



Planning,  
Industry &  
Environment

IRF21/1742

## Gateway determination report – PP\_2021\_2911

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58-76 Stanmore Road, 2-20 Tupper Street and 3-9  
Alma Avenue, Stanmore (Cyprus Club) (up to 160  
homes, 1550m<sup>2</sup> commercial and club floor space)

June 21



Published by NSW Department of Planning, Industry and Environment

[dpie.nsw.gov.au](http://dpie.nsw.gov.au)

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# 1 Introduction

## 1.1 Overview of planning proposal

The planning proposal (amended date 15 February 2021) is supported by the following reports and plans:

- Urban Design Study and Indicative Scheme, February 2021
- Proposed LEP maps;
- Council's letter requesting Gateway Determination, dated 25 September 2018
- Council additional information response, 8 March 2021
- Council additional information response, February 2021
- Cyprus Club community description
- Ministerial Direction 3.5 Written Response, 25 September 2020
- Aircraft Noise Planning Strategy, April 2020
- Aeronautical Assessment, 25 November 2020
- Sydney Airport Correspondence, 10 June 2016
- Controlled Activities Approval, Department of Infrastructure, Transport, Regional Development and Communications, 23 December 2020
- Arborist Report, 10 December 2016
- Draft Traffic and Parking Impact Assessment, December 2016
- Survey Plan, 8 September 2006

**Table 1 Planning proposal details**

|                          |  |
|--------------------------|--|
| <b>LGA</b>               | <b>Inner West LGA</b>  |
| <b>PPA</b>               | <b>Inner West Council</b>  |
| <b>NAME</b>              | Planning proposal to amend Marrickville LEP 2011 to rezone land at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore (Cyprus Club) (up to 160 dwellings, 1550m <sup>2</sup> commercial and club floor space) |
| <b>NUMBER</b>            | <b>PP-2021-2911</b><br>Formerly PP_2018_IWEST_002_00 / PP-2020-34 (refer Section 4.3)  |
| <b>LEP TO BE AMENDED</b> | <b>Marrickville LEP 2011</b>   |
| <b>ADDRESS</b>           | <b>58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Street, Stanmore</b>   |

|                                 |  |
|---------------------------------|--|
| <b>DESCRIPTION</b>              | Lots A and B in Deposited Plan 308880;<br>Lot 1 in Deposited Plan 167529;<br>Lots 1, 2 and 3 in Deposited Plan 444675;<br>Lot 1 in Deposited Plan 971516;<br>Lot 1 in Deposited Plan 105806;<br>Lot 1 in Deposited Plan 121240;<br>Lots 1 and 2 in Deposited Plan 301956;<br>Lot 1 in Deposited Plan 119242;<br>Lot 1 in Deposited Plan 923826; and<br>Lots C and D in Deposited Plan 308880.<br>Ausgrid site Lot 1, DP 180283 |
| <b>RECEIVED</b>                 | <b>31/03/2021 for PP-2021-2911</b><br><br>25/09/2020 for previous reference number PP-2020-34  |
| <b>FILE NO.</b>                 | IRF20/4721   |
| <b>POLITICAL DONATIONS</b>      | There are no donations or gifts to disclose and a political donation disclosure is not required  |
| <b>LOBBYIST CODE OF CONDUCT</b> | There have been no meetings or communications with registered lobbyists with respect to this proposal  |

## 1.2 Site description and surrounding area

The site at 58-76 Stanmore Road, 2-20 Tupper Street and 3-9 Alma Avenue, Stanmore, is a rectangular lot on the southern side of Stanmore Road (Figure 1). The eastern and western boundaries provide frontages to Alma Avenue and Tupper Street which are accessible by vehicles and pedestrians. The site has a fall of approximately 11m from the northeast to southwest.

The site has an area of 9129m<sup>2</sup> with frontages to Stanmore Road, Alma Avenue and Tupper Street of 66.5m, 139.5m and 140m, respectively. The site comprises 16 lots, including an allotment currently owned by Ausgrid which contains an electricity substation.

The site is occupied by a part 3 and 4 storey registered club premises (the Cyprus Club; Figure 2) with a frontage to Stanmore Road and ancillary at-grade parking accessed via Alma Avenue, an electricity substation fronting Alma Avenue, single storey detached dwellings fronting Tupper Street and a vacant grassed area in the south (Figure 3).

The site is surrounded by a mix of housing typologies in the R1 and R2 zones. The site is adjoined by the Kingston South Heritage Conservation Area in the north which comprises two storey Victorian terraces. On the western side of Alma Avenue are 1-2 storey dwellings and on the eastern side of Tupper Street are 3 and 4 storey residential flat buildings and single storey detached dwellings. The site is adjoined in the south by a 4 storey residential flat building.

The site is well serviced by train and bus transport and is in proximity to Enmore and Newtown Commercial Centres, educational facilities, public open spaces, recreation facilities and places of public worship.



Figure 1 Subject site (source: maps.six.nsw.gov.au, as shown in the Planning Proposal)



Figure 2 Site context (source: maps.six.nsw.gov.au, as shown in the Planning Proposal)



## 2 Proposal

### 2.1 Objectives or intended outcomes

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal. The objectives, as stated in the planning proposal, are to:

1. *Assist with meeting strategic development outcomes for high quality infill development in an established urban area of Stanmore;*
2. *Deliver a redevelopment scheme that facilitates and supports a vibrant range of integrated land uses and quality landscaped spaces;*
3. *Contribute to new dwelling and employment targets set by State, Regional and Local Strategies;*
4. *Redevelopment of the Cyprus Club premises to enhance the social and recreational opportunities available to members and visitors and to improve the amenity of the neighbourhood in accommodating the new club premises and ancillary features;*
5. *Provide new commercial floor space to contribute towards the daily convenience needs of the neighbourhood residents and contribute to the economic vitality of the locality with premises in easy and safe walking distance to a catchment of local residents;*
6. *Creating new housing opportunities in an area with high amenity and good access to a variety of transport, social infrastructure and recreational spaces;*
7. *Establish planning controls with the potential to deliver a new built form which integrates with the setting and context of the established character and built form in the surrounding area;*
8. *Allow for the orderly and economic development of the land; and*
9. *Allow for the continued land use of a “registered club” on the site.*

The objectives of this planning proposal are clear and adequate.

### 2.2 Explanation of provisions

The planning proposal seeks to amend the Marrickville LEP 2011 per the changes below:

**Table 2 Current and Proposed controls**

| Control                        | Current  | Proposed   |
|--------------------------------|--|--|
| Zone                           | SP2 (central-west portion)<br>R2 (central-east portion)<br>RE2 (remainder of site) | B4 (Northern – Site A)<br>R1 (Central – Site B)<br>R1 (Southern – Site C)  |
| Maximum height of the building | 9.5m (central-east portion)<br>14m (remainder)                                     | 21.0m – Building A & B<br>20.0m – Building D<br>23m – Building C (the planning proposal also references a 22m height for Building C)<br>11.0m – Building E |

|  |   |  |
|--|---|--|
| Floor space ratio (planning proposal)  | 0.6:1   | 1.8:1 (Northern – Site A)<br>1.8:1 (Central – Site B)<br>1:1 (Southern – Site C).  |
| Floor space ratio (Concept scheme)     | 0.6:1   | 1.66:1 (Northern – Site A)<br>1.76:1 (Central – Site B)<br>0.85:1 (Southern – Site C)<br><b>Gateway Conditions</b> are recommended accordingly |
| Number of dwellings                    | 6 residential dwellings   | 135-160 residential dwellings  |
| Number of jobs                         | Not specified   | 1000m <sup>2</sup> club space<br>350-500m <sup>2</sup> commercial space  |
| Land Reservation Acquisition           | Land reservation acquisition for 'local road' on Alma Avenue frontage | Dedicate Alma Avenue frontage to accommodate widening of Alma Avenue   |
| Schedule 1 – Additional permitted uses | Nil   | Add clause to permit (with consent) development for the purposes of a residential flat building, but only as part of a mixed-use development   |
| Key Sites map                          | Not identified  | Identify the B4 zone portion of the site to denote the new Schedule 1 clause - additional permitted use.                                       |

The site has been split into Site A, B and C (Figure 3) with the intention of facilitating a transition in height and floor space ratios with the surrounding area:

- Site A is the northern portion containing Buildings A and B,
- Site B is the central portion containing Buildings C and D, and
- Site C is the southern portion containing Building E.

An indicative concept scheme has been submitted with the planning proposal for:

- 5 buildings ranging in height from 3-6 storeys. This includes 2 mixed use buildings with 350-500m<sup>2</sup> of commercial floor space and 1,000m<sup>2</sup> of club space and 3 residential flat buildings with 135-160 apartment units. Each building with 2-3 basement levels and roof top communal open space;
- Publicly accessible central plaza between buildings A and B;
- Central communal open space between buildings C and D;
- 2 through-site laneways, Lane A being a public road and footpath and Lane B a private laneway with public right of way;
- Relocation of electricity substation; and
- Road acquisition and widening on Alma Avenue.



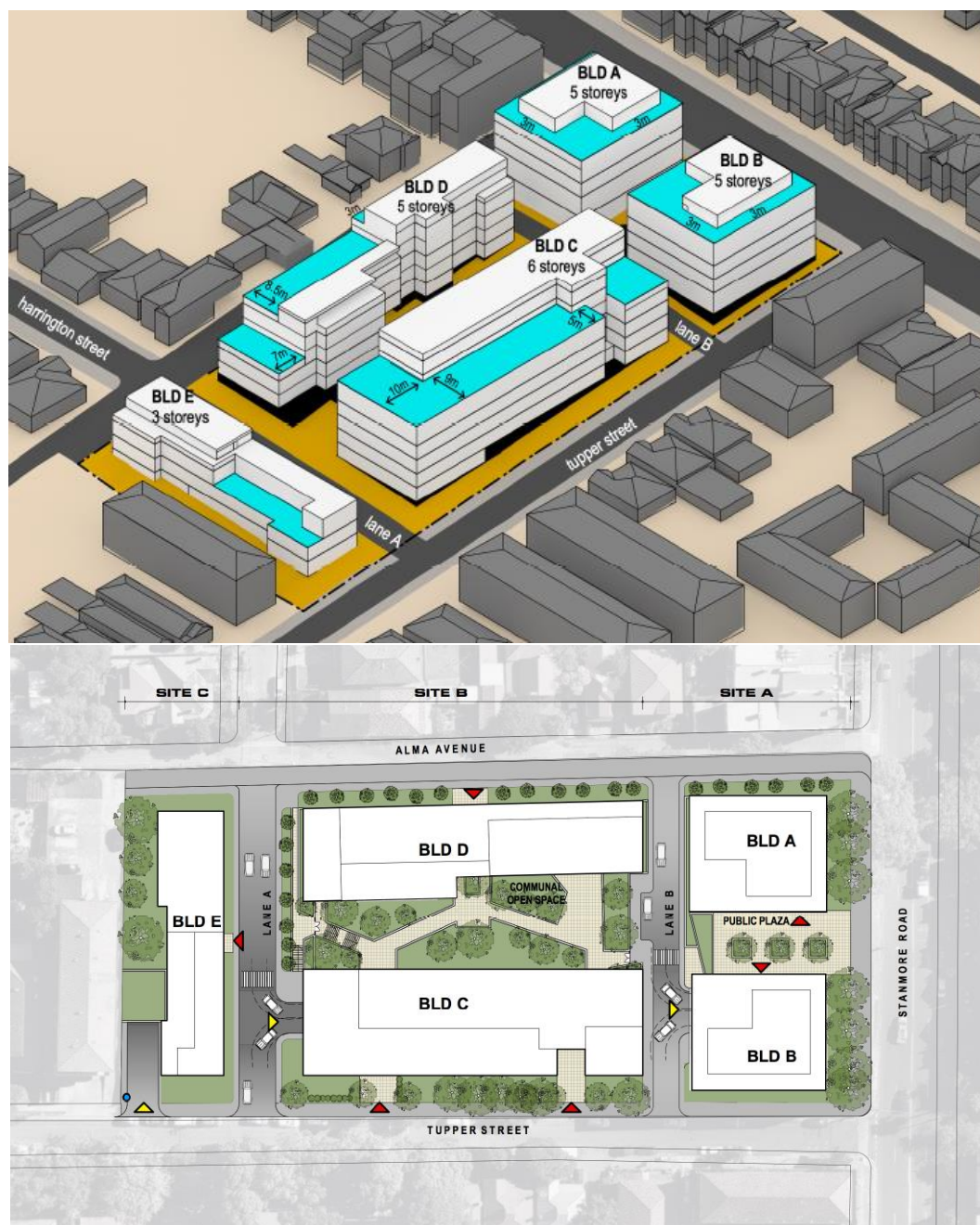


Figure 3. Indicative scheme, including division of larger site into Sites A, B and C and associated buildings A, B, C, D and E.

The planning proposal contains an explanation of provisions that adequately explains how the objectives of the proposal will be achieved, except for Objectives 2, 4, 6, 7 and 9 which will require further information and justification by way of **Gateway Conditions** prior to exhibition as follows;

- Clarify how the proposed additional permitted use clause will deliver and ensure a mixture of uses and the proposed quantum of commercial and club floor space, in accordance with Objectives 2, 4 and 9;
- Clarify how the proposal achieves Objective 6 as it seeks to introduce high density dwellings in an area identified as having deficient access to recreational spaces such as public open space;
- Reduce the proposed height of buildings and floor space ratio provisions and concept scheme to further demonstrate how Objective 7 will be achieved in terms of residential

amenity (solar access for units and neighbours) and a built form which integrates within its context.

Council's resolution (of 25 July 2017) states that a site specific DCP (MDCP 2011 Part 6.6, Newington Precinct 9) will be prepared and exhibited with the planning proposal, and will cover the following matters as discussed in the detailed Council reports dated 25 July 2017 and 11 September 2018:

- A vision statement;
- Built form typology:
  - basement podiums, including minimising extrusions, and visual and accessibility impacts,
  - setbacks to all road frontages for the buildings on Site A, B and C,
  - maximum building height in storeys for all buildings, setbacks and recessing of upper levels to these buildings, and containing any roof structures within the height of buildings standards,
  - buildings reflect the natural slope of the land by stepping down the slope, exceptional design quality, good amenity for residents and existing surrounding development, variations in parapet walls and/or roof forms, and architectural expression and articulation to emulate fine grain form of surrounding area;
- Accessibility and permeability: provision and design of laneways, including widths, accessibility and permeability, and through site links;
- Traffic, access and parking: car parking rates and basement design and podiums;
- Landscaping, open space and biodiversity:
  - provision of landscaping and open space plans,
  - maximising coverage of landscaping and deep soil planting,
  - canopy tree planting along street frontages;
- Public plaza: Plaza design, public through site links, planting and water use, and pavement materials;
- Lot subdivision: re-subdivision into Sites A, B and C, which includes subdivision of basements, and use of single community or strata title schemes;
- Contamination: the site be remediated to an acceptable standard to accommodate residential development; and
- Waste management: detailed waste management plans to be accompanied with a future development application, including separate bin storage areas for residential and commercial uses, bulky waste/clean up room and waste collection points.

This is not an exhaustive list and Council's report dated 25 July 2017 contains more details of the recommended numerical requirements for matters such as setbacks to road frontages and upper levels, and maximum building height in storeys.

A **Gateway Condition** requires that a site specific DCP be prepared.

## 2.3 Mapping

The planning proposal includes mapping to show the proposed changes to the Land Zoning, Height of Buildings and Floor Space Ratio and Key Sites Maps.

The Land Reservation Acquisition Map will require amendments to reflect that part of the site has been dedicated for a local road.

A **Gateway Condition** requires that prior to public exhibition, the planning proposal be updated to include the current LEP maps which are consistent with any adjustments made to the proposed provisions resulting from compliance with other Gateway conditions.

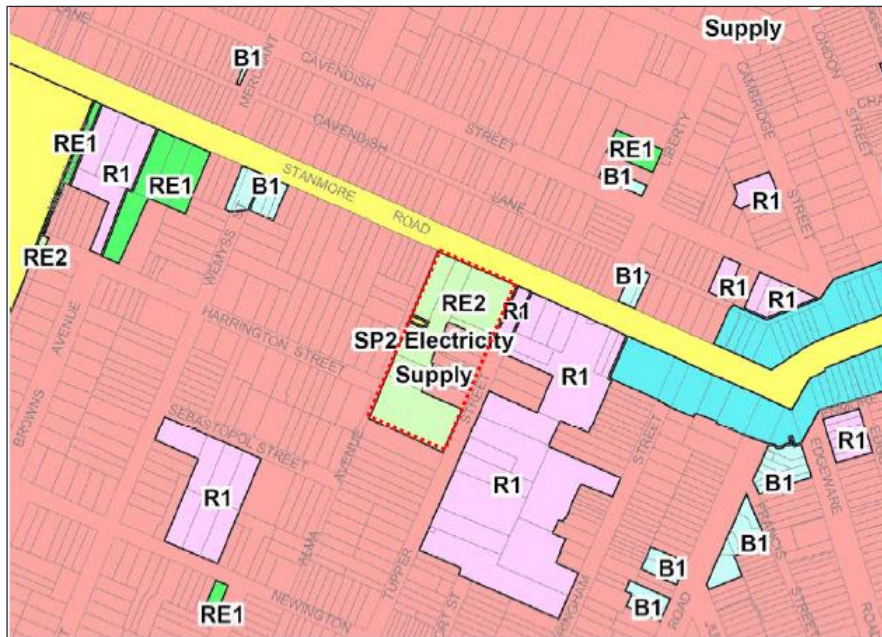


Figure 4 Existing zoning map

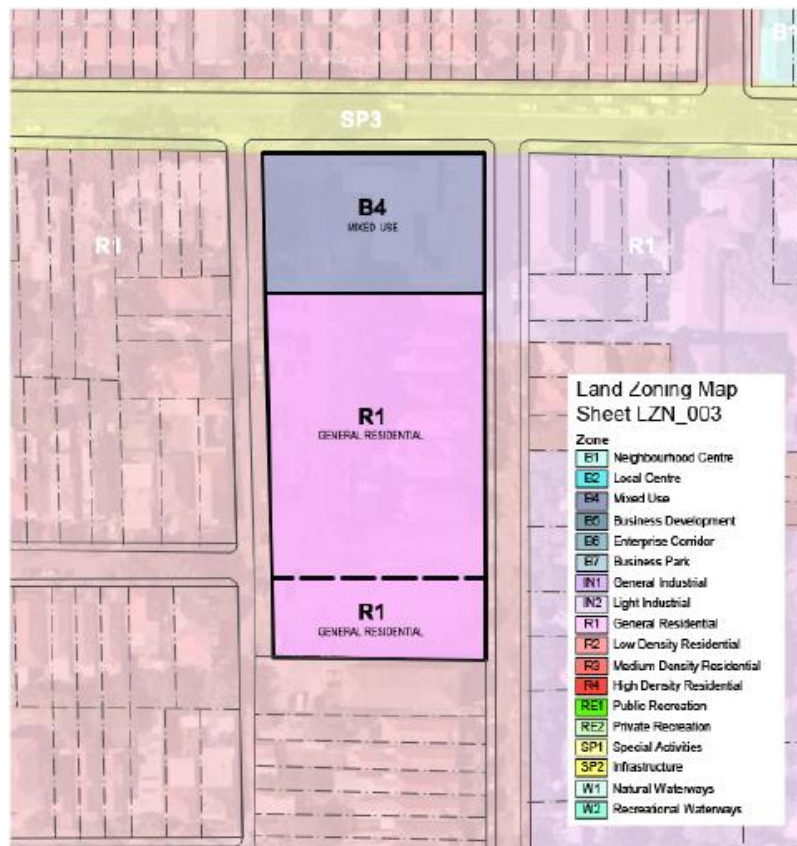


Figure 5 Proposed zoning map – B4, R1 and R3



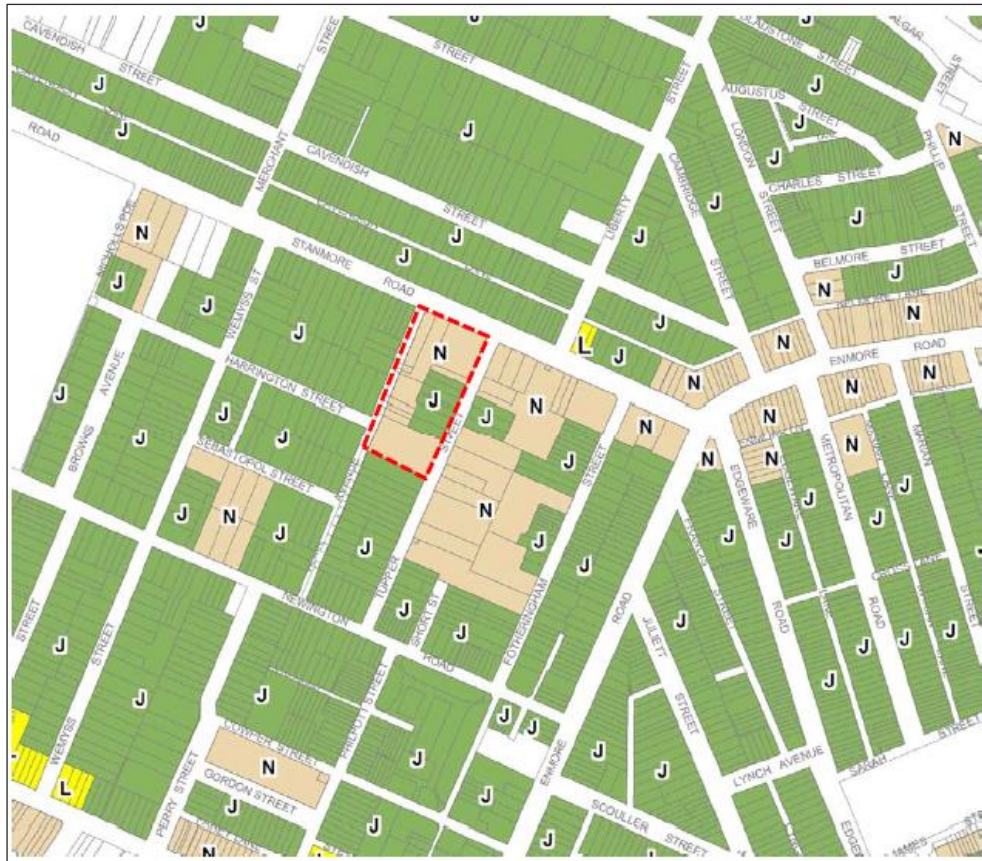


Figure 6 Existing height of building map

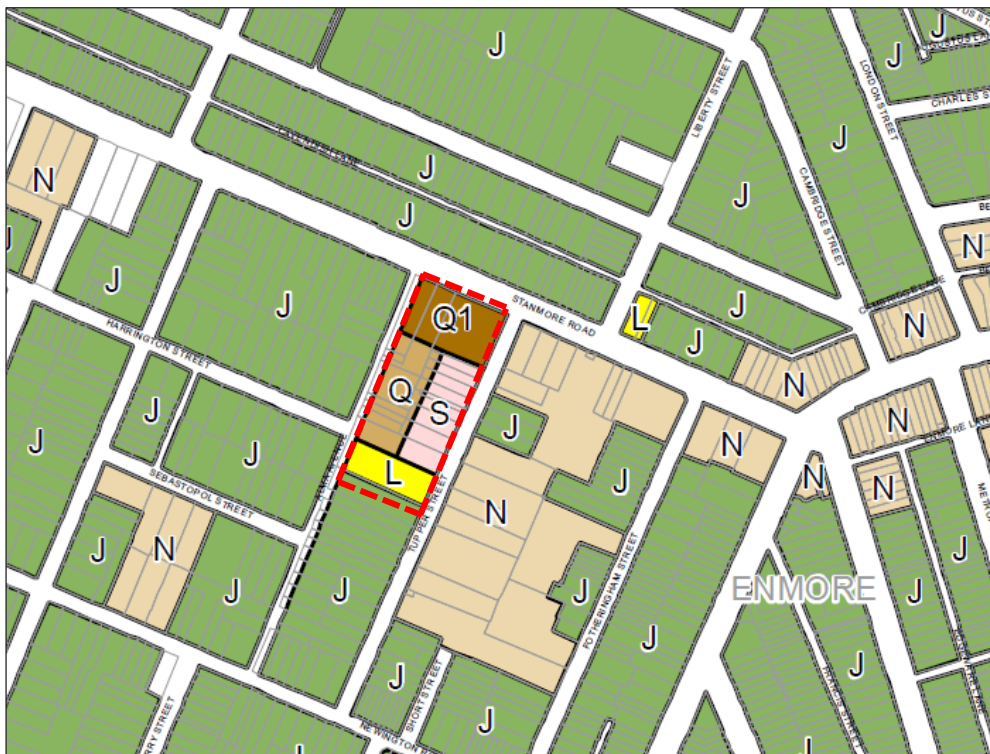


Figure 7 Proposed height of building map (in metres)



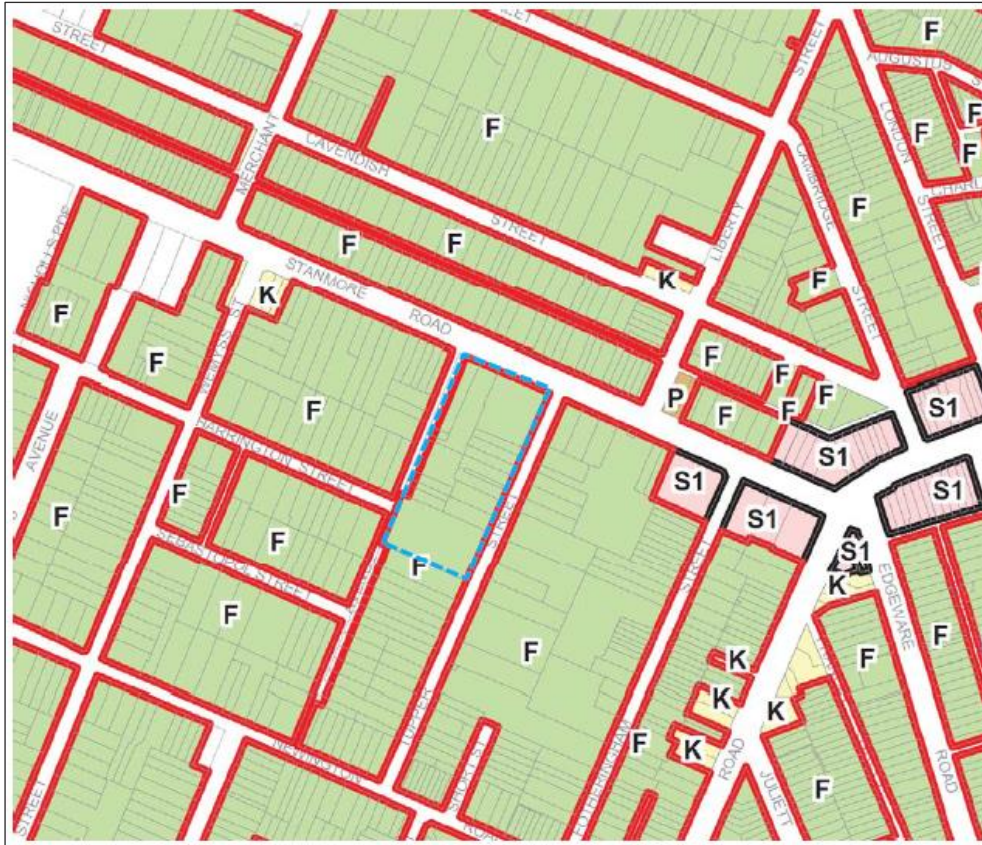


Figure 9 Existing floor space ratio map

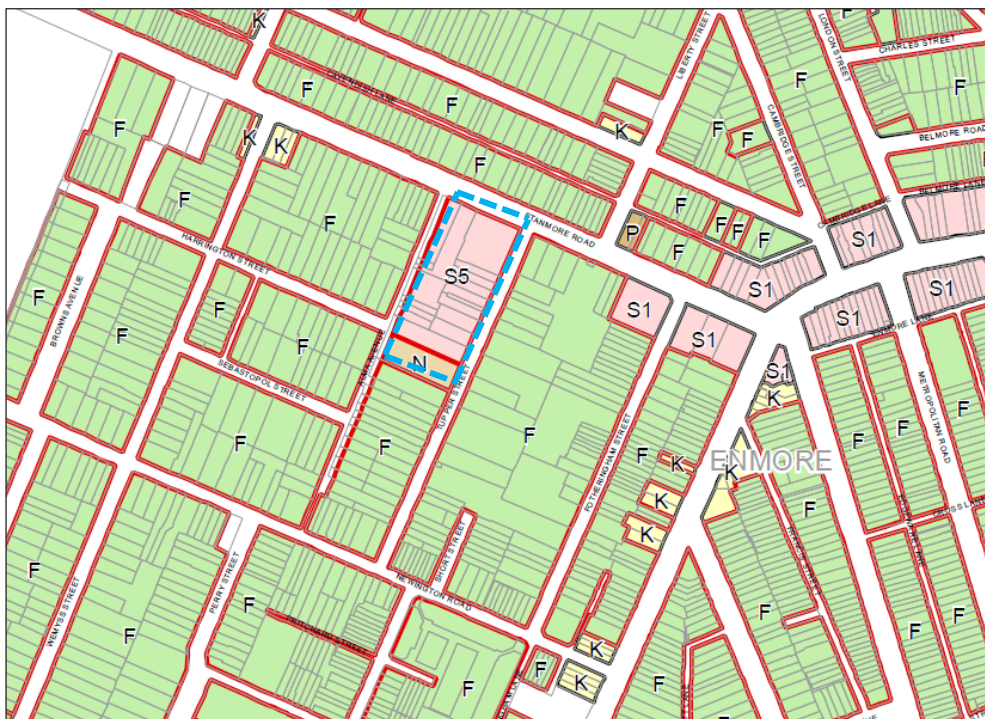
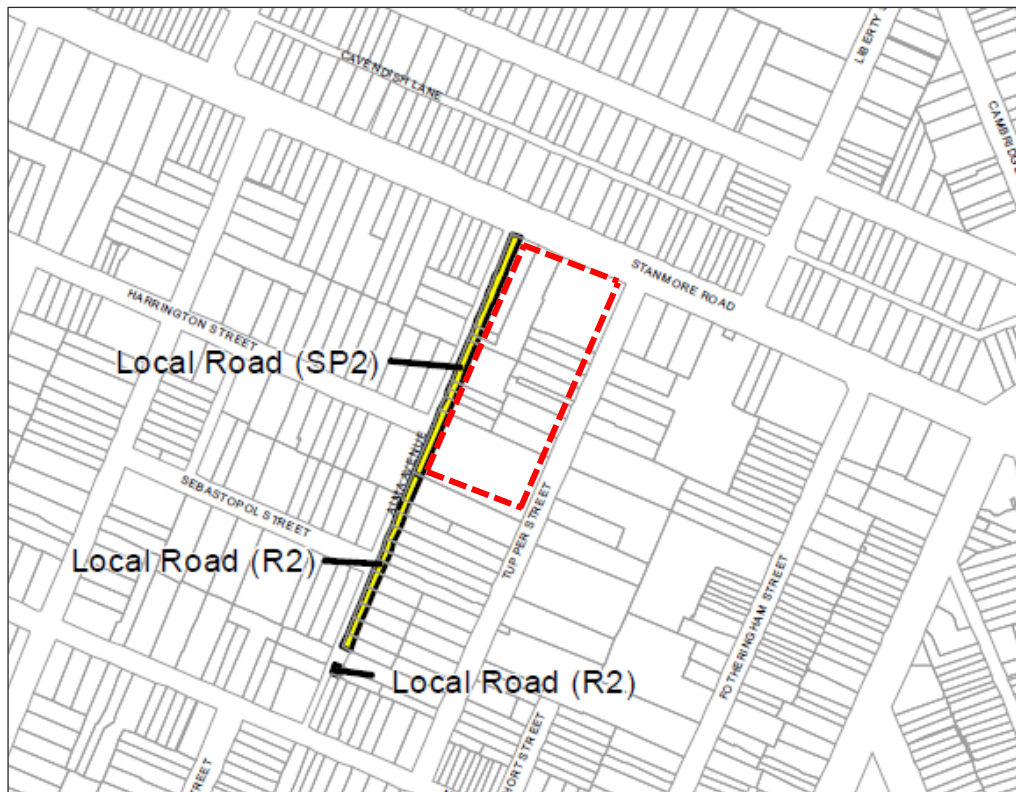
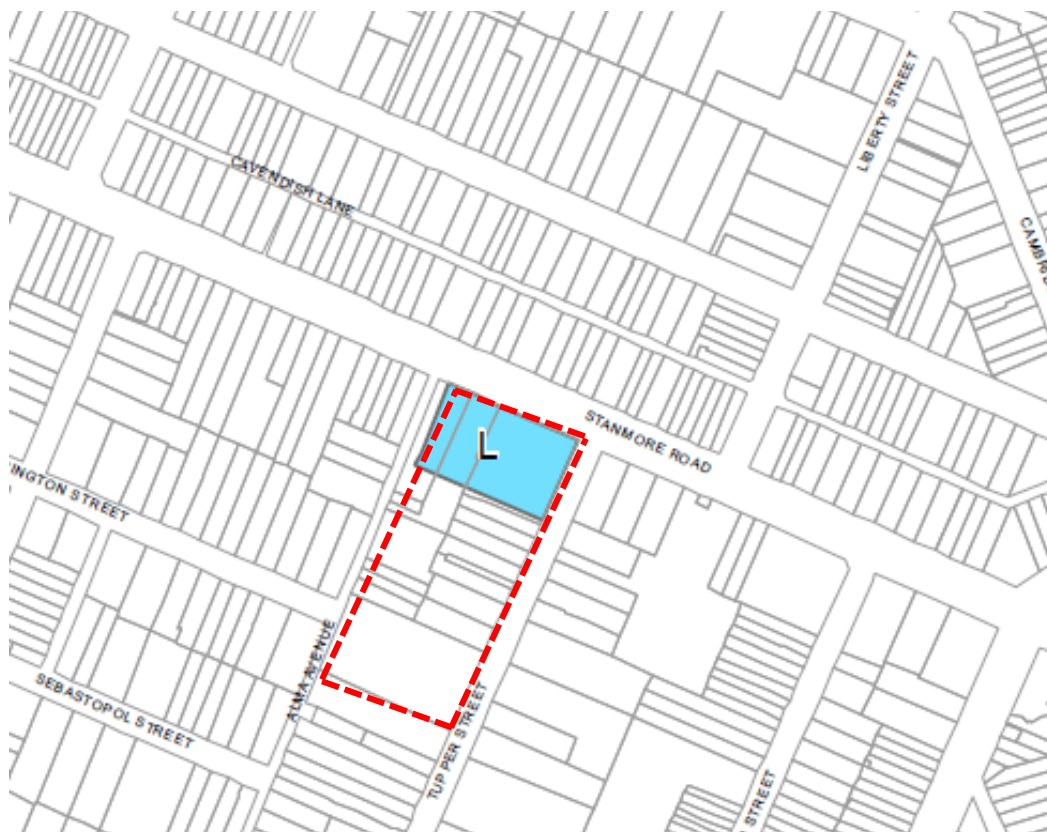


Figure 10 Proposed floor space ratio map



**Figure 11 Existing Land Reservation Acquisition Map. The proposed LRA Map has not been provided.**



**Figure 12 Proposed Key Sites maps. Existing map not provided**



### 3 Need for the planning proposal

The planning proposal states that the need for the proposal is justified because:

- It will allow for additional housing supply and diversity of a range of housing types that are close to public transport, and other services and facilities;
- It will support community needs by enhancing permeability and connectivity to the public domain and have a positive contribution to public space;
- It is supported by an Urban Design Study and Concept by Kennedy Associates Architects (dated February 2021) which details the feasibility of the proposed controls and provision to deliver the proposed development concept. It considers that the development is suitable for the context and capable of complying with the Apartment Design Guide, including for solar access, cross-ventilation and building separation.

The planning proposal is not the direct result of a local strategic planning statement or specific strategic planning study.

The planning proposal is identified in the Inner West Housing Strategy (2020) (adopted by Council on 3 March 2020) as contributing to the 5 year (2021) housing targets. The need and demand for housing in greater Sydney and the Inner West is also recognised in the Eastern City District Plan and Inner West LSPS which sets a housing target of 5,900 new dwellings between 2016-2021. It is noted that the number of dwellings proposed (~135-160) will not be realised by 2021, in accordance with these housing targets and Plans. Despite this, the District and local plans highlight the need for Council's, including the Inner West Council (Council), to develop housing strategies to plan for and deliver 6-10 year housing supply targets and beyond.

The District and local planning strategies identify the need for housing to be well located near public transport, centres and facilities, including open space. The site is well located in proximity to transport and centres. However, the site is in an area of identified as having "deficient" open space as Stanmore offers 2m<sup>2</sup> of open space per person compared to the LGA average of 13.3m<sup>2</sup> (as per the draft Inner West Housing Strategy 2020 and Recreation Needs Study 2018). **Gateway Conditions** are recommended requiring the proposal to further demonstrate how the proposal will offer improved ground level communal open space provision for residents

The current land use zones of RE2, R2 and SP2 do not support a mixed-use development and residential flat buildings on the subject site. The planning proposal states that the inclusion of an additional permitted use clause will enable development for the purposes of a residential flat building above a registered club in the B4 zone. The planning proposal considers this is required because the B4 zone in MLEP 2011 permits shop top housing but prohibits residential flat buildings and therefore the definition of 'shop top housing' does not permit the proposed composition of land uses. As previously discussed, a **Gateway Condition** requires clarification of how the intended land uses are intended to be delivered and protected.

- **Gateway Conditions** require the proposal to address and improve amenity on the site. This may result in the height and density (floor space ratio) provisions to be reduced
- solar access to ground level communal open space and usability for passive and/or active recreation on the site, and minimising exposure to aircraft noise by locating open space at ground level as opposed to the roof top; and
- demonstrate on a landscape plan that deep soil planting areas can support the new tree canopy to replace the trees which are proposed to be removed and the community benefits of the proposal stated by Council as being tree lined streets, lanes and vistas.

**Gateway Conditions** also require the provision of additional studies and information to address matters relating to bulk and scale, heritage conservation and contamination. A new traffic impact assessment is also required to demonstrate the existing road network is capable of supporting the proposal and to make recommendations about necessary road upgrades.

These conditions are to be addressed and submitted to the Department for endorsement prior to public exhibition.

Subject to the recommended **Gateway Conditions** being addressed, a planning proposal is the best means to deliver the intended outcomes as it will allow for a balanced land use outcome which provides the opportunity for continued use of new commercial uses (which include club premises) and additional residential dwellings in a location that is well serviced by public transport and other services and facilities. In addition, the planning proposal will enable the dedication of part of the subject site to widen Alma Road to facilitate vehicular movements.

## 4 Strategic assessment

### 4.1 District Plan

The site is within the Eastern City District and the Greater Sydney Commission released the Eastern City District Plan 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.

Delivering housing in appropriate locations near transport and centres, whilst managing urban hazards such as aircraft noise, is identified as important priorities in the Eastern City District Plan.

By delivering a mixed use development on the site with residential apartment buildings and commercial and club floor space, the proposal has the potential to provide an integrated solution to address these District Plan priorities, subject to **Gateway Conditions** being addressed as detailed in Table 4. The Department considers that the planning proposal gives effect to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*, subject to **Gateway Conditions** being addressed.

The following table includes an assessment of the planning proposal against relevant directions and actions.

**Table 3 District Plan assessment**

| District Plan   | Justification  |
|---|--|
| Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities                       | <p>The planning proposal intends to facilitate opportunities for more housing and employment. The proposal intends to improve public domain, permeability and walkability via creating publicly accessible through-site connections and open space, and new footpaths. This is generally in keeping with this Priority, including Action 10, which seeks to foster healthy, culturally rich and connected neighbourhoods, that are active and walkable. As detailed later in this report, further information is required by way of Gateway Condition to explain how the proposed mixture of uses will be realised by the site-specific clause enabling residential flat buildings as part of a mixed use development on the site.</p>   |
| Planning Priority E5: Providing housing supply, choice and affordability with access to jobs, services and public transport | <p>The proposal intends to locate new dwellings with mixed uses on the same site, within walking distance to public transport (rail and bus) and in proximity to existing commercial centres and educational facilities.</p> <p>The proposal will deliver housing supply and choice to meet Council's 6-10 year targets, with a mix of apartment types, in a location that optimises existing transport infrastructure and services. The site is also identified in Council's draft housing strategy (as discussed later) to deliver housing supply in the LGA.</p> <p>However, it is unclear what (if any) housing affordability measures will be introduced. Council have advised this may be subject to a VPA which is a local planning matter for Council to negotiate as the planning proposal authority.</p>   |
| Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage          | <p>The proposal intends to create an active frontage to Stanmore Road with mixed uses and publicly accessible open space to maintain community connections.</p> <p>The proposal intends to widen Alma Road to improve vehicular circulation and safety in accordance with Action 18 (a)-(d). Further information is required to demonstrate consistency with Action 18(e). This includes further information regarding how the proposed built form controls and concept of (up to 23m and 6 storeys) responds to the predominant surrounding built form (1-2 storey dwellings and 3-4 storey apartments) and minimises overshadowing to units and adjoining properties. <b>Gateway Conditions</b> are recommended accordingly.</p> <p>This priority also identifies the importance of the District's heritage through sympathetic built form controls and Action 20 seeks to identify, conserve and enhance heritage conservation and manage the cumulative impacts of development on heritage and character values. As discussed in Section 5.1, a <b>Gateway Condition</b> is recommended to address site specific matters relating to the site's proximity to heritage items and HCAs. The <b>Condition</b> requires a heritage impact assessment be provided prior to public exhibition.</p> |
| Planning Priority E13: Supporting growth of targeted industry sectors   | <p>The planning proposal intends to retain and enhance employment opportunities with new commercial floorspace and opportunities for a club premises in proximity to existing commercial centres and commercial strips in Enmore and Newtown. The proposal is consistent with this Priority which seeks to support growth of economic sectors.</p>   |
| Planning Priority E17: Increase urban tree canopy and delivering  | <p>The proposal intends to facilitate walking and cycling connections with publicly accessible through-site links. This is in keeping with this priority which seeks to improve community access to recreation and exercise, encourage social interaction and support walking and cycling connections. Notwithstanding, a <b>Gateway</b></p>   |

|   |  |
|---|--|
| Green-Grid connections  | <p><b>Condition</b> requires further clarification of how public access will be maintained and delivered to these through-site links.</p> <p>The proposal provides opportunities for retention of some existing trees onsite and replacement planting, and is supported by an Arborists Report. The Urban Design Study indicates approx. 15% of the site could accommodate deep soil planting, which is greater than the 7%-10% required by the ADG for a site of its size.</p> <p><b>Gateway Conditions</b> require a landscape plan to be provided demonstrate how the proposal will accommodate the proposed retention of trees and replacement tree canopy. Consistency with this Priority is unresolved until this Condition is addressed.</p>  |
| Planning Priority E18: Delivering high quality open space   | <p>Planning Priority E18 stipulates that new high-density developments are to be serviced by adequate access to open space (within 200-400m) and Action 67 encourages existing open spaces to be maximised, including those that are privately owned.</p> <p>The boundary of the site fronting Stanmore Road is located approximately 200m from Ryan Park to the west and Newington Playground is located slightly further away to the south-west of the site. Enmore Park is the closest large open space area located outside a 400m radius of the site.</p> <p>The proposed concept scheme proposes a publicly accessible plaza fronting Stanmore Road and two publicly accessible and/or publicly owned through-site laneways. There is additional communal open space proposed within the development which in the current concept scheme requires some of this space located on rooftops to achieve suitable solar access requirements.</p> <p><b>Gateway conditions</b> are included requiring further consideration of open space on the site. This includes considering opportunities to improve the quantum and amenity (solar access) of open space at ground level given the noise amenity impacts for roof top level communal open space and upper level private open space (balconies) resulting from aircraft and potential road traffic noise.</p> |
| Planning Priority E19: Reducing carbon emissions and managing energy, water and waste efficiently | <p>The planning proposal acknowledges sustainability measures will be explored at the detailed design concept stage.</p> <p>Notwithstanding, certain <b>Gateway Conditions</b> require further information to address solar access and deep soil, which have implications for sustainability of the development.</p>   |

## 4.2 Local

The planning proposal states that it is consistent with a number of local plans and endorsed strategies, however, the proposal has not addressed the draft Inner West Local Housing Strategy (2020) and Recreational Needs Study (2018). A **Gateway Condition** is recommended accordingly.

The proposal will be consistent with the strategic direction and objectives, subject to **Gateway Conditions** being addressed, as stated in the table below:

**Table 4 Local strategic planning assessment**

| Local Strategies | Justification |
|------------------|---------------|
|------------------|---------------|

|  |  |
|--|--|
| Local Strategic Planning Statement         | <p>The planning proposal is consistent with the following relevant priorities and actions of the LSPS:</p> <ul style="list-style-type: none"> <li>• The planning proposal provides opportunities for replacement planting and urban canopy through the provision of deep soil area covering 15% of the site.</li> <li>• The planning proposal achieves aspects of Planning Priority 6 and 9 by generating greater housing supply with a mix of apartments that are co-located with commercial uses and near public transport, commercial centres and other services and facilities.</li> <li>• The planning proposal achieves aspects of Planning Priority 7, 8 and 11 by enhancing permeability and connectivity via new through-site links and creating active frontages of mixed uses and a plaza. The proposal will facilitate vehicle circulation by widening on Alma Avenue.</li> </ul> <p>Despite this, further information is required to address consistency with Priorities 1, 6, 9 and 11 prior to exhibition via <b>Gateway Conditions</b>:</p> <ul style="list-style-type: none"> <li>• Provide a landscape plan which demonstrates how the concept scheme will ensure deep soil areas are not impeded by above and below ground structures, and can accommodate existing and new tree canopy and plantings (Priority 1).</li> <li>• An amended concept scheme, that demonstrates the opportunities to maximise communal and publicly-accessible open space on the site, including how open space will remain 'publicly accessible' and will be usable for passive and/or active recreation (Priority 6 and 11).</li> <li>• Further information and justification as to how the proposal achieves appropriate residential amenity, bulk and scale transitions to the surrounding area, and heritage conservation (Priority 6).</li> <li>• Further clarification of how the proposed commercial and club floor space will be delivered in the B4 zone portion of the site (Priority 9).</li> </ul> <p>In addition, the proposal has not considered all relevant planning priorities in the LSPS and a <b>Gateway Condition</b> is recommended accordingly.</p> |
| Marrickville Community Strategic Plan 2023 | <p>Our Inner West 2036 identifies the Inner West community's vision for the future of the local government area. The Plan seeks to establish a framework to measure the area's progress towards this vision through the implementation of 5 strategic directions.</p> <p>The proposal is consistent with the Plan, including the following relevant Strategic Directions:</p> <ul style="list-style-type: none"> <li>• The proposal is consistent with Strategic Direction 2 as it encourages public transport use and improves walkability in the immediate area;</li> <li>• The proposal is consistent with Strategic Direction 3 as it and redevelops the land to provide opportunities for commercial uses which contribute to local employment opportunities.</li> </ul>  |

Draft Inner West  
Housing Strategy  
2020

The draft Inner West Housing Strategy (2020) was adopted by Council on 3 March 2020 and, at the time of this Report, being still be considered for endorsement by the Department. The Strategy sets a 20 year vision for housing with 0-5, 6-10 and 20 year targets of 5,900, 5,000 and 10,000 respectively.

The Strategy notes that Council is on track to deliver its 0-5 year targets, mainly through its housing investigation areas. The Strategy does not identify Stanmore as an investigation area or an area for potential development capacity, however, this Planning proposal (at 58-76 Stanmore Road) is identified to deliver ~155 dwellings to meet the 0-5 year targets until 2021. Due to the timing of the planning proposal (see Appendix 1), any realisation of housing will likely be within the 6-10 year target or beyond).

**Table 9 Planning proposals likely to be delivered in the timeframe to 2021**

| Locality                                 |                        | Expected dwelling yield*                                       | Status of planning proposal      |
|--|------------------------|--|----------------------------------|
| 36 Lonsdale Street, 69-70 Brennan Street | Lilyfield              | 54   | Pre-Gateway                      |
| Victoria Road Precinct                   | Marrickville           | 500* (total yield to be 1,100 but 600 delivered post 0-5 year) | Gazetted                         |
| 287-309 Trafalgar St                     | Petersham (RSL)        | 357  | Gazetted                         |
| 2-6 Cavill Ave                           | Ashfield               | 285  | Post Gateway. Gazetted immanent. |
| 120C Old Canterbury Rd                   | Summer Hill            | 40   | Post Gateway. Post exhibition    |
| 58-76 Stanmore Rd                        | Stanmore (Cyprus Club) | 155  | Awaiting Gateway                 |

*Figure 13. Extract from Strategy detailing the contribution of planning proposals to the 0-5 year dwelling delivery targets.*

Principle 2 encourages infill housing development to be compatible with heritage values and local character, with suitable scale and design for areas adjacent to HCAs. Principle 6 requires housing to be designed to maximise amenity and provide a positive contribution to its neighbourhood. As detailed previously, **Gateway Conditions** require the proposal to be amended to demonstrate how it achieves high quality residential amenity and responds to the surrounding area.

As the planning proposal was prepared prior to Council's adoption of this Strategy, a **Gateway condition** requires the planning proposal to be updated to address consistency this Strategy, prior to exhibition.



|  |   |
|--|---|
| Recreation Needs Study – A Healthier Inner West (2018) | <p>The Recreation Needs Study was adopted by Council in October 2018 and formed research into the recreation needs, facilities and services for the Inner West. It considers both Council- and non-Council owned land.</p> <p>Themes 1, 2 and 4 of the Study identify the need to address the undersupply of open space and recreation facilities in the LGA, plan open space and recreational infrastructure to meet future demand and improve open space connectivity via walking and cycling. The Study identifies an open space benchmark for all residents to be within 400m of high-quality open space (of at least 0.5ha) and residents in high density developments to be within 200m of an area of high-quality open space of at least 0.1ha.</p> <p>The subject site is in an area with an identified deficiency of open space, with 2.0m<sup>2</sup> of Council-owned open space per person which is below the LGA average of 13.3m<sup>2</sup>. In addition, the Urban Design Report submitted with this proposal identifies that the subject site is not within 400m walking distance of Council owned parks of at least 0.5ha in size. While it seeks to deliver publicly accessible through-site connections and a plaza, further justification is needed to demonstrate how the proposal will support the open space and recreational needs of the community. A <b>Gateway condition</b> is required accordingly, as already discussed previously in this report.</p> <p>As the planning proposal was prepared prior to the endorsement of this Study, a <b>Gateway condition</b> requires the planning proposal to be updated to address consistency this Strategy, prior to exhibition.</p> |
| Inner West Affordable Housing Policy 2017              | <p>The Inner West local government area has been identified as an area in need of affordable housing under Clause 9 of State Environmental Planning Policy 70 Affordable Housing (Revised Scheme). This has authorised Council to implement an affordable housing policy which was endorsed in March 2017. The Policy sets out Council's endorsed position on affordable housing provision, including the value capture mechanisms to levy affordable housing contributions from development. The planning proposal states the intention to negotiate a Voluntary Planning Agreement (VPA) with Council which may include the provision of affordable housing.</p> <p>Under section 7.32(3)(b) of the EP&amp;A Act, any condition imposed relating to contributions for affordable housing on a development consent must be authorised by an LEP and must be in accordance with a scheme for dedications or contributions set out in or adopted by the LEP. To date, Inner West Council has not sought to amend the Marrickville LEP 2011 to reference an affordable housing contribution scheme to levy for affordable housing.</p> <p>In the absence of an endorsed affordable housing contribution scheme, the Department encourages the proponent and Council to engage further on this matter</p>  |

## 4.3 History and Local planning panel (LPP) recommendation

**Appendix 1** contains a detailed history of the planning proposal which is summarised below:

The planning proposal has been the subject of a number of revisions and has been considered by the Inner West Local Planning Panel (LPP) on one occasion and by Council on two occasions. Development consent has previously been granted to part of the site known as 58-76 Stanmore Road, Stanmore.

### Original Planning Proposal

In May 2016, the proponent submitted a planning proposal to Council seeking to amend the provisions in the Marrickville LEP 2011 (MLEP2011) as follows:

- Rezone the site from part RE2, R2 and SP2 to part B4 and R1;
- Apply an FSR of 1.8:1 to the site;
- Retain the existing height of buildings control of 14m and introduce a height of building control of 27m in the centre of the site; and
- Add an additional permitted use clause to allow residential apartments above the registered club premises.

After an initial assessment and discussions with council staff the proposal was deferred to enable the applicant to make amendments. In June 2017, a revised planning proposal and additional information were submitted which partly reflected the council staff recommendations.

### Council Meeting 2017

Council considered the amended planning proposal and additional documentation at its meeting of 25 July 2017. The council resolved to submit the proposal to the Department for Gateway Determination and for Council to become the planning proposal authority (PPA). This was subject to amendments being made to the zoning of Site C, the maximum height of buildings in metres and storeys and floor space ratio controls, inclusion of an additional permitted use for residential flat buildings as part of a mixed-used development, and to prepare and exhibit site specific planning controls and voluntary planning agreement (VPA) concurrent with the proposals.

### Local Planning Panel 2018

On 10 July 2018, the Inner West Local Planning Panel (LPP) considered the revised planning proposal (dated May 2018) and recommendations that local traffic study be undertaken and a site specific DCP be prepared and exhibited with the planning proposal. The LPP noted that the applicant had responded to items 1 and 2 of that resolution, and recommended that Council's resolution of 25 July 2017 was self-executing.

### Council Meeting 2018

At its meeting of 11 September 2018, Council considered the LPP's comments and a further revised planning proposal (dated August 2018) which sought to amend MLEP 2011 as follows:

- Apply part B4, R1 and R3 zones to the site;
- Amend the maximum height of buildings map to permit buildings ranging from 11-22m and 3-6 storeys;
- Apply an FSR of 1:1 (R3 zone) and 1.8:1 (B4 and R1 zone); and
- Amend the Key sites map labelling the part proposed to be B4 zone, and add a clause referencing this map label in MLEP 2011 which states it allows residential flat buildings as part of a mixed-use development.

Council resolved to continue to seek Gateway Determination in accordance with the Council resolution of 25 July 2017, with a recommendation that:

- an additional traffic and street capacity study be provided prior to public exhibition.
- Council negotiate a VPA with the proponent with the intention of exhibiting the VPA at the same time as the Planning Proposal;
- the plans be amended before going in exhibition to comply with the height requirements i.e no taller than 55 meters including aerials, cranes etc set out in the correspondence from Sydney Airport Corporation.

### Revised Planning Proposal

The planning proposal (dated August 2018) was subsequently deferred to consider the implications of a larger portion of the site being exposed to the 25-30 ANEF contours as per the revised Sydney Airport Masterplan 2039 in relation to Ministerial Direction 3.5.

On 25 September 2020, the planning proposal and additional information (including an Aircraft Noise Planning Strategy) were provided to the Department. The amendments sought to MLEP 2011 remain unchanged from August 2018.

#### Current Planning Proposal

In late 2020, the Department requested further information to inform its Gateway assessment of the planning proposal.

In February and March 2021, Council responded by re-submitting a comprehensive updated planning proposal which included:

- updated planning proposal document (by Planning Ingenuity, dated 15 February 2021);
- an amended Urban Design Study and Indicative Scheme (by Kennedy Associates, dated February 2021) with Site C rezoned to R1 consistent with Site B, amendments to the wall street heights and recessing of upper storeys, and introduction of communal roof terraces to all buildings. The proposed provisions were unchanged, including height and FSR development standards.
- Controlled Activity Approval by the Department of Infrastructure, Transport, Regional Development and Communications (dated 23 December 2020),
- An addendum responding to the Department's request for further information (by Kennedy Associates, dated February 2021); and
- An Aeronautical Assessment (by Aviation Projects, dated 25 November 2020).

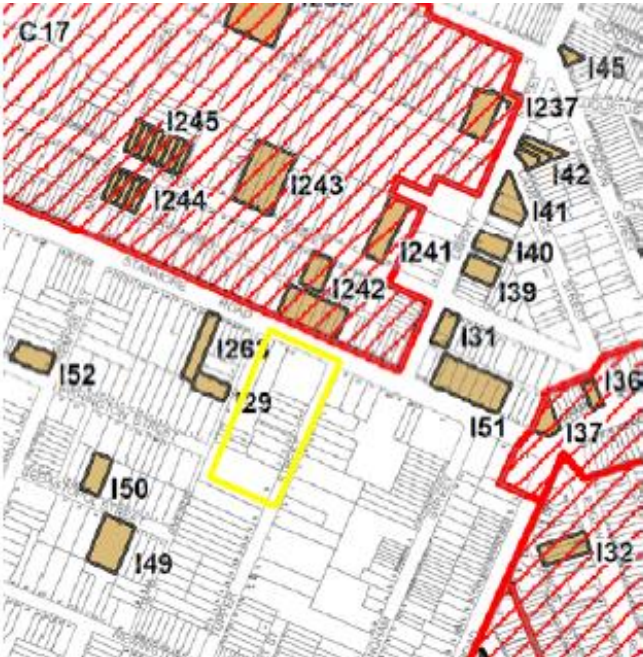
Note: The amended information states that the modification to the zoning for Site C to R1 was at the request of the Department which is not correct. The Department requested further information to explain the intended outcome of the proposed R3 zoning for Site C but did not require Council to amend the propose zoning from R3 to R1.

## 4.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed below:

**Table 5 Section 9.1 Ministerial Direction assessment**

| Directions                        | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency  |
|-----------------------------------|----------------------------------|---|
| 1.1 Business and Industrial Zones | Consistent                       | <p>The site is not currently zoned for industrial or business uses but contains a registered club and seeks to rezone part of the site to B4 Mixed Use. The proposal will provide opportunities to retain the existing club and encourage new commercial uses and employment opportunities. Therefore, the planning proposal is consistent with this Direction.</p> <p>The planning proposal has not provided a statement of consistency with this Direction, and a <b>Gateway Condition</b> is required accordingly.</p> |

| Directions                | Consistent/<br>Not<br>Applicable                     | Reasons for Consistency or Inconsistency  |
|---------------------------|--|---|
| 2.3 Heritage Conservation | Unresolved,<br><b>Gateway Conditions</b><br>required | <p>The site adjoins the Kingston South Heritage Conservation Area (HCA) which contains local heritage items (Figure 14). The site is in proximity to two local heritage items in the northwest which have frontages to Alma Avenue and Stanmore Road.</p> <p>Part 4(a) of this Direction requires a planning proposal to contain provisions which facilitate conservation of heritage items and precincts of environmental heritage significance to the area.</p> <p>Council provided additional information on 16 November 2018 and in February 2021 advising that no heritage items or buildings were located at the site. Given the proximity of the site to local heritage items and a HCA, a <b>Gateway Condition</b> requires further heritage consideration</p> <p>A <b>Gateway Condition</b> requires the planning proposal to be updated to acknowledge and address the Direction.</p>  <p>Figure 14. Extract from Heritage Map HER_003 showing the subject site in yellow outline.</p> |

| Directions                           | Consistent/<br>Not<br>Applicable                  | Reasons for Consistency or Inconsistency   |
|--------------------------------------|---|--|
| 2.6 Remediation of Contaminated Land | Unresolved.<br><b>Gateway Conditions</b> required | <p>The planning proposal seeks to amend the land use zones and the permissible land uses within the site, including use for residential purposes, and proposes to relocate an electricity substation.</p> <p>The planning proposals states that geotechnical investigations undertaken and approved with a 2008 development application (DA2008/00531) confirmed that the site is suitable for residential use without remediation due to the history of uses. It is noted that the investigations did not include the full extent of residential properties on Tupper Street and the electricity substation. This documentation has not been submitted with the planning proposal and is therefore inconsistent with (4) and (5) of the Direction.</p> <p><b>Gateway Conditions</b> require that the planning proposal be updated prior to public exhibition to:</p> <ul style="list-style-type: none"> <li>• acknowledge and address Ministerial Direction 2.6 through an updated preliminary site investigation which covers all properties.</li> <li>• consult with Ausgrid regarding the future intentions for the electricity substation and demonstrate how the substation will be accommodated by the proposed development.</li> </ul> |
| 3.1 Residential Zones                | Unresolved.<br><b>Gateway Conditions</b> required | <p>The planning proposal will facilitate medium and high-density residential development, located within a mixed use development and in a location that has sufficient access to existing infrastructure and services.</p> <p>Part 4(d) of the Direction requires housing to be of good design. As discussed throughout this report, the proposal is subject to <b>Gateway Conditions</b> relating to design and amenity and this Direction is unresolved until those conditions are addressed.</p>  |

| Directions                              | Consistent/<br>Not<br>Applicable   | Reasons for Consistency or Inconsistency   |
|---|--|--|
| 3.4 Integrating Land Use and Transport  | Unresolved.<br><b>Gateway Conditions</b> required  | <p>The planning proposal provides increased residential density and new commercial uses in proximity to public transport infrastructure, including Stanmore railway station and several bus services. It also seeks to improve pedestrian and cycling linkages through the provision of new through-site connections.</p> <p>A draft Traffic Impact Assessment (by Traffix, dated 2016) has been provided in support of the proposal which recognises the proximity to public transport and existing congestion of the road network, and acknowledges the inevitable increase in vehicular traffic resulting from the proposal. The report assesses the parking requirements and traffic impacts, concluding that the proposal will have negligible impact on the surrounding network.</p> <p>For the reasons detailed in Section 5.1, the draft Traffic Impact Assessment does not adequately assess the suitability of the existing road network to accommodate the proposal, the impact of the proposal and measures to address this. A <b>Gateway Condition</b> requires a new traffic impact assessment, which includes a local traffic and street capacity study to be undertaken prior to exhibition.</p>   |
| 3.5 Development Near Regulated Airports | Inconsistent.<br><b>Gateway Conditions</b> require further information to demonstrate inconsistency is 'minor' | <p>The Direction applies as the planning proposal seeks to change the zones and provisions relating to land near a core regulated airport, including an increase to the maximum height limit and residential density. The site is located predominantly in the ANEF 20-25 contours with a portion (1800m<sup>2</sup> or 20% of the site) in ANEF 25-30, and an Obstacle Limitation Surface (OLS) of 51 AHD.</p> <p>Ministerial Direction 3.5 has two relevant considerations being the location of the site in the ANEF contour and associated noise impacts, and the position of the OLS which affects airport operations and safety of urban structures.</p> <p>The proposal is accompanied by an Aircraft Noise Planning Strategy, addressing the aircraft noise impacts, and an Aeronautical Assessment and Controlled Activity Approval from the Department of Infrastructure, Transport, Regional Development and Communications (DITRDC) addressing the airport operational and building safety aspects.</p> <p><b>ANEF Contours (Part 5(a) &amp; (c) and 7)</b></p> <p>The Direction states planning proposals must not rezone land for residential purposes or increase residential densities where the ANEF exceeds 25, and must include a provision ensuring development meets <i>AS 2021:2015 Acoustics—Aircraft Noise Intrusion— Building Siting and Construction</i> noise level standards for residential development within the 20-25 ANEF contour; and for commercial/industrial purposes, where the ANEF exceeds 30.</p> |



| Directions | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency   |
|------------|----------------------------------|--|
|            |                                  | <p>The majority of the site is within the 20-25 ANEF contour which classifies residential uses as 'conditionally acceptable'. A portion in the south western corner (1800m<sup>2</sup>) is within the 25-30 ANEF contour which classifies residential uses as 'unacceptable'.</p>  <p><i>Figure: ANEF 25-30 portion (yellow) of the site.</i></p> <p>It is noted that MLEP 2011 Clause 6.5 requires development in ANEF 20 or greater for residential to meet AS2021:2015, in accordance with Part 7 of the Direction.</p> <p>The Department of Commonwealth and Sydney Airport have been consulted during the preparation of the proposal, in accordance with 5(a), and a <b>Gateway Condition</b> requires additional agency consultation.</p> <p>The planning proposal is inconsistent with Part 5 (c) of the Direction, which requires that incompatible development types not be permitted. This is in relation to 20% of the site on which the proposed R1 zoning would permit residential development.</p> <p>AS2021 states that where the relevant planning authority determines that any development may be necessary within existing built-up areas designated as unacceptable, it is recommended that such development should achieve the required Australian Noise Reduction (ANR) requirements, being an ANR of 36 for the site.</p> <p>The planning proposal considers that despite part of the site being located in the ANEF 25-30, the proposal is consistent for the following reasons:</p> |

- The Aircraft Noise Planning Strategy confirms that the proposal raises no conflict with the Sydney Airport Master Plan 2039. The Strategy states that residential and non-residential buildings could be designed and constructed to satisfy internal design noise levels of AS2021, and that the actual noise levels would be consistent for areas above and below the ANEF 25 contour;
- Sydney Airport Master Plan 2039 indicates that future aircraft will be quieter, able to carry more people and more fuel efficient, which will lessen noise impacts on residential development;
- the existing provisions within Clause 6.5 of MLEP 2011 require internal noise attenuation measures to meet the relevant Australian Standards at the DA stage;
- Australian Noise Reduction (ANR) requirements of 36dB(A) will be achieved by acoustically rated glazing assemblies, masonry or concrete construction, insulation, upgraded light weight façade constructions and acoustic treatment to mechanical exhaust or intake grilles in the façade. The same approach has been deployed in other developments achieving internal acoustic noise levels of less than 50 and 55db for bedrooms and living areas, respectively;
- the area within the ANEF25-30 is mainly within a lower density part of the site and will comprise comparably fewer dwellings. Note, at the time of the Report this area was proposed to be zoned R3, not R1;
- the proposed layout is indicative, and an alternative layout has been provided which does not impact the proposed FSR controls. The alternative layout minimises built form in the south-western portion and redistributes it to the 20-25 ANEF areas, with non-residential uses only and provision of open space.

The Department notes the potential for the inconsistency with Part 5(c) to be of 'minor significance' for the following additional reasons:

- the Aircraft Noise Planning Strategy by EMM submitted with the Proposal found the highest  $L_{A\max}$  noise level of 86dB occurs in areas of the site above and below the ANEF 25 contour. Therefore, the actual noise levels calculated in accordance with the procedures of AS2021 would be consistent for areas above and below the ANEF 25 contour and the required aircraft noise reduction would be the same within and outside these areas.
- the introduction of a residential zoning is in keeping with surrounding zoning which is for residential purposes.
- the Strategy states that notwithstanding the location of the site with respect to the 25-30 ANEF contour, residential and non-residential buildings could be designed and constructed to satisfy the internal design levels of AS2021, however, would require all windows to be closed.

| Directions | Consistent/<br>Not<br>Applicable | Reasons for Consistency or Inconsistency  |
|------------|----------------------------------|---|
|            |                                  | <p>The Department requires further justification to satisfy that the inconsistency is of 'minor significance' by <b>Gateway Conditions</b> which require:</p> <ul style="list-style-type: none"> <li>• an updated Aircraft Noise Planning Strategy demonstrating how aircraft noise will be specifically managed for the site to achieve the relevant ANR and internal design levels of AS2021;</li> <li>• demonstration that an improved, usable ground level communal open space outcome can be accommodated to minimise locating such areas at the roof top level where there is greater exposure to aircraft noise and to compensate for impacts on upper level private open space (balconies).</li> </ul> <p><b>Obstacle Limitation Surface (Part 5(a), (b) and (d))</b></p> <p>Four buildings are expected to encroach the OLS that applies to the site, with the most significant encroachment the north-western portion of the site at 4.4m (55.4 AHD).</p> <p>The Aeronautical Assessment concludes the proposal is a controlled activity however will not affect the safety, efficiency or regularity of existing or future Sydney Airport operations, subject to requirements for lighting and marking of buildings, and lighting intensity. The Report notes that while the proposal is unlikely to impact the Primary and Secondary Surveillance Radars of Sydney Airport, referral to Airservices Australia is required. A <b>Gateway Condition</b> is recommended accordingly.</p> <p>The proposal demonstrates consistency with Part 5 of the Direction as Council have consulted with Sydney Airport Corporation and the Commonwealth Department of Infrastructure, Transport, Regional Development and Cities (ITRDC) during the preparation of the planning proposal in June 2016 and 23 December 2020. This included the receipt of conditional Controlled Activity Approval allowing buildings to a maximum height of 55.4m AHD (including all lift over-runs, vents, chimneys, aerials, antennas, lightning rods, roof top garden plantings and the like). A <b>Gateway Condition</b> is required accordingly.</p> <p>In addition, <b>Gateway Conditions</b> are recommended prior to exhibition:</p> <ul style="list-style-type: none"> <li>• the planning proposal be updated in accordance with Council's additional information relating to Ministerial Direction 3.5 and the Aeronautical Assessment; and</li> <li>• Agency consultation during public exhibition with CASA, Sydney Airport, Air Services and the Commonwealth Department of ITRDC.</li> </ul> |

| Directions                             | Consistent/<br>Not<br>Applicable                  | Reasons for Consistency or Inconsistency  |
|--|---|---|
| 4.1 Acid Sulfate Soils                 | No but minor inconsistency is justified           | <p>The southern portion of the site is within Class 5 land on the Acid Sulfate Soil map of MLEP 2011. The planning proposal may involve basement excavation within, or in proximity to, this area.</p> <p><i>Clause 6.1 Acid Sulphate Soils</i> in MLEP 2011 is considered adequate to prevent environmental damage arising from exposure of acid sulphate soils. It is considered appropriate that this work be undertaken at the development application stage given the likelihood of the presence of acid sulfate soils.</p> <p>As such, any inconsistency with this Direction is of minor significance.</p>  |
| 6.2 Reserving Land for Public Purposes | Not relevant.                                     | <p>The proposal seeks to implement the land reservation acquisition requirement for the purposes of widening Alma Avenue. The proposal is in accordance with the Land Reservation Acquisition map in MLEP 2011 and does not seek to create, alter or reduce existing zonings or reservations for land. As such, the Direction is not relevant to the proposal. Notwithstanding, Council have resolved to support the planning proposal for Gateway determination by a delegate of the Secretary of the Department.</p>  |
| 6.3 Site Specific Provisions           | Unresolved.<br><b>Gateway Conditions</b> required | <p>The planning proposal seeks to rezone part of the land to B4 and permit residential flat buildings on such portion, which are currently prohibited in the zone under MLEP 2011. This intends to enable a residential flat building to be permissible provided it is part of a mixed-use development.</p> <p>The additional permitted use is not prohibitive to future redevelopment of the site as it will enable residential flat buildings to be permitted within the portion of the site zoned for B4 provided they are part of a mixed-use development. This will therefore enable a diversity of uses on that site.</p> <p>However, the Department notes that the proposed provision does not require the mixture of uses to include a 'club', as per Objectives 2 and 4 of the proposal. Therefore, further clarity is required as to whether the planning proposal is seeking to ensure a particular development outcome in the LEP to ensure a 'club' use is mandated on the site.</p> <p>A <b>Gateway Condition</b> is required accordingly, and the Direction is unresolved until this Condition is addressed.</p> |

## 4.5 State environmental planning policies (SEPPs)

The planning proposal is consistent with all relevant SEPPs as discussed in the table below.

Table 6 Assessment of planning proposal against relevant SEPPs

| SEPPs                      | Requirement  | Proposal  | Complies   |
|----------------------------|--|---|--|
| SEPP (Infrastructure) 2007 | The Infrastructure SEPP contains provisions for traffic-generating development in clause 104 and Schedule 3 which require referral to the Roads and Maritime Services (RMS) (now TfNSW) at the development application stage   | <p>The proposal is traffic-generating development as per Clause 104 and Schedule 3 as Stanmore Road is a classified road and the proposal will introduce more than 75 residential dwellings. Therefore, referral to TfNSW will be required at the development application stage.</p> <p>A <b>Gateway Condition</b> is recommended that requires agency consultation with TfNSW as part of this planning proposal.</p>   | Yes  |
| SEPP 65                    | This SEPP aims to improve the design quality of residential apartment development in NSW. The provisions in the SEPP require that the design quality principles, the Apartment Design Guide and advice from a design review panel (if any) be considered before a development application is determined by the relevant consent authority. | <p>The aspects of the proposal related to residential flat buildings and mixed-use development will be subject to the provisions of SEPP 65.</p> <p>The Urban Design Study and Indicative Concept Scheme demonstrates a concept scheme that may achieve compliance with the ADG requirements for building separation, communal open space and deep soil area.</p> <p>As discussed in Section 5.1, the planning proposal does not provide sufficient information to demonstrate how solar access to south adjoining properties and Building C (Site B) will be achieved. It is noted that the concept design includes roof top communal open space to respond to applicable solar access requirements. Further information is required to demonstrate an FSR that can accommodate deep soil landscaping that is unimpeded by basement or above ground structures to ensure compliance with the ADG requirements.</p> <p><b>Gateway Conditions</b> are recommended accordingly and are detailed in Section 5.1.</p> | Unresolved, and subject to <b>Gateway Conditions</b> |

| SEPPs  | Requirement   | Proposal   | Complies |
|--|---|--|----------|
| SEPP<br>(Vegetation in<br>Non-Rural Areas)<br>2017 | <p>The SEPP aims to protect the biodiversity values of trees and other vegetation in non-rural areas and preserve the amenity of non-rural areas through the preservation of trees and other vegetation.</p> <p>Part 3 of the SEPP contains provisions which require a council permit to clear vegetation declared by a development control plan.</p> | <p>The Planning Proposal is accompanied by an Arborists Report by Jacksons Nature Works (dated 2016) in support of the proposal. The report provides recommendations for the removal and retention of trees, including tree protection measures for the trees proposed to be retained.</p> <p>The proposed development will be subject to the provisions of the SEPP at the development application stage.</p> | Yes      |
| SEPP 70  | <p>Under Clause 9 of the SEPP, Inner West Council has been identified as a local government area in need of affordable housing. Under the SEPP a future development application for the site may be subject to a contribution or dedication of affordable housing to be determined by Council.</p>  | <p>The proponent has provided a letter of intent to enter into a VPA with Council which includes the potential for provision of affordable housing.</p> <p>The planning proposal is not considered to hinder the application of the SEPP.</p>  | Yes      |

## 5 Site-specific assessment

### 5.1 Environmental

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

**Table 7 Environmental impact assessment**

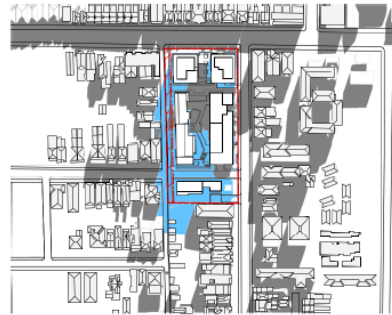
| Environmental Impact | Assessment |
|----------------------|------------|
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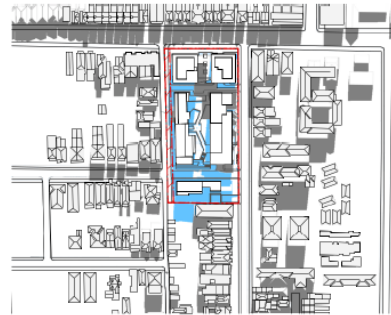
|                                    |  |
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| Height, bulk, scale, and character | <p>An Urban Design Study and Indicative Concept Scheme by Kennedy Associates Architects (February 2021) has been submitted in support of the proposal.</p> <p>The planning of the site provides opportunities to facilitate transition in building height, typology and uses to respond to the scale, built form and typologies of the surrounding area and items of heritage significance.</p> <p>The street wall and upper level setbacks to Stanmore Road and inclusion of a public plaza on this frontage has the potential to offer some visual relief to the Kingston HCA. The mixture of uses at the lower levels on Stanmore Road and a publicly accessible plaza activate the primary road frontage. The through-site laneways and publicly accessible plaza provide sightlines and permeability to the surrounding area. These are subject to <b>Gateway Conditions</b> which require further demonstration that they will remain publicly accessible.</p> <p>Despite this, the height and density (bulk and scale) appears to be in excess of the surrounding scale of 1-2 storey dwellings and 3-4 storey apartments. This is particularly the case for Site B (Building C and D) with a maximum height ranging in 20-23m and FSR of 1.8:1 and proposed built form of 5-6 storeys. The justification for this additional height appears to be that upper storey elements (storeys 5 and 6) will be setback from street frontages and that the taller elements will be largely concealed. However, no photomontages or view analysis has been provided to demonstrate this. The rationale also points to precedents in the LGA which have a different context to that of the subject site. Accordingly, a <b>Gateway Condition</b> is included requiring further information (including view analysis and photomontages) be provided prior to exhibition.</p> <p>It is noted that on 25 July 2017, Council resolved to prepare a site-specific DCP for future development of the land in accordance with the recommendations of Council's Architectural Excellence Panel (AEP). A <b>Gateway Condition</b> stipulates the site-specific DCP is to be prepared</p> |
|------------------------------------|--|

## Overshadowing and Solar Access

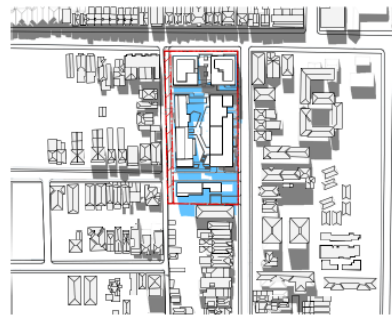
The Urban Design Study and Indicative Concept Scheme has been submitted with hourly overshadowing diagrams which demonstrate solar access within the development (plan and aerial view) and to adjoining properties (aerial view only):



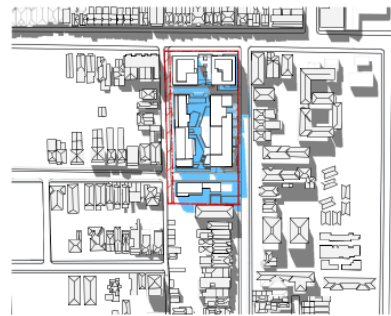
9 am - 21st June



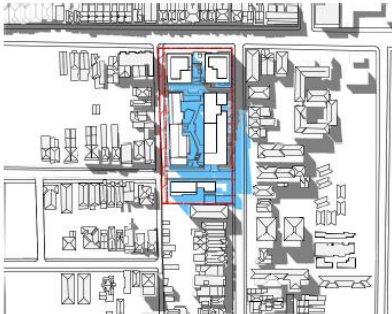
10 am - 21st June



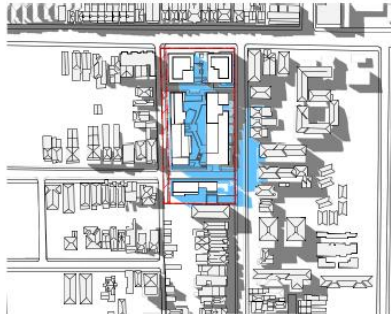
11 am - 21st June



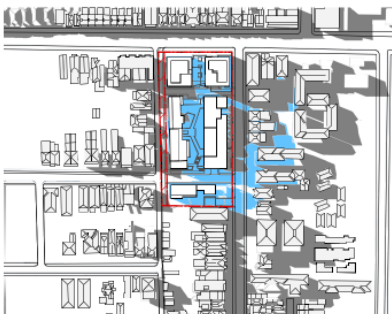
12 pm - 21st June



1 pm - 21st June



2 pm - 21st June



3 pm - 21st June

|                               |  |
|-------------------------------|--|
|                               | <p><b>Solar access to units and communal open space</b></p> <p>The overshadowing diagrams indicate that the overall concept scheme may achieve the ADG requirements for solar access to units across the entire development and for communal open space (COS), however the following issues are noted:</p> <ul style="list-style-type: none"> <li>• Building C (Site B) may not be able to achieve 70% of units receiving 2 hours of sun, despite the overall development achieving compliance,</li> <li>• that COS at ground level (Site B) will not achieve the minimum 2 hours of solar access to 50% of the area between 9am-3pm during mid-winter, as per the ADG.</li> <li>• The proposed FSR and concept scheme rely on the provision of COS at the roof top level to achieve the ADG solar access requirements.</li> </ul> <p><b>Gateway Conditions</b> (detailed previously) require the proposed height and FSR provisions to be reduced and the concept scheme amended to address amenity for residents and communal open space.</p> <p><b>Solar access to adjoining properties</b></p> <p>The overshadowing diagrams indicate that the proposal will result in some additional overshadowing to properties on Alma Avenue between 9-10am mid-winter, relative to the existing shadows cast. The diagrams indicate that the scheme may be able to achieve ADG requirements for solar access to neighbours, however, further information is required to clarify the impact on Tupper Street properties. A <b>Gateway Condition</b> requires plan-view diagrams to be provided to demonstrate the hourly overshadowing to the adjoining property living area windows and private open space for properties on Tupper Street, particularly the south adjoining property.</p> |
| Aircraft noise and operations | <p>Refer to Section 4.5 (Ministerial Direction 3.5) for a detailed assessment of the site-specific aircraft noise impacts. It concludes that <b>Gateway Conditions</b> are required to:</p> <ul style="list-style-type: none"> <li>• further demonstrate the site-specific measures that can be employed to achieve internal noise levels of the relevant Australian Standards,</li> <li>• consult with Airservices Australia to ensure the 'Area of Interest' for radars at Sydney Airport will not be adversely impacted and</li> <li>• ensure the conditional Controlled Activity Approval and letter from Sydney Airport are complied with to avoid disruption to aircraft movements and operations.</li> </ul> <p>The <b>Gateway Conditions</b> also require the proposal to accommodate usable ground level communal open space. This is, amongst other reasons, to avoid placement of COS at the roof top level which would likely be subject to increased aircraft noise impacts.</p>  |
| Contamination                 | <p>Refer to Section 4.5 (Ministerial Direction 2.6) for a detailed assessment which concludes that the <b>Gateway Conditions</b> will require a Preliminary Site Investigation to be provided prior to public exhibition which covers all properties. In addition, consultation will be required with Ausgrid prior to public exhibition to demonstrate the future intentions for the electricity substation and how it will be accommodated.</p>  |

|                                |  |
|--------------------------------|--|
| Urban tree canopy              | <p>An Arborist Report (by Jacksons Nature Works) has been provided supporting the proposal with recommendations for trees to be retained and removed, and tree protection measures for those which will be retained. The planning proposal demonstrates that the concept scheme may achieve the ADG requirements for deep soil landscaping.</p> <p><b>Gateway conditions</b> require a landscape plan be provided, to demonstrate that existing and proposed tree canopy can be accommodated, and deep soil areas will be unimpeded by above and below ground structures.</p>  |
| Heritage and Archaeological    | <p>The site adjoins the Kingston South HCA and is in proximity to three local heritage items (item I263, I29 and I242) in the northwest which have frontages to Alma Avenue and Stanmore Road.</p> <p>The planning proposal states that the site does not have cultural or historical links to these items. It also states that the concept scheme uses measures to maintain physical separation and protect the curtilage of these items and the Kingston HCA, being street wall and upper level setbacks, road widening, locating publicly accessible open space on the Stanmore Road frontage and tree planting. Council states that such measures will be prescribed in a site specific DCP which will acknowledge the proximity to these items and the HCA.</p> <p>The planning proposal is not supported by a heritage impact statement and a <b>Gateway Condition</b> requires one to be provided prior to exhibition. As detailed in Section 4.5, Council has provided additional information clarifying the electricity substation is not a heritage item, and <b>Gateway Conditions</b> require the documentation to be updated for consistency prior to exhibition. In addition, agency consultation with NSW Heritage and EES group of the Department will be required during exhibition.</p>  |
| Transport, traffic and parking | <p>The site is bound by Stanmore Road to the north, Tupper Street to the east and Alma Avenue to the west. Stanmore Road is a classified road with T-intersections to Alma Avenue and Tupper Street in the northwest and northeast corners of the subject site. Alma Avenue is a one-way road with no on street parking available. Tupper Street is a narrow street which is currently used for on kerbside parking on both sides. The use of on street parking means that two-way traffic cannot be accommodated when cars are parked.</p> <p>The accompanying concept scheme will not result in direct vehicle access from Stanmore Road and basement parking will be accessed via new laneways connecting Alma Avenue and Tupper Street.</p> <p>A draft Traffic and Parking Impact Assessment (by Traffix, December 2016) has been prepared in support of the planning proposal. The report acknowledges the site's suitable location near public transport to provide alternative transport opportunities for future residents and visitors, describes the existing and proposed road intersection performance, the impact on surrounding road network and the proposed car parking requirements. The Report anticipates the net trip generation to be 40 and 52 vehicles trips per hour during the AM and PM peak periods, respectively, and concludes there will be negligible increase in traffic delays across the network.</p> <p>The planning proposal has proposed some measures to assist in mitigating the projected increase in vehicular movements through:</p> |

- the widening of Alma Avenue; and
- the provision of two through-site laneways between Alma Avenue and Tupper Street, offering a continuation of Harrington Street.

Despite this, there are some matters which are unclear or have not been adequately addressed and remain unresolved until addressed by **Gateway**

**Conditions:**

- The anticipated number of parking spaces does not reflect the updated Urban Design Report (apartment mix and dwelling numbers), the current DCP parking provisions which are listed by Areas 1, 2 and 3, and the number of spaces expected for the proposed club premises (based on the expected patronage and staffing number).
- The traffic surveys (2009 and 2016) used to determine existing in-bound and out-bound traffic flows are out of date, and limited to a survey of the Alma Avenue-Stanmore Road intersection, and not the Tupper Street-Stanmore Road intersection.
- Details of the vehicle entry and exit movements onto Tupper Street and Alma Avenue.
- Lack of clarity as to whether the existing road network can support the proposed development, or recommendations of the updates required to accommodate the proposed development and manage traffic movements and delays including:
  - upgrades to Tupper Street-Stanmore Road intersection to address the anticipated vehicle delays and level of service capacity. It is noted that this intersection will require either traffic signal upgrades or an accident report to be prepared if the existing give-way intersection is retained.
  - how the proposed widening of Alma Avenue will operate with regards to the operation of the intersection with Stanmore Road and whether one-way or bi-directional traffic movements will be accommodated.
  - the implications for kerbside parking on Tupper Street which currently limits bi-directional traffic flows.
  - options for reduced on-site parking provision to minimise trip generation and private vehicle usage, and maximise public transport patronage.

A new traffic impact assessment will need to address the above uncertainties and investigate the potential widening of the street to support the proposed development, the impact that the proposed development will have on the existing street network and make recommendations on how to address this. A **Gateway Condition** is recommended accordingly

## 5.2 Social and economic

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 proposed development will promote social benefits through the provision of new publicly accessible open space and provide permeable pedestrian links. This is expected to promote connectivity in the area.</p> <p>The proposal also facilitates opportunities for the continued use a club premises and new commercial uses which provide services for local residents, subject to relevant <b>Gateway Conditions</b>.</p> <ul style="list-style-type: none"> <li>•</li> </ul>  |
| Economic | <p>The proposal will introduce new commercial floor space and includes objectives to retain the club premises on the site and thereby facilitating opportunities for economic activity and local employment. The additional residential capacity generated by the proposal will incite retail demand to support the commercial uses on the site and in the surrounding local area. This is subject to <b>Gateway Conditions</b> which require demonstration of how the proposed commercial and club uses will be realised and delivered in any future proposal.</p> |

## 5.3 Infrastructure

The site is well-serviced by existing infrastructure, utilities, public transport, and educational and recreational facilities.

The proposal will contribute to the pedestrian and road network through the provision of road widening and a new footpath on Alma Avenue, and two through-site laneways connecting Alma Avenue and Tupper Street.

The site is located in an area which has been identified as having a deficiency in existing public open space. New publicly-accessible open space will also be provided on the Stanmore Road frontage, however, **Gateway Conditions** require further demonstration of how this will remain 'publicly accessible'.

In addition, a **Gateway Condition** requires a new Traffic Impact Assessment be prepared prior to exhibition to demonstrate how the surrounding network can support the proposed development and determine what (if any) road or intersection road upgrades are required.

The proponent provided a letter of offer for a Voluntary Planning Agreement with Council which may include monetary contributions and/or works-in-kind, such as:

- improvements to other public open space in the vicinity, such as Enmore Park and Ryan Playground;
- improvements to public domain surrounding site, particularly key movement routes of Stanmore and Enmore Roads;
- the provision of affordable housing within the site dedicated space for community use (as identified in *Facilities Needs Research – Strategic Directions for Marrickville Report* June 2012).

The Department encourages that Council and the proponent enter into a VPA, which can be exhibited concurrently with the planning proposal, to demonstrate additional benefits that will be offered to the community as a result of the proposed uplift in density. This approach is also in accordance with the 2017 Council resolution and 2018 LPP recommendations.



## 6 Consultation

### 6.1 Community

Council proposes a community consultation period of 28 days. The exhibition period proposed is considered appropriate, and forms the conditions of the Gateway determination.

### 6.2 Agencies

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

- In relation to Ministerial Direction 3.5:
  - Sydney Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.
  - the Civil Aviation Authority (CASA) as to whether the Aeronautical Assessment (by Aviation Projects, dated 25 November 2020) and Aircraft Noise Planning Strategy (by EMM Consulting, dated 17 April 2020) address the requirements for CASA.
  - Airservices Australia with regards to the proposal's location in the 'Area of Interest' for Sydney Airport's Primary and Secondary Surveillance Radars, as recommended by the Aeronautical Assessment (by Aviation Projects, dated 25/11/2020).
  - Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.
- Transport for NSW
- Roads and Maritime Services
- Sydney Water Corporation
- Water NSW
- NSW Heritage
- Environment, Energy and Science Group of the Department
- Ausgrid
- Greater Sydney Commission
- NSW Department of Education

## 7 Timeframe

Council proposes a 42 week time frame to complete the LEP. The Department recommends a time frame of 12 months to allow for some flexibility following submissions of the planning proposal for finalisation.

A condition to the above effect is recommended in the Gateway determination.

## 8 Local plan-making authority

Council has advised that it would like to exercise its functions as a Local Plan-Making authority.

As discussed, the planning proposal relates to matters which require alignment and consistency with District Plan and LSPS priorities, Ministerial Directions and SEPPs. In light of this, the Department recommends that Council not be authorised to be the local plan-making authority for this proposal.

## 9 Assessment Summary

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

- It is generally consistent with the Eastern City District Plan and gives effect to the Inner West Local Strategic Planning Statement and draft Inner West Housing Strategy. Further information and justification are required to further demonstrate consistency with District Plan Priorities E6, E17 and E18 and LSPS Priorities 1, 6, 9 and 11 which is subject to **Gateway Conditions**;
- The inconsistency with Direction 4.1 is justified as minor and any inconsistencies which are not currently addressed will be addressed by way of Gateway Conditions before public exhibition;
- It is acceptable with regards to the relevant SEPPs, except for SEPP 65 which is subject to **Gateway Conditions**;
- It will enable a mix of uses, including housing, in an area that is well serviced by public transport and other services and facilities.

As discussed in the previous sections 4 and 5, the proposal should be updated to address outstanding issues which broadly relate to:

- Height and density transition with the surrounding context;
- Heritage conservation;
- Residential amenity, in terms of solar access, and aircraft noise;
- Provision of ground level communal open space that is usable and has good amenity;
- Deep soil and tree canopy;
- Site specific uses for co-location of residential flat buildings and mixed uses;
- Traffic, access and parking;
- Contamination; and
- Publicly-accessibility of the proposed open space and through-site links.

## 10 Recommendation

It is recommended that the delegate of the Secretary:

- Note that the consistency with section 9.1 Directions 2.3, 2.6, 3.1, 3.4, 3.5 and 6.3 are unresolved and will require justification, prior to exhibition
  - Note that the inconsistency with section 9.1 Direction 4.1 is minor and justified.
1. It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions: The planning proposal is to be amended to reduce the height and floor space ratio to address the following matters:
    - (a) The concept scheme is to be amended to address:
      - (i) the delivery of improved and usable ground level communal open space which achieves the requirements of the Apartment Design Guide (ADG) and minimises exposure to aircraft noise by being located away from rooftops.
      - (ii) an improved residential amenity outcome by achieving compliance with the ADG solar access requirements for all individual buildings on the site and demonstrate that the adjoining properties will achieve compliance with the ADG requirements in terms of solar access.

- (iii) include a landscape plan which demonstrates how the provision of deep soil planting will not be impeded by above ground structures or subterranean development and which is capable of accommodating the trees which will be retained and new replacement planting. The landscape concept plan must demonstrate how new trees will be accommodated and the community benefits stated in Council's Additional Information Response (dated 8 March 2021) of tree lined streets, lanes and vistas are achieved.
- (b) Information to demonstrate how publicly accessible open space in the plaza, through-site lanes A and B, and any other publicly accessible open space proposed, will be protected and delivered as 'publicly accessible'.
- (c) Provide a clear rationale for the reduced height and FSR standards that are being proposed, having regard to the existing scale of surrounding buildings and the desired future character, which includes heritage items and a heritage conservation area. This is to include:
- (i) a rationale demonstrating how the amended height and density provisions, and built form of the concept plan are sympathetic to, and consistent with, the surrounding area's density, scale and context;
  - (ii) be informed by a heritage study prepared by a suitably qualified expert; and
  - (iii) include photomontages and view analysis of all buildings providing a clear visual representation of the intended bulk and scale and relationship to the surrounding area.
- (d) The statement addressing consistency with the Eastern City District Plan is to be updated to reflect the amended planning proposal. This statement must also address Planning Priority E18 - Delivering high quality open space, which is not addressed in the current proposal.
- (e) The statement addressing consistency with Priorities 6 and 7 in the Inner West LSPS is to be updated to reflect the amended planning proposal. This statement must address all other relevant Planning Priorities in the LSPS, including:
- Priority 1 – Adapt to climate change,
  - Priority 3 – A diverse and increasing urban forest that connects habitats of flora and fauna,
  - Priority 8 – Provide improved and accessible sustainable transport infrastructure,
  - Priority 9 – A thriving local economy, and
  - Priority 11 – Provide accessible facilities and spaces that support active, healthy communities.
- (f) Update the planning proposal to address the adopted *Inner West Housing Strategy (2020)*, the *Inner West Recreational Needs Study – A Healthier Inner West (2018)* and draft *Inner West Recreation Strategy and Action Plan* (if finalised prior to submission to the Department for pre-exhibition endorsement).
- (g) Information to clearly demonstrate consistency with, or that any inconsistency is justified and/or of minor significance, with the following section 9.1 Directions:
- (i) Ministerial Direction 1.1 Business and Industrial Zones – acknowledge and address consistency with this Direction.
  - (ii) Ministerial Direction 2.3 Heritage Conservation – Undertake a heritage impact report which considers the heritage significance and impacts on the nearby heritage items

and Kingston Heritage Conservation Area. Update the planning proposal to acknowledge and address this Direction;

- (iii) Ministerial Direction 2.6 Remediation of Contaminated Land – Undertake a preliminary site investigation for all land to which the proposal applies.
- (iv) Ministerial Direction 3.1 – Amend the planning proposal to address good design and amenity, in accordance with Condition 1 (a) in the Gateway Determination;
- (v) Ministerial Direction 3.4 Integrating Land Use and Transport – update the traffic impact assessment prior to exhibition to address
  - the anticipated car parking space demand and provision resulting from the proposed development in accordance with the DCP controls and the proposed dwellings and mixed uses.
  - any recommended measures to reduce private vehicle trip generation and demand, and maximise public transport patronage.
  - The impact on the road network, including any required infrastructure or intersection upgrades
- (vi) Ministerial Direction 3.5 Development Near Regulated Airports and Defence Airfields – Amend the planning proposal to:
  - prepare an updated Noise Planning Strategy which clearly demonstrates the site-specific recommendations and measures to achieve the relevant Aircraft Noise Reduction value for the site and internal design levels of AS 2021:2015;
  - incorporate any requirements of consultation with, and Controlled Activity Approval from the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development (dated 23/12/2020). This includes the requirement that the maximum height of buildings must not exceed 55.4m AHD inclusive of all lift over-runs, vents and chimneys, aerials, antennas, lightning rods, exhaust flues, roof top garden plantings, construction cranes, and the like;
  - incorporate Council's additional information response for Ministerial Direction 3.5 (dated 25/09/2020 and February 2021) and the Aeronautical Assessment (by Aviation Projects, dated 25/11/2020);
- (vii) Ministerial Direction 6.3 Site Specific Provisions – Provide further justification to address Ministerial Direction 6.3 and how the proposal will achieve Objectives 2, 4 and 9 of the planning proposal and LSPS Priority 9. This includes discussion on how mixed uses (being a club premises and commercial premises) will be realised by the additional permitted use clause which proposes to permit a residential flat building on the B4 zone portion of the site, but only as part of a mixed use development.

(h) Provide a provision for a site specific development control plan to apply to the site to incorporate the matters addressed in Council reports on 25/7/2017 and 11/09/2018

(i) Update the planning proposal, proposed maps and all supporting documentation to be consistent with and to reflect the changes to the proposal as a result of the Gateway Conditions.

(j) Provide clarification on the mechanism to enable the proposed widening of Alma Avenue.

(k) Include an updated project timeline.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- NSW Heritage
  - Environment, Energy and Science Group of the Department
  - Transport for NSW
  - Sydney Water
  - Water NSW
  - Ausgrid
  - Greater Sydney Commission
  - NSW Department of Education
  - In relation to Ministerial Direction 3.5:
    - Sydney Airport and the Commonwealth Department of Infrastructure, Transport, Cities and Regional Development.
    - the Civil Aviation Authority (CASA) as to whether the Aeronautical Assessment (by Aviation Projects, dated 25 November 2020) and Aircraft Noise Planning Strategy (by EMM Consulting, dated 17 April 2020) address the requirements for CASA.
    - Airservices Australia with regards to the proposal's location in the 'Area of Interest' for Sydney Airport's Primary and Secondary Surveillance Radars, as recommended by the Aeronautical Assessment (by Aviation Projects, dated 25/11/2020);
    - Commonwealth Department of Infrastructure, Transport, Cities and Regional Development

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

- 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act.
- 5. Given the nature of the planning proposal, Council should not be authorised to be the local plan-making authority to make this plan.
- 6. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.



Kris Walsh

Manager, Eastern and South District



\_\_\_\_\_20/05/2021\_\_\_\_\_

Laura Locke

Director, Eastern and South District