

Proposal to include additional permitted uses at 101-103 Lilyfield Road, Lilyfield and increase the maximum floor space ratio to 1:1.

Proposal Title :	Proposal to include additional permitted uses at 101-103 Lilyfield Road, Lilyfield and increase the maximum floor space ratio to 1:1.		
Proposal Summary :	The proposal seeks to amend Leichhardt Local Environmental Plan 2013 to include 'restaurant or café' and 'takeaway food and drink premises' as additional permitted uses at 101-103 Lilyfield Road, Lilyfield and to limit the maximum size of such uses to 50sqm. The proposal also seeks to increase the maximum floor space ratio from 0.5:1 to 1:1 to allow for the redevelopment of the site for a mixed use building including residential flats.		
PP Number :	PP_2016_IWEST_002_00	Dop File No :	16/15106

Proposal Details

Date Planning Proposal Received :	08-Dec-2016	LGA covered :	Inner West
Region :	Metro(CBD)	RPA :	Inner West Council
State Electorate :	BALMAIN	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	101-103 Lilyfield Road		
Suburb :	Lilyfield	City :	Postcode : 2040
Land Parcel :	Lot 1 DP 432612		

DoP Planning Officer Contact Details

Contact Name :	Jazmin van Veen
Contact Number :	0293732877
Contact Email :	jazmin.vanveen@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Gunika Singh
Contact Number :	0293679236
Contact Email :	gunika.singh@innerwest.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Martin Cooper
Contact Number :	0292746582
Contact Email :	martin.cooper@planning.nsw.gov.au

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Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :		Consistent with Strategy :	
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**
If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

Supporting notes

Internal Supporting Notes : **The planning proposal is supported as it allows for the redevelopment of an under utilised site in close proximity to public transport and services.**

Council has requested the delegations of the Minister's plan making functions for this planning proposal. The delegation of the Minister's plan making function is considered appropriate in this instance.

External Supporting Notes : **On 25 October 2016 Council endorsed a planning proposal for 101-103 Lilyfield Road, Lilyfield to include additional permitted uses of 'restaurant or café' and 'takeaway food and drink premises'. The proposal also seeks to increase the maximum floor space ratio from 0.5:1 to 1:1.**

The site is currently occupied by an existing café/take away food premises and two storey residential flat building which is intended to be redeveloped.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The objective of the planning proposal is to amend Leichhardt Local Environmental Plan 2013 (LEP 2013) as it applies to 101-103 Lilyfield Road, Lilyfield to facilitate the redevelopment of the site for the purpose of a mixed use development.**

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Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : To achieve the intended outcome, the planning proposal proposes to amend Leichhardt LEP 2013 as follows:

- amend the Floor Space Ratio Map to increase the FSR from 0.5:1 to 1:1; and
- amend Schedule 1 Additional Permitted Uses by inserting 'restaurant or cafe' and 'take away food and drink premises' as additional permitted uses for the land at 101-103 Lilyfield Road, Lilyfield and restricting the floor space of such uses to 50sqm as well as amend the Additional Permitted Uses Map to identify the additional permitted use at 101-103 Lilyfield Road, Lilyfield.

Leichhardt Local Environmental Plan 2013 currently permits 'restaurant or cafe' and 'take away food and drink premises' in the R1 – General Residential zone. However; Clause 6.10 further limits the permissibility of these uses to the adaptive reuse of existing buildings, thereby prohibiting the use in a redevelopment proposal such as that sought by the applicant. As the use is not an additional use beyond the land use table, it is proposed that alternative methods of permissibility may be appropriate, including the amendment of Clause 6.10. The gateway determination is proposed to require the Planning Proposal be amended to refer to the intended outcome rather than outline a specific method of achieving it.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

3.1 Residential Zones
3.4 Integrating Land Use and Transport
3.5 Development Near Licensed Aerodromes
4.1 Acid Sulfate Soils
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Infrastructure) 2007
SEPP (Affordable Rental Housing) 2009

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

STATE ENVIRONMENTAL PLANNING POLICY NO 65 – DESIGN OF QUALITY RESIDENTIAL APARTMENT DEVELOPMENT (SEPP 65)

The intended outcome of the planning proposal is to allow for the redevelopment of the site for mixed use including residential flat buildings. The proponent has prepared a concept scheme which has been submitted to council to support the planning proposal. Council contends that the concept fails to demonstrate that SEPP 65 and the Apartment Design Guide (ADG) compliance can be achieved at the proposed FSR. Despite this, the 1:1 FSR was supported by council and submitted for Gateway Determination.

Council has requested that the Gateway Determination require the preparation and exhibition of material which verifies that a development of this scale can satisfy SEPP 65 and the ADG. This approach is supported. Council has also suggested that built form analysis may result in the need to apply a maximum building height. Should this be the

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approach sought, a Gateway Alteration would be required.

4.1 ACID SULFATE SOILS:

The direction requires that a relevant planning authority must consider an acid sulfate soils study assessing the appropriateness of the change of land use, if an intensification of land uses on land identified as having a probability of containing acid sulfate soils is proposed.

Leichhardt's Acid Sulfate Soils Map identifies the site as having Class 5 (least severe category) for acid sulfate soils. Clause 6.1 of the Leichhardt LEP 2013 requires an acid sulfate soils management plan at development application stage before carrying out any development on such land. The inconsistency with this Direction is therefore considered to be minor and justifiable.

6.3 SITE SPECIFIC PROVISIONS

The intended outcome of the planning proposal is to facilitate a mixed use development on the site which includes a 50 sqm café/takeaway food and drink premises and a residential flat building component. The planning proposal includes an attached concept scheme supplied to support the application which seeks to demonstrate consistency with SEPP65 and to illustrate that the scale sought will sit comfortably with the existing character of the locality.

The planning proposal will allow for Clause 6.10 to be overridden and will increase the FSR allowable on site, providing more flexibility for redevelopment on site. The provisions in Leichhardt LEP were introduced in 2013 and it is not considered appropriate to review them across the area in order to allow for the redevelopment of this site. The clause seeks to protect the residential character of the R1 General Residential zone through the LGA, however this site is in close proximity to the light rail station and is considered appropriate for a mixed use. The inconsistency is considered minor and justifiable.

The planning proposal is not inconsistent with any other applicable SEPPs or section 117 Directions.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Mapping provided shows the intended FSR of the property but should be amended to clearly identify the land subject to the planning proposal.
Mapping includes the addition of the property to Schedule 1 – Additional Permitted Uses, however as the best method of permitting the intended uses is not yet determined, it is recommended that this map not be included at this stage.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal states Council's intent to publically exhibit the proposal for a period of 28 days with advertising to be placed on Council's website and in a local newspaper with hard copies of the documents being made available at Council's Leichhardt Customer Service Centre. The planning proposal also proposes to notify agencies and authorities identified in the Gateway Determination as well as landowners neighbouring the subject site.
A 28 day exhibition period is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

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Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **It is proposed to condition the gateway determination in order to address a number of minor issues in the planning proposal.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Leichhardt Local Environmental Plan 2013 was notified on 23 December 2013.**

Assessment Criteria

Need for planning proposal :

The land is zoned R1 – General Residential under Leichhardt LEP2013 which permits the land uses of ‘restaurant or café’ and ‘takeaway food and drink premises’, however Clause 6.10 limits these uses to existing buildings. It is intended to redevelop the site as a mixed use development which would include a 50 sqm food use component and a residential flat building. As the use is currently not permitted in a new development, the planning proposal is required in order to facilitate redevelopment of the site.

The planning proposal is not the result of a strategic study or report undertaken by Council. A request to amend the planning controls for 101-103 Lilyfield Road, Lilyfield was received by Council. Development of this site offers a good opportunity to deliver additional dwellings with access to employment, services and public transport.

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Consistency with strategic planning framework :

This planning proposal is consistent with A Plan for Growing Sydney's following directions and priorities:

- Direction 2.1 Accelerate housing supply across Sydney. The delivery of new housing must be accelerated to meet the needs of a bigger population and to satisfy a growing demand for different types of housing.
- Direction 2.2: Accelerate urban renewal across Sydney – providing homes closer to jobs. New urban renewal locations will be selected in or near centres on the public transport network. Locating new housing here will make it easier for people to get to jobs and services and take pressure off congested roads.
- Direction 2.3 Improve housing choice to suit different needs and lifestyles. There is currently a shortage of apartments in the middle and outer areas of the city. This is affecting the capacity of people to buy or rent a home. To respond to these issues the Government will introduce planning controls that increase the number of homes in established urban areas to take advantage of public transport, jobs and services.
- Direction 3.1 Revitalise existing suburbs. Provision of new housing within Sydney's established suburbs brings real benefits to communities and makes good social and economic sense.

This type of development lowers infrastructure costs; reduces the time people spend commuting to work or travelling between places; gives people more time to spend with their families, relaxing and enjoying sport and other activities; and helps people get involved in the local community. Directing new housing to the existing urban areas will reduce the impact of development on the environment and protect productive rural land at the urban fringe. It also improves residents' access to jobs, services and recreation and this will enhance the liveability of the city.

The planning proposal is consistent with the following actions within the draft Central District Plan.

- L3: Councils to increase housing capacity across the District – Creation of housing capacity and increase in diversity of housing choice.

The planning proposal will allow for the redevelopment of the existing residential flat building, increasing the number of dwellings provided on the site.

- L4: Encourage housing diversity – Increase in diversity of housing choice

The Planning Proposal includes an increase in FSR to allow for the redevelopment of the site including a residential flat component. Leichhardt LEP 2013 includes Clause 6.13 – Diverse Housing which requires an apartment mix in residential flat buildings. The Apartment Design Guide also encourage residential flat buildings to include a diversity of apartment types within a development. Broadly, separate dwellings are the predominant housing type in Lilyfield and the residential flats facilitated by the planning proposal will increase the range of dwelling types provided.

The planning proposal is also consistent with the Leichhardt 2025+ Strategic Plan, Community and Cultural Plan 2011-2021, Integrated Transport Plan (2013) and 4 year Service Delivery Plan (2014-2018).

Environmental social economic impacts :

It is not envisaged the planning proposal will have adverse environment, social or economic impacts.

ENVIRONMENTAL IMPACTS

The site contains a number of trees which are likely to be removed if redevelopment occurs, including one vulnerable species; *Eucalyptus nicholii*, which is suggested to be planted and not naturally occurring. The planning proposal suggests that an amended arborist report be required as a condition of gateway. However, as there is no known critical habitat, threatened species, populations or ecological communities or their habitats located on the subject site it is considered that the development assessment process is appropriate to determine the impact of tree removal.

The proposal is located in an area of high public transport accessibility, being located adjacent to Lilyfield light rail station and is proposed to provide 10-15 car spaces, 1 motor bike space and 12 bicycle spaces. Council has requested that a condition be placed on the gateway determination requiring the amendment of a traffic assessment report provided in

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support of the proponent's application. The planning proposal notes that the intended outcome of the current proposal is likely to result in a lesser impact than a previous scheme to which the traffic assessment supported. It is not considered appropriate to condition the gateway determination, as any future development application is likely to suitably assess the impacts.

SOCIAL AND ECONOMIC IMPACTS

The planning proposals will provide social benefits to the community in the form of the additional supply of high density housing in a highly accessible location; and economic multipliers in the form of construction employment and increased demand by resident for service and amenities provided in local services centres.

HERITAGE IMPACTS

The site adjoins a Sydney Water property which includes a sewer vent listed under the authority's Heritage and Conservation Register.

It is proposed that consultation with Sydney Water be required as a condition to the Gateway Determination to determine the impact, if any of potential redevelopment.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Sydney Water**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Cover Letter.pdf	Proposal Covering Letter	Yes
Council Planning Proposal_Part1.pdf	Proposal	Yes

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Council Planning Proposal_Part2.pdf	Proposal	Yes
Council Planning Proposal_Part3.pdf	Proposal	Yes
Council Resolution.pdf	Proposal	Yes
Proponents Planning Proposal_Part1.pdf	Proposal	Yes
Proponents Planning Proposal_Part2.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

- 3.1 Residential Zones**
- 3.4 Integrating Land Use and Transport**
- 3.5 Development Near Licensed Aerodromes**
- 4.1 Acid Sulfate Soils**
- 6.3 Site Specific Provisions**
- 7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **It is recommended that the planning proposal proceeds subject to the following conditions:**

- 1. Prior to exhibition, the planning proposal is to be updated to:**
 - a. include a plain English explanation of the intent of the planning proposal and remove any reference to the proposed Schedule 1 amendment;**
 - b. amend the proposed floor space ratio map to clearly identify the subject land;**
 - c. include concept schemes demonstrating compliance with State Environmental Planning Policy No 65 - Design of Quality Residential Apartment Development and the Apartment Design Guide; and**
 - d. include a discussion regarding how the proposal is consistent with the draft Central District Plan.**
- 2. Consultation is required with Sydney Water under section 56(2)(d) of the Act.**
- 3. The planning proposal must be made publicly available for a minimum of 28 days.**
- 4. A public hearing is not required.**
- 5. The timeframe for completing the LEP is to be 12 months.**

Supporting Reasons : **The planning proposal is supported as it allows for the redevelopment of an under utilised site in close proximity to public transport and services.**

Signature:



Printed Name:

KAREN ARMSTRONG

Date:

18/1/17