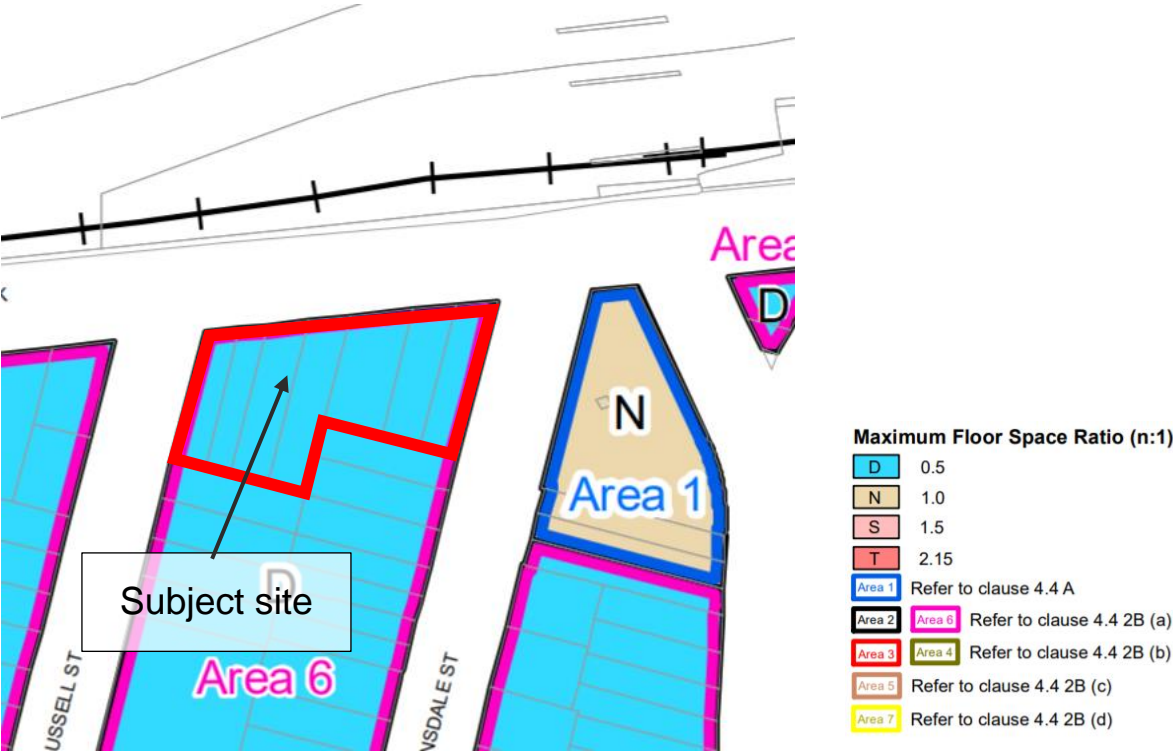


Figure 16 Current floor space ratio map FSR\_004 (source: Planning Proposal, Inner West Council)



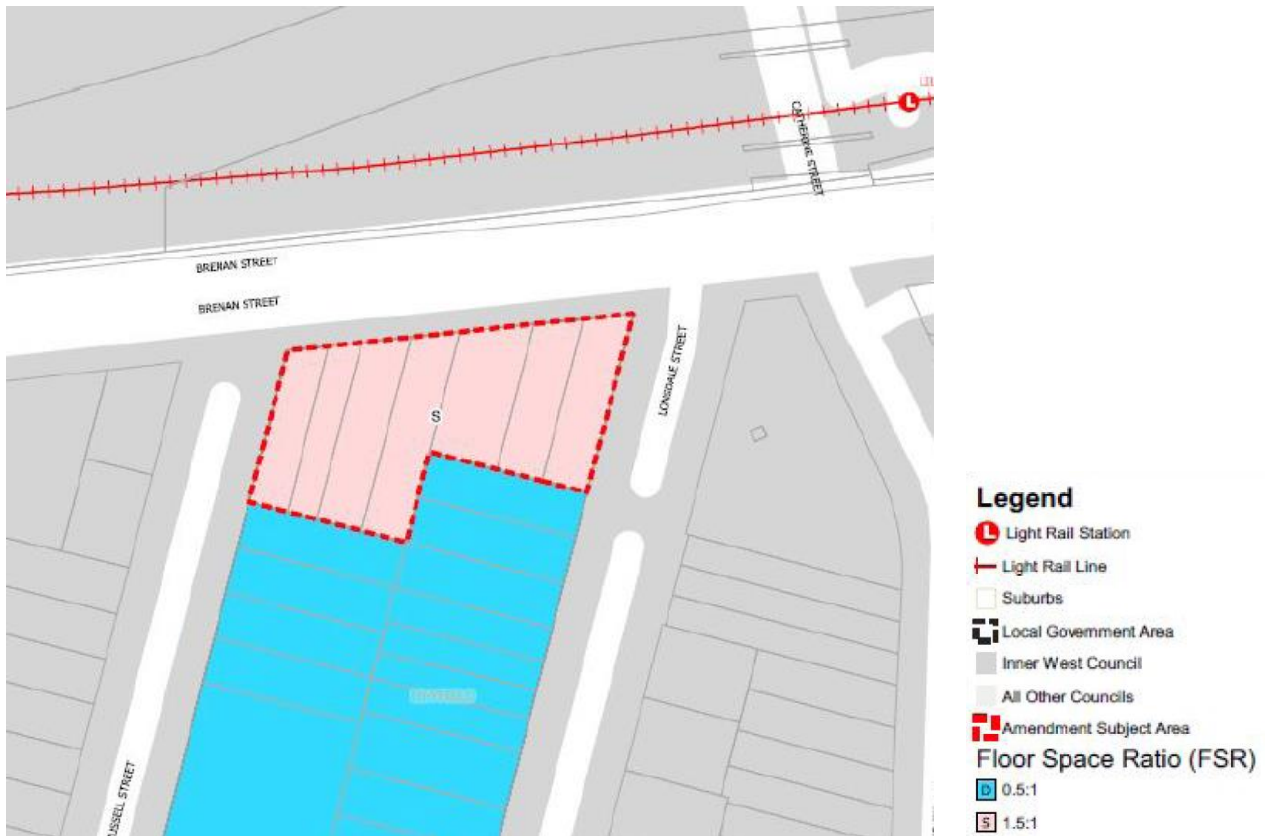


Figure 17 Proposed FSR (source: Planning Proposal, Inner West Council)



Figure 18 Current key sites map KYS\_004 (source: Leichhardt LEP 2013)



**Figure 19 Proposed addition to the key sites map KYS-004 (source: Planning Proposal, Inner West Council)**

### 3 Need for the planning proposal

The planning proposal states that it is consistent with the endorsed Inner West Local Strategic Planning Statement (LSPS), Local Housing Strategy (LHS), Integrated Transport Strategy and draft Employment and Retail Lands Strategy.

The proposal is consistent with the purpose of the R1 General Residential zone by increasing the number and variety of dwellings in the area. It will facilitate a development that appropriately transitions from the low-density residential area to the south, and capitalises on the site's proximity to existing public transport and active transport routes. No change to the existing zoning is required. It is considered that the planning proposal is the best way to achieve the intended outcomes.

## 4 Strategic assessment

### 4.1 Region Plan

The following table provides an assessment of the planning proposal against relevant aspects of the Greater Sydney Region Plan.

**Table 2 Regional Plan assessment**

Regional Plan	Justification
Direction 1: A city supported by infrastructure	<p>The site is near the Lilyfield Light Rail Station and walking distance from bus services to Sydney CBD. The proposed increase in housing density would optimise the use of existing transport infrastructure.</p> <p>The site is within an established residential area. Augmentation of existing services could be addressed at the development application stage.</p>

Regional Plan	Justification
Direction 3: A city for people Direction 6: A connected city	The site has convenient access to public transport and retail services in the vicinity.
Direction 4: Housing the city	The proposal would increase the number and diversity of housing in an area with convenient access to public transport services.
Direction 5: A city of great places	The proposal would deliver additional housing and facilitate renewal in an area near public transport.
Direction 7: Jobs and skills for the city	The proposal would generate demand for services and enhance the viability of the local shops and businesses within the Lilyfield local centre to the east along Lonsdale Street.

## 4.2 District Plan

The site is within the Eastern City District. The Eastern City District Plan was released by the Greater Sydney Commission on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

The planning proposal is consistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in the plan as outlined below.

The Department is satisfied that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*. The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 3 District Plan assessment**

District Plan	Justification
<i>Planning priority E1 – planning for a city supported by infrastructure</i>	The planning proposal is consistent with this priority as it will increase housing supply and diversity in a location that is well serviced by existing infrastructure. The Lilyfield Light Rail Station is approximately 100m to the north-east of the site, and public bus services on Catherine Street are within a walking distance of 300m with direct services to Sydney CBD. The site is in an established area already serviced by utility infrastructure.
<i>Planning priority E2 – working through collaboration</i>	The planning proposal states that the proponent has made an offer to enter into a voluntary planning agreement (VPA) and demonstrates collaboration. The public benefit offer relates to monetary contribution for the purposes of affordable housing. Assessment of the VPA offer is a matter for Council.



District Plan	Justification
<p><i>Planning priority E3 – providing services and social infrastructure to meet people's changing needs</i></p> <p><i>Planning priority E4 – fostering healthy, creative, culturally rich and socially connected communities</i></p>	<p>The planning proposal is consistent with these priorities as it will broaden housing choice and increase housing supply on a site, which is within walking distance from retail services in the Lilyfield local centre to the east. The centre contains a supermarket, café, newsagent and grocer. The proposal will generate demand for services and contribute to the viability of the existing local businesses.</p> <p>The ground floor level along the northern boundary to City West Link will be restricted to non-residential uses and could provide new commercial opportunities.</p> <p>The planning proposal states that it will contribute to a walkable neighbourhood beneficial to social connections.</p>
<p><i>Planning priority E5 – providing housing supply, choice and affordability with access to jobs, services and public transport</i></p>	<p>The planning proposal is consistent with this priority as it would increase housing supply and broaden housing choice on a site, which is close to public transport with connection to jobs and services in the Sydney CBD. The site is also within walking distance from retail shops in the Lilyfield local centre. The revised concept scheme shows a total of 34 dwelling units of different configuration and sizes.</p> <p>Council's Affordable Housing Policy requires a 15% affordable housing contribution, including for infill development where more than 20 dwellings or a GFA of more than 1,700m<sup>2</sup> is proposed. A VPA is proposed via a cash contribution for the provision of affordable housing. This is a matter for Council to consider.</p>
<p><i>Planning priority E6 – creating and renewing great places and local centre and respecting the District's heritage</i></p>	<p>The subject site is not heritage listed or within a conservation area.</p> <p>The nearby Catherine Street Overbridge is listed in Railcorp's section 170 Register. The planning proposal states that the site is in the vicinity of the Catherine Street Overbridge, however, the future development on the site would not impact on the significance of the overbridge.</p> <p>A Gateway condition is recommended to require consultation with Heritage NSW.</p> <p>The planning proposal report from SJB states that the façade of the existing warehouse is intended to be retained. While the existing buildings on the site have no statutory heritage status, heritage consideration could be further addressed at the development assessment stage.</p>
<p><i>Planning priority E10 – delivering integrated land use and transport planning and a 30 minute city</i></p>	<p>The planning proposal is consistent with this priority as it is within walking distance from Lilyfield Light Rail Station and public bus services with connection to the Sydney CBD. The Lilyfield local centre is located to the east of the site on the opposite side of Lonsdale Street. The Leichhardt town centre is accessible via public transport. The proposal is adjacent to the City West Link which is a major arterial road to the Sydney CBD with connections to other major centres.</p>
<p><i>Planning priority E12 – protecting industrial and urban land services</i></p>	<p>The site is already zoned R1 General Residential and is not identified in the District Plan as core industrial lands.</p>

District Plan	Justification
<p><i>Planning priority E14 – protecting and improving the health and enjoyment of Sydney Harbour and the District's waterways</i></p> <p><i>Planning priority E15 – protecting and enhancing bushland and biodiversity</i></p> <p><i>Planning priority E17 – increasing urban tree canopy cover and delivering Green Grid connections</i></p>	<p>The site is within the Sydney Harbour Catchment area. However, the planning proposal is unlikely to have any adverse effect on the water quality of Sydney Harbour or the District's waterways.</p> <p>The future development could incorporate tree planting and landscaping to enhance urban tree canopy cover. This matter could be addressed further at the development application stage.</p>
<p><i>Planning priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently</i></p>	<p>The planning proposal is consistent with this priority as any future development will be required to comply with BASIX in relation to water and energy efficiency. The proposal states that further controls relating to environmental performance and sustainability will be incorporated in a site-specific development control plan (DCP).</p> <p>The proximity of the site to public transport will reduce reliance on private vehicles.</p>
<p><i>Planning priority E20 – Adapting to the impacts of urban and natural hazards and climate change</i></p>	<p>The planning proposal states that it is not affected by any natural hazards. Energy efficiency matters will be addressed in a site-specific DCP.</p>

## 4.3 Local

The proposal states that it is consistent with the following local plans and endorsed strategies. It is also consistent with the strategic direction and objectives, as stated in the table below:

**Table 4 Local strategic planning assessment**

Local Strategies	Justification
Local Strategic Planning Statement (LSPS)	<p>The Local Strategic Planning Statement (LSPS) was adopted by Council on 25 February 2020 and has been assured by the GSC. It guides land use planning and development in the Inner West LGA to the year 2036. The LSPS links the Eastern City District Plan with Council's Community Strategic Plan.</p> <p>The planning proposal is consistent with the relevant planning priorities in the LSPS:</p>

Local Strategies	Justification
	<ul style="list-style-type: none"> <li> <b>Planning Priority 3 – Action 3.1 Maintain and increase the tree canopy and urban forest of Inner West and enhance biodiversity corridor.</b>            The planning proposal includes setback controls (as part of a new site-specific provision) to facilitate deep soil planting and increased landscaping, which would enhance urban tree canopy.         </li> <li> <b>Planning Priority 6 – Action 6.1 Implement the Local Housing Strategy including protecting the heritage and character values of the Inner West</b>            The planning proposal includes a new local provision with setback and storey height controls, which would facilitate a development that respects and integrates with the local character.         </li> <li> <b>Planning Priority 8 – Action 8.1 Implement the Integrated Transport Strategy</b>            The site is approximately 100m from the Lilyfield Light Rail Station and approximately 300m from the bus stops in Catherine Street with direct services to the Sydney CBD. The proposal states that a site-specific DCP will be prepared to encourage active and public transport.         </li> </ul>
Local Housing Strategy (LHS)	<p>The Local Housing Strategy was adopted by Council in February 2020 to provide directions for meeting the need of the area's growing communities. This strategy informs the new Inner West LEP and DCP. The planning proposal states that the area around the site is identified for investigation to accommodate over 300 new dwellings. The proposal will contribute to the achievement of the housing target in the LHS.</p>
Draft Employment and Retail Lands Strategy	<p>The Draft Inner West Employment and Retail Lands Strategy (EaRLS) provides an evidence-based approach to managing employment lands and commercial centres in the LGA. Of relevance is <i>Strategy 3.1: retain a diversity of industrial land, urban services land and employment generating uses.</i></p> <p>The site is already zoned R1 General Residential. The industrial premises currently operating on the site rely on existing use rights. The site is not included in the employment lands protected by this strategy, and as such it is not required to be retained for industrial or urban service purposes.</p> <p>It is noted that the EaRLS has now been finalised and the planning proposal should be updated in this regard if any changes have been made that affect this site.</p>
Affordable Housing Policy 2016	<p>The Policy requires 15% of the total gross floor area (GFA) of a rezoning related development of more than 20 dwellings or a GFA of &gt;1,700m<sup>2</sup> to be provided as affordable housing. Contributions can be in the form of cash contributions, apartments or both. The size of the apartments is determined by Council.</p> <p>The Policy applies as the planning proposal seeks to facilitate 34 new dwellings. The Department understands that the proponent has made an offer to enter into a VPA to provide monetary contributions. Council has indicated that details of the VPA will be finalised after a Gateway determination has been issued.</p>
Our Inner West 2036 – Community Strategic Plan	<p>The Community Strategic Plan identifies the community's vision for the future, long-term goals, the strategies to achieve the above and how to measure progress. The Plan outlines the guiding principle, <i>'To work together in a way that is creative, caring and just'</i>.</p> <p>The proposal is consistent with the following strategic directions:</p>



Local Strategies	Justification
	<ul style="list-style-type: none"> <li>• <i>Strategic direction 1: An ecologically sustainable Inner West</i> Comments: The proposal would contribute to increasing urban tree canopy via the site-specific provisions that require increased setbacks on the site.</li> <li>• <i>Strategic direction 2: Unique, liveable, networked neighbourhoods</i> Comments: The proposal has the potential to enhance the streetscape and public domain. The future dwellings will have convenient access to public transport and local retail services.</li> <li>• <i>Strategic direction 3: Creative communities and a strong economy</i> Comments: The proposal would have a positive economic impact through increasing demand and patronage of the nearby retail and commercial services.</li> <li>• <i>Strategic direction 4: Caring, happy, healthy communities</i> Comments: The proposal would deliver housing near public transport and local services.</li> <li>• <i>Strategic direction 5: Progressive local leadership</i> Comments: Community consultation will be carried out as part of exhibition giving the community can be informed and engaged in the decision making process.</li> </ul>

## 4.4 Local planning panel (LPP) recommendation

The Inner West Planning Panel report outlines the background regarding planning for the site.

In January 2019, Council received a planning proposal for the subject site to:

- increase the maximum FSR ranging from 0.6:1 to 2.15:1; and
- introduce a maximum building height of up to six storeys.

Council's assessment of the proposal considered that the resultant bulk and scale were not compatible with the adjoining low-density residential area.

On 23 July 2019, Council officers recommended an alternative planning proposal to the Inner West Local Planning Panel (LPP) which sought to:

- increase the FSR from 0.6:1 to 1.5:1;
- introduce a maximum building height of up to five storeys;
- introduce site-specific controls, such as minimum setbacks and non-residential uses at street level along City West Link (Brenan Street).

The panel added further recommendations and advised Council to support the alternative planning proposal.

On 8 October 2019, Council declined to support this alternative planning proposal due to overlooking and overshadowing of adjacent properties, and requested an updated planning proposal to address these issues.

On 5 February 2020, the proponent submitted a new planning proposal with an altered design concept. This proposed FSR ranges from 0.6:1 to 2:1 with a six-storey building height. Council officers considered that the proposal was excessive in bulk and scale.

Council officers prepared an alternative planning proposal to address concerns raised by Council in October 2019 regarding overlooking and overshadowing. The proposal includes a maximum

FSR of 1.5:1 and a maximum building height of five storeys, plus additional site-specific provisions. The proposal was referred to the Inner West LPP for advice.

On 4 June 2020, the Inner West LPP considered a planning proposal submitted by the proponent. The panel did not support the proposal as it did not incorporate the recommendations of the panel made on 23 July 2019. These include:

- the FSR and height controls would result in excessive bulk and scale in relation to the surrounding residential area to the south and the desirable future character to City West Link;
- insufficient setback from the northern boundary along City West Link (Brenan Street);
- the building height to the south adjoining low density residential dwellings exceeds two storeys, and it exceeds five storeys towards the northern boundary with no transition in built form and land use intensity;
- the building exceeds five storeys including a basement podium partially out of the ground;
- the proposal is inconsistent with the provisions of the Leichhardt DCP 2013 and lacks a site-specific DCP.

The panel recommended that Council endorse the planning proposal prepared by Council officers which intends to:

- amend the maximum FSR to 1.5:1 and remove the site from 'Area 6' on the FSR map;
- amend the maximum height of building to RL 33.2m by adding the site to the RL 21m – 40m category;
- amend the Key Sites Map to identify the site as 'Key Site 7';
- include a site-specific clause to Part 6 Additional local provisions to:
  - achieve a sympathetic building scale relationship with the adjacent existing dwellings to the south and new appropriate form to City West Link, and to allow redevelopment without affecting the streetscape, character, amenity or solar access of surrounding land;
  - introduce setbacks of at least:
    - 3m to the south adjoining 34 Lonsdale Street and 37 Russell Street;
    - 3m to the north adjoining City West Link; and
    - 4m to the eastern and western boundaries to adjoining side streets.
  - provide a maximum of two storeys adjacent to 34 Lonsdale Street and 37 Russell Street, stepping up to five storeys towards the northern boundary;
  - provide five storeys including a podium partially out of the ground;
  - ensure street level along the northern boundary to City West Link is restricted to non-residential uses;
  - provide communal open space within the development to maximise residential amenity, mitigate noise impact from the City West Link traffic, and minimise the impacts on adjoining residents.

The panel recommended that the planning proposal be forwarded to the Department for Gateway with:

- a revised urban design report prepared by the proponent outlining the key development controls based on the LPP's recommendations. The revised report was to also address the requirements of State Environmental Planning Policy (SEPP) 65 Design Quality of Residential Apartment Development and the Apartment Design Guide (ADG). These controls are then to be incorporated into a site-specific DCP;
- a site-specific DCP to be prepared by the proponent; and
- an amended traffic impact assessment to be prepared by the proponent.

The panel requested Council to be delegated the plan making functions. The decision of the panel was unanimous.

## 4.5 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed in **Table 6**.

**Table 5 section 9.1 Ministerial Direction assessment**

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
2.6 Remediation of Contaminated Land	No	<p>This Direction was introduced on 17 April 2020 with the objective of reducing the risk of harm to human health and the environment by ensuring contamination and remediation of land are considered.</p> <p>The site has previously been used for industrial and commercial purposes and contamination is a relevant matter for consideration.</p> <p>The subject planning proposal (Inner West Council, May 2020) has not addressed Direction 2.6. It is noted that the proponent's planning proposal (SJB) was prepared in January 2020 prior to the introduction of this Direction.</p> <p>A phase 1 site investigation report was submitted with the planning proposal, however, Council notes that this report is out of date and does not cover the whole site.</p> <p>It is considered that an updated site investigation report should be prepared prior to finalisation of the proposal to ensure the site can be made suitable for its intended purpose.</p> <p>A Gateway condition is recommended to require an update to the planning proposal to respond to Direction 2.6 prior to community consultation.</p> <p>A further condition is recommended to require the submission of information, including an updated phase 1 site investigation report, to demonstrate consistency with this Direction to the satisfaction of the delegate of the Minister, prior to finalisation of the planning proposal. Should the Phase 1 investigation indicate further studies are required, the Department will request as such, in accordance with the Contaminated Land Planning Guidelines.</p> <p>Site contamination and remediation issues are discussed further in Section 5 of this report.</p>
3.1 Residential Zones	Yes	<p>Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design.</p> <p>The planning proposal is consistent with this Direction as it would broaden housing choice and increase supply at a location, which is well serviced by public transport and local shops. The site is in an established urban area with existing infrastructure.</p>

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		<p>The proposal states that it will increase the maximum permitted density on the site to facilitate a more efficient use of the land, existing infrastructure and services.</p> <p>The proposal states that Clause 6.13 <i>Diverse housing</i> of the Leichhardt LEP specifies dwelling mix requirements and can be determined at the development application stage.</p> <p>Further control and guidance on building design could be incorporated in a site-specific DCP.</p>
3.4 Integrating Land Use and Transport	Yes	<p>The key objectives of this Direction are to improve access to housing, jobs and services by walking, cycling and public transport, and reducing dependency on cars.</p> <p>The site is close to public transport and is approximately 100m from Lilyfield Light Rail Station and approximately 300m from bus stops, both with services to Sydney CBD. On-road and shared path cycle routes are near the site on Lilyfield Road, Victoria Road and Catherine Street.</p>
3.5 Development Near Regulated Airports and Defence Airfields	Yes	<p>The objectives of this Direction are to ensure the effective and safe operation of airports, so that their operation is not compromised, and to ensure development is not adversely affected by aircraft noise.</p> <p>Planning proposals are required to consider a provision to ensure that development meets <i>Australian Standard 2021 – 2015, Acoustic- Aircraft Noise Intrusion – Building siting and construction</i> with respect to interior noise levels, if the proposal seeks to rezone land for residential purposes or to increase residential densities in areas where the Australian Noise Exposure Forecast (ANEF) is between 20-25.</p> <p>The site is in the ANEF 20-25 contour area for Sydney Airport. Clause 6.8 of the Leichhardt LEP contains provisions for development subject to aircraft noise.</p> <p>A Gateway condition is recommended to require consultation with Sydney Airport Corporation to meet the requirement of (5)(a) of the Direction.</p>
4.1 Acid Sulfate Soils	No	<p>The objective of this Direction is to avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> <p>Based on the Leichhardt LEP 2013 Acid Sulfate Soils Map, the site is identified as Class 5 acid sulfate soils land, and is also adjacent to City West Link which is identified as Class 3 acid sulfate soils land.</p> <p>Pursuant to Clause (6) of the Direction, a planning proposal authority must not prepare a planning proposal for intensification of land uses on land likely to be affected by acid sulfate soils, unless it has considered an acid sulfate soils study.</p>



Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
		An acid sulfate soils study to assess the appropriateness of the proposal has not been prepared. Further information is required following Gateway to demonstrate consistency with this Direction. A Gateway condition to the above effect is recommended.
6.3 Site Specific Provisions	No	<p>The objective of this Direction is to discourage unnecessarily restrictive site-specific planning controls.</p> <p>This Direction is relevant as the proposal includes a new local provision that prescribes setbacks, storey height and provision of non-residential use at street level adjacent to City West link.</p> <p>Clause 4(c) of the Direction states that a planning proposal to facilitate a particular development is to <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> <p>The proposal should provide more detailed justification that the inconsistency is minor in nature. This is especially when setback and storey height controls could potentially be incorporated in a site-specific DCP rather than the instrument. A Gateway condition is recommended to be above effect.</p>

## 4.6 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in **Table 7** below.

**Table 6 Assessment of planning proposal against relevant SEPPs**

SEPPs	Requirement	Proposal	Complies
SEPP 65 - Design Quality of Residential Apartment Development	The SEPP and the Apartment Design Guide (ADG) seeks to improve the residential living environment across NSW by providing a way to consistently approach the design and assessment of residential apartment buildings.	<p>The proposal states that it is generally consistent with the principles of the SEPP.</p> <p>A revised concept design has been submitted which has regard to the principles of SEPP 65. Any future development application for residential flat buildings, shop top housing or mixed-use development with a residential component will be required to have regard to SEPP 65 and the ADG.</p>	Yes
SEPP (Affordable Rental Housing) 2009	This SEPP aims to encourage the retention and development of affordable rental housing.	The proposal does not contain a provision that is contrary to this SEPP.	Yes

SEPPs	Requirement	Proposal	Complies
SEPP (Building Sustainability Index: BASIX) 2004	The overall aim of this Policy is to encourage sustainable residential development through establishing targets for thermal comfort, energy and water use.	Development Applications for all future residential development will need to comply with the targets established under BASIX.	Yes
SEPP Exempt and Complying	This Policy aims to provide streamlined assessment processes for development that complies with specified development standards.	The proposal does not contain a provision that is contrary to this SEPP.	Yes
SEPP (Infrastructure) 2007)	The aim of this Policy is to facilitate the effective delivery of infrastructure across the State.	The development has a frontage to City West Link, a major arterial thoroughfare to the CBD.  Provisions in the SEPP regarding development with frontage to classified road, impact of road noise and excavation will be addressed at the development application stage.	Yes
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	The key aim of this Plan is to ensure the catchment, foreshores and waterways of Sydney Harbour are protected, and to promote a prosperous working harbour and public access.	The subject site is located within the Sydney Harbour Catchment but not in the Foreshore and Waterways area. The proposal does not include any provision that is contrary to this SEPP.	Yes

## 5 Site-specific

### 5.1 Environmental

The following table provides an assessment of the potential environmental impacts associated with the proposal.

There is no significant vegetation in the vicinity of the site. The site is situated in an established urban area and there are no critical habitats, threatened species, populations or ecological communities or their habitats.

**Table 7 Environmental impact assessment**

Environmental Impact	Assessment
Built form and scale	The site is predominantly in a low-density residential environment with a B2 Local Centre zone to the east on Lonsdale Street. The proposed increase in density through the increase in FSR and building height need to be compatible with the amenity and character of the surrounding area.

Environmental Impact	Assessment
	<p>The proponent has submitted a revised concept scheme (as described in the updated urban design report and architectural drawings) based on an FSR of 1.5:1, with a built form that steps down from 5 storeys fronting Brenan Street to 2 storeys adjacent to the dwellings to the south. It is noted that varying degree of setbacks from all property boundaries have been provided.</p> <p>The planning proposal includes a site-specific provision that prescribes storey heights, setbacks and a requirement for non-residential uses at street level fronting Brenan Street. It is noted that the revised concept scheme generally responds to the above controls. As discussed above, it is recommended that the draft clause in the proposal be replaced with a plain-English explanation to clearly state the intent behind these controls.</p> <p>It is considered that the level of information on urban design aspects as provided in the revised documents is adequate for public consultation purposes.</p> <p>The proposal could improve activation along Brenan Street. A detailed assessment against the provisions of SEPP 65 and the ADG will be undertaken at the development application stage.</p> <p>The planning proposal states that a site-specific DCP will be prepared to provide more detailed guidance on desired future character, public domain, built form and design, residential amenity, parking and access, open space and waste management matters. Further, it states that the preparation of this DCP could be required as a Gateway condition. It is noted that the Council Resolution of 23 June 2020 did not require a site-specific DCP to be prepared.</p> <p>Given the proposed increase in density and the potential impact on the character of the locality, a Gateway condition is recommended to require the preparation of a draft site-specific DCP, prior to finalisation of the proposal.</p>
Heritage	<p>The site does not contain any heritage item and is not within a heritage conservation area.</p> <p>The Catherine Street Overbridge in the vicinity to the site is listed on Railcorp's section 170 register. The planning proposal states that the future development would not result in detrimental impacts on the significance of the Overbridge due to the surrounding built context.</p> <p>To ensure any potential heritage issues are identified, a Gateway condition is recommended to require consultation with Heritage NSW.</p>
Landscaping	<p>The proposal includes a site-specific provision to require minimum setbacks from the property boundaries. The required setbacks could facilitate deep soil planting and contribute to enhancing tree canopy in the area.</p> <p>It is considered that deep soil planting requirements could be included in the site-specific DCP. A detailed assessment on landscaping and tree canopy would be undertaken at the development application stage.</p>

Environmental Impact	Assessment
Overshadowing	<p>The proponent has submitted a revised concept scheme varying building height, redistributed massing to create two separate forms, and creating setbacks from the southern boundaries to manage overshadowing onto the adjoining dwellings.</p> <p>The revised architectural drawings and urban design report contain shadow diagrams illustrating the likely impacts from the concept scheme.</p> <p>A detailed assessment of the overshadowing impacts will be undertaken at the development application stage.</p>
Solar access / Ventilation	<p>The revised architectural drawings indicate that the concept scheme could achieve the solar access and natural ventilation requirements of the ADG.</p> <p>It is noted that the drawings and urban design report do not interpret natural cross ventilation in accordance with the ADG. Nevertheless, the concept scheme still appears to be able to meet the ADG natural ventilation requirements.</p> <p>A detailed assessment of the solar access, ventilation and residential amenity aspects will be undertaken at the development application stage. However, the proposal has been refined to provide great solar access to properties to the south than the proponent's original scheme.</p>
Noise	<p>The site is within the ANEF 20-25 contour. A Gateway condition is recommended to require consultation with Sydney Airport Corporation.</p> <p>Pursuant to Clause 6.8 Aircraft Noise of the Leichhardt LEP 2013, aircraft noise impacts will be further addressed at the development application stage.</p> <p>The noise impact from City West Link and Light Rail corridor will be assessed in detail as part of the future development application.</p>
Contamination	<p>A phase 1 site investigation, dated 24 March 2015 was undertaken for the land at 36 Lonsdale Street, Lilyfield, which is currently occupied by a part one and part two-storey brick industrial/warehouse and office building. The report determined that the site could be made suitable for the proposed residential development. The report makes several recommendations, including the preparation of a remedial action plan (RAP).</p> <p>However, this report is considered by Council to be out of date. Additionally, the report does not cover other parts of the site which have been used as a commercial premise, i.e. No. 64 Brenan Street. It does not encompass the residential dwellings on the western portion of the site.</p> <p>It is recommended that an updated phase 1 site investigation be undertaken for the whole site in accordance with the Contaminated Land Planning Guidelines.</p> <p>A Gateway condition to the above effect is recommended.</p>



Environmental Impact	Assessment
Flooding and Stormwater	The proposal states that the site is not affected by flooding. The proposal also suggests that City West Link is subject to flooding. Clause 6.4 of the Leichhardt LEP 2013 stipulates controls for stormwater management. The impacts from potential flooding in the vicinity to the site can be further considered at the development application stage.
Transport and traffic	<p>The planning proposal refers to a superseded traffic report dated July 2018. The proponent has since submitted an updated traffic impact assessment that reflects the current concept scheme of 34 apartment units. The key findings are as follows:</p> <ul style="list-style-type: none"> <li>• The concept scheme shows that two levels of basement parking could be accommodated on the site to satisfy the requirements of the Leichhardt DCP 2013.</li> <li>• The concept scheme could generate slightly less traffic during peak periods compared to the existing developments on the site.</li> <li>• The concept scheme proposes an access on Russell Street and does not utilise City West Link / Brenan Street.</li> </ul> <p>A detailed assessment of the car parking provision, loading facilities and vehicular access design will be undertaken at the development application stage.</p> <p>The site has convenient access to public transport, being approximately 100m from Lilyfield Light Rail station and 300m from bus services on Catherine Street with connections to Sydney CBD. There is merit to support the proposal to progress to Gateway.</p> <p>The planning proposal should be updated to refer to the current traffic report prior to exhibition. A Gateway condition to the above effect is recommended.</p>

## 5.2 Social and economic

Council's planning proposal states the proposed development on the site is unlikely to have any adverse social or economic impacts. The following table provides an assessment of the potential social and economic impacts associated with the proposal.

**Table 8 Social and economic impact assessment**

Social and Economic Impact	Assessment
Social	<p>The planning proposal would increase housing supply and broaden housing choice in a location which is close to public transport and retail services.</p> <p>The proposal suggests that the demographics of future residents are unlikely to substantially increase demand for social infrastructure, such as schools and hospitals. The concept scheme shows that the proposal could deliver approximately 34 dwellings.</p>

## Economic

The site currently contains industrial/warehouse and commercial uses. The proposal states that it is unlikely to result in adverse economic impacts as the site is already zoned for residential purposes. The site does not form part of the core employment areas as identified in the Employment and Retail Lands Strategy.

The new residents will increase patronage of the shops in the locality.

## 5.3 Infrastructure

The following table provides an assessment of the adequacy of infrastructure to service the site and the development resulting from the planning proposal, and what infrastructure is proposed in support of the proposal.

**Table 9 Infrastructure assessment**

Infrastructure	Assessment
Public transport	The site is within 100m of the Light Rail Station at the corner of Catherine Street and City West Link. Bus services are available within 300m of the site in Catherine Street; no additional transport infrastructure is required.
Utilities	The site is in an established urban area that is well serviced by electricity, telecommunications, water and sewerage infrastructure. Council's planning proposal states that any additional demand will be minimal. Consultation can occur with the relevant authorities as a condition of the Gateway.
VPA	The planning proposal states that the proponent has made a public benefit offer with potential monetary contribution towards affordable housing. The proposal also states that the VPA could potentially make contribution towards public domain improvement. Full details of the VPA have yet to be finalised between Council and the proponent.

## 6 Consultation

### 6.1 Community

Council proposes a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and will form part of the conditions of the Gateway determination.

### 6.2 Agencies

The proposal does not specifically state which agencies will be consulted.

It is recommended the following agencies be consulted on the planning proposal and given 21 days to comment:

- Ausgrid;
- Heritage NSW;
- Sydney Airport Corporation (SAC);
- Sydney Water
- NSW Environmental Protection Authority; and

- Transport for NSW (TfNSW).

## 7 Timeframe

Council proposes a 12-month time frame to complete the LEP.

Having regard to the nature of the proposal, the Department considers that a time frame of 12 months is reasonable and appropriate.

## 8 Local plan-making authority

Council has advised that it would like to exercise its functions as a local plan-making authority.

Given the outstanding unresolved consistency with s9.1 Ministerial Direction 2.6 Remediation of Contaminated Land, it is considered that the Department should retain local plan-making authority in this case.

## 9 Assessment Summary

The planning proposal is supported to proceed with conditions for the following reasons:

- The proposal would facilitate redevelopment of an underutilised site close to public transport, including the Light Rail and bus services with direct connections to the Sydney CBD;
- It would increase housing supply and broaden housing choice in an accessible location;
- The environmental impacts on the adjoining dwellings could be managed by building height and setback controls;
- It would contribute to the local economy by increasing patronage of the shops in the locality;
- The site is already zoned for residential purposes and the existing employment uses are not identified for preservation;
- It would regenerate and activate the site frontage to City West Link;
- It is consistent with the relevant objectives, directions and priorities of the Greater Sydney Region Plan, Eastern City District Plan and local strategic plans.

Based on the assessment outlined in this report, the proposal is required to be updated prior to consultation to:

- Replace the draft site-specific local provision with a plain English explanation.
- Include information to address Section 9.1 Direction 2.6 – *Remediation of Contaminated Land*.
- Make reference to the current Traffic Impact Assessment, dated October 2020.

## 10 Recommendation

It is recommended that the delegate of the Secretary:

- Note that the consistencies with section 9.1 Directions 2.6 Remediation of Contaminated Land, 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - (i) Replace the draft site-specific local provision with a plain English explanation that clearly states the intent of the proposed controls;
  - (ii) Include information to address section 9.1 Direction 2.6 – Remediation of Contaminated Land; and
  - (iii) Make reference to the current Traffic Impact Assessment, dated October 2020, and revise the discussion on traffic impact accordingly.
2. Further information, including an updated phase 1 site investigation report for the entire site in accordance with the Contaminated Land Planning Guidelines, is to be prepared to demonstrate consistency with section 9.1 Direction 2.6 – Remediation of Contaminated Land to the satisfaction of the delegate of the Minister, prior to finalisation of the planning proposal. Should the Phase 1 investigation indicate further studies are required, the Department will request as such, in accordance with the Contaminated Land Planning Guidelines.
3. Further information, including an acid sulfate soils study for the site, is to be prepared to demonstrate consistency with section 9.1 Direction 4.1 Acid Sulfate Soils to the satisfaction of the delegate of the Minister, prior to finalisation of the planning proposal.
4. Further information is to be submitted to the satisfaction of the delegate of the Minister to justify that the inconsistency of the proposal with section 9.1 Direction 6.3 Site Specific Provisions, prior to finalisation of the planning proposal.
5. A site-specific development control plan (DCP) is to be prepared to provide more detailed guidance and controls for future development on the site.
6. Consultation is required with the following public authorities:
  - Ausgrid;
  - Heritage NSW;
  - Sydney Airport Corporation (SAC);
  - Sydney Water;
  - NSW Environment Protection Authority; and
  - Transport for NSW (TfNSW).
7. The planning proposal is to be made available for community consultation for a minimum of 28 days.
8. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.

16 November 2020

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