



DIRECTOR-GENERAL'S SITE COMPATIBILITY
CERTIFICATE—APPLICATION FORM

Date received: ____/____/____

Site compatibility application no. _____

LODGEMENT

Instructions to users

This application form is to be completed by a **public authority, social housing provider, or applicant undertaking development with the Land and Housing Corporation** who wishes to apply to the Director-General of the Department of Planning for a site compatibility certificate under Division 5, Part 2 of State Environmental Planning Policy (Affordable Rental Housing) 2009 (the SEPP).

A site compatibility certificate is required under clause 50(2A) of the Environmental Planning and Assessment Regulation 2000 to accompany development applications for certain classes of development identified in the SEPP. In particular, consent for development under clause 36 of the SEPP may be granted only if the development is the subject of a certificate from the Director-General certifying that the development is compatible with surrounding land uses.

Before lodging this application, it is recommended that you consult with the Department of Planning concerning your development proposal, including whether a site compatibility certificate is required and what application fee will apply. The application fee must be provided at the time you lodge this application form.

To ensure that your application is accepted, you must:

- complete **all** relevant parts of this form, and
- submit **all** relevant information required by this form, and
- provide **3 copies** of this form and attached documentation, and
- provide form and documentation in **electronic format** (e.g. CD-ROM).

NB: The Department of Planning may request further information if your application is incomplete or inadequate.

All applications **must be lodged** with the Director-General, by courier or mail. Applications can be lodged with the relevant regional office of the NSW Department of Planning. Please refer to www.planning.nsw.gov.au for contact details.

PART A — APPLICANT AND SITE DETAILS

A1 APPLICANT FOR THE SITE COMPATIBILITY CERTIFICATE

Name of public authority / social housing provider / applicant undertaking development with the Land and Housing Corporation

Pacific Planning Pty Ltd

☒ Mr ☐ Ms ☐ Mrs ☐ Dr ☐ Other

First name

James

Family name

Matthews

Street address

Unit/street no.

Street name

Suburb or town

State

Postcode

Postal address
(or mark 'as
above')

PO Box or Bag

PO Box 8

Suburb or town

Caringbah

State

NSW

Postcode

1495

Daytime telephone

Fax

Email

jmatthews@pacificplanning.com.au

Mobile

0437521110

A2 SITE AND PROPOSED DEVELOPMENT DETAILS

Identify the land you propose to develop and for which you seek the Director-General's site compatibility certificate.

NAME OF PROPOSAL

Application for a site compatibility certificate under Division 5 of the ARHSEPP

STREET ADDRESS

Unit/street no.

1-3

Street or property name

White Street

Suburb, town or locality

Lilyfield

Postcode

2040

Local government area

Inner West

NAME OF PROPERTY

REAL PROPERTY DESCRIPTION

Lot 1, Section 5, DP 3001



Attach map and detailed description of land.

The **real property description** is found on a map of the land or on the title documents for the land. If you are unsure of the real property description, you should contact the Department of Lands. Please ensure that you place a slash (/) to distinguish between the lot, section, DP and strata numbers. If the proposal applies to more than one piece of land, please use a comma to distinguish between each real property description.

LAND OWNER'S NAME AND CONTACT PHONE NO.

If the land owner is the same as the applicant on this site compatibility certificate form please write 'the applicant' here.

Prestige Fisheries Pty Ltd

DEVELOPMENT PROPONENT'S NAME AND CONTACT PHONE NO.

Who will be lodging any subsequent development application to council? If the development proponent is the same as the applicant on this form for a site compatibility certificate please write 'the applicant' here.

Dan Cohen, Prestige Fisheries Pty Ltd

DESCRIPTION OF PROPOSED DEVELOPMENT. Include proposed uses, access and height of buildings or structures.

The certificate will facilitate the demolition of all existing buildings on the site, the construction of a residential flat building comprising three-storeys of 16 apartments (of which 50% or 8 dwellings will be designated affordable), and basement parking for cars, motorbikes and bicycles and associated vehicular access and landscaping.



Attach copy of proposed site layout.

CURRENT ZONING OF LAND AT THE PROPERTY

IN2 Light Industrial

CURRENT LAND USE AND APPROVALS AT THE PROPERTY e.g. land use type, approved developments on site.

The site contains a brick factory building which is used for the storage of frozen seafood products. No processing occurs on the site. The building is 7.32 metres high at the ridge and is approximately 275sq.m. The site forms part of the far north-eastern corner of the Moore Street South industrial precinct where it adjoins a public reserve and residential neighbourhoods which are predominantly developed with terrace housing, townhouses and a few walk-up residential flat buildings.

The context of the site has changed since the granting of a certificate and DA approval for adjoining land to the north at 5-7 White Street, including 22 dwellings (16 affordable and 6 social), which is currently under construction. Two-storey townhouses zoned R1 General Residential are located further to the north of the adjoining 5-7 White Street, and have long operated as social housing by Housing NSW (9-15 White St).

ZONING OF LAND ADJACENT TO THE PROPERTY. List zones for ALL adjoining land.

IN2 Light Industrial (north, south and west) and RE1 Public Recreation (to the east)

CURRENT LAND USE AND KNOWN APPROVALS ON THE ADJACENT LAND

As previously discussed, the adjoining land at 5-7 White Street is also zoned IN2 Light Industrial, however, given it adjoins residential development to the north, was granted a SCC that permits residential flat development as affordable housing under the ARHSEPP. A development application has been granted for 22 dwellings, including 16 affordable and 6 social, and development well advanced.



Attach copy of zoning extract from the relevant LEP or other environmental planning instrument showing zoning at the site and all adjoining zones in relation to the site.

PART B — RESIDENTIAL FLAT BUILDINGS NEAR RAILWAY STATIONS AND NOMINATED TOWNS (CLAUSE 36 OF SEPP)

In this Part, identify the reasons why you need to apply for a Director-General's site compatibility certificate.

B1 IS THE PROPOSAL FOR DEVELOPMENT UNDER CLAUSE 36 OF THE SEPP?

- 1.1. Is the proposal for residential flat buildings by or on behalf of a public authority or social housing provider or by a person who is undertaking the development in a joint venture with the Land and Housing Corporation?

☒ Yes ☐ No. This section does not apply.

- 1.2. If yes, is the proposed development to be located in the Sydney Region within 800 metres of a public entrance to a railway station or light rail station, or in the case of a light rail station with no entrance – a platform of the light rail station,
OR
within 400 metres of land in Zone B3 Commercial Core or Zone B4 Mixed Use or in an equivalent zone, of any of the following towns: Albury, Ballina, Batemans Bay, Bathurst, Bega, Bowral, Cessnock, Charlestown, Coffs Harbour, Dapto, Dubbo, Glendale–Cardiff, Gosford, Goulburn, Grafton, Lismore, Maitland, Morisset, Newcastle, Nowra, Orange, Port Macquarie, Queanbeyan, Raymond Terrace, Shellharbour, Tamworth, Taree, Tuggerah–Wyong, Tweed Heads, Wagga Wagga, Warrawong, Wollongong.

☒ Yes Which station or town?

Lilyfield light rail station

☐ No. This section does not apply.

- 1.3. If yes, is the proposed development to be located in a land use zone in which development for the purpose of a residential flat building is **not** permissible on the land under another environmental planning instrument?

☒ Yes.

What zone?

IN2 Light Industrial

☐ No. This section does not apply.

- 1.4. Did you answer YES to all questions from 1.1 to 1.3 above?

☒ Yes. You require a site compatibility certificate under clause 36 of the SEPP. **Proceed to Part C.**

☐ No. **DO NOT** continue filling out this form. A site compatibility certificate will not be issued.

INTERNAL DEPARTMENT USE ONLY — SUMMARY OF PART B

2. APPLICATION OF SEPP TO THE SITE

2.1. Does the proposed development require a site compatibility certificate under the SEPP?

☐ Yes ☐ No

APPLICANT FOR SITE COMPATIBILITY CERTIFICATE

Public authority ☐ Yes ☐ No

Social housing provider ☐ Yes ☐ No

Applicant undertaking development with
the Land and Housing Corporation ☐ Yes ☐ No

Name of public authority / social housing provider / applicant undertaking development with the Land and Housing Corporation

Note: *Social housing provider* is defined under the SEPP (Affordable Rental Housing) 2009 as any of the following:

- Department of Human Services
- Land and Housing Corporation
- a registered community housing provider
- Aboriginal Housing Office
- a registered Aboriginal housing organisation within the meaning of the *Aboriginal Housing Act 1998*
- a local government authority that provides affordable housing
- a not-for-profit organisation that is a direct provider of rental housing to tenants.

PART C — SITE COMPATIBILITY OF THE PROPOSED DEVELOPMENT

In this Part, provide documentation to describe the development proposal, its context, strategic justification and compatibility with surrounding land uses.

C1 DEVELOPMENT PROPOSAL INFORMATION

1. CONTEXT



Attach information to support the site context such as photos, maps and written evidence.

- Description of the site and the surrounding environment (including all adjacent lands)
 - location, zoning of the site, existing and approved uses, built form, and past land uses
 - zoning, current land uses and built form of surrounding lands
 - areas or items of cultural heritage significance on site or within surrounding lands (including Aboriginal cultural heritage and other cultural heritage)
 - natural environment on site and of surrounding lands (including significant environmental values and natural resources)
 - hazards and natural constraints on site and of surrounding lands (e.g. flood prone land, bush fire risks)
- Access to services and facilities
 - access to transport infrastructure and services, accessible pedestrian routes
 - provision of utilities including water, sewage, electricity and gas
 - access to social infrastructure including hospitals and other medical facilities, schools, community services, open space and cultural and recreational facilities
 - location and description of available shops and other business services

2. PROPOSAL



Attach information to adequately describe the development proposal (including photos, maps etc).

- Description of the proposal including numbers of units/dwellings
- Proposed site layout and relationship to the surrounding environment including any areas or items of cultural heritage significance, the natural environment, and hazards and natural constraints
- Building envelope (footprint and height) relative to any adjoining development/uses; indicative layout of proposed development in relation to adjoining development/uses; floor space ratio and setbacks; other relationships between the proposed development and the existing built environment

3. STRATEGIC JUSTIFICATION



Attach brief description of the strategic justification for the proposed development – limit to 10 pages

- Consistency with regional and local strategies
- Adequacy of services and infrastructure to meet demand
- Environmental benefits and appropriate management of constraints
- Public benefits from developing the site for the proposed purpose

4. PRE-LODGE MENT CONSULTATION WITH THE CONSENT AUTHORITY (COUNCIL) AND INFRASTRUCTURE/SERVICE PROVIDERS



Attach evidence of pre-lodgement consultation

- Evidence of consultation
- Description of and response to issues raised in consultation

Note: Pre-lodgement discussion with the council and with agencies such as the Roads and Traffic Authority, Rural Fire Service and providers of infrastructure and services such as health, community, transport, electricity, water, and sewerage infrastructure and services, will assist in preparation and assessment of your application.

C2 STATEMENT ADDRESSING SEPP SITE COMPATIBILITY CRITERIA



Applicants should provide a statement demonstrating whether the site is suitable for additional uses, and that those uses are compatible with surrounding land uses. In doing so, have regard to (at least) the following matters for consideration outlined under clause 37 of the SEPP:

1. EXISTING USES AND APPROVED USES OF LAND IN THE VICINITY OF THE PROPOSED DEVELOPMENT

As discussed, the site forms part of the far north-eastern corner of the Moore Street South industrial precinct where it adjoins a public reserve and residential neighbourhoods which are predominantly developed with terrace housing, townhouses and a few walk-up residential flat buildings.

The site is zoned IN2 - Light Industrial under Leichhardt LEP 2013, as are the industrial properties on the opposite side of White Street and on the southern side of Moore Street. The area to the east and south-east of the site is zoned residential and predominantly developed with one and two-storey terrace houses and detached dwellings.

As previously discussed, the adjoining land at 5-7 White Street is also zoned IN2 Light Industrial, however, given it adjoins residential development to the north, was granted a SCC that permits residential flat development as affordable housing under the ARHSEPP. A development application has been granted and development well advanced.

Two-storey townhouses zoned R1 General Residential are located further to the north of the adjoining 5-7 White Street, and have long operated as social housing by Housing NSW (9-15 White St). The land to the east and to the north of these townhouses forms part of a public reserve running along Whites Creek Valley and is zoned RE1 Public Recreation. A pedestrian and cycle way along the reserve runs directly behind the subject site and connects facilities such as a community garden,

children's playground, basketball courts, skateboard area, BBQ and picnic ground. Whites Creek itself is within a concrete channel beneath the cycleway. To the east of this is the residential neighbourhood of Annandale which is zoned R1 General Residential.

In this context, the site is isolated from any land use conflict with the nearby industrial area. It forms a logical extension to this section of residential land in conjunction with the adjoining residential flat building facilitated by the SCC at 5-7 White Street. Should a SCC be approved for the subject land, it will extend the adjoining residential land and subsequently be bound by two roads and a ptah/laneway. It is considered that the site's context lends itself to compatibility with its surrounding context.

2. THE IMPACT THAT THE PROPOSED DEVELOPMENT (INCLUDING ITS BULK AND SCALE) IS LIKELY TO HAVE ON THE EXISTING USES, APPROVED USES AND USES THAT ARE LIKELY TO BE THE PREFERRED FUTURE USES OF THE SURROUNDING LAND.

Future development proposes the demolition of the existing structure and clearing of certain trees, and the construction of a part two to three storey residential flat building comprising 16 dwellings. The development is similar in design to the 22-unit development now under construction on 5-7 White Street. It closely follows the design principles established over months of negotiation of the DA for that development, including:

- Stepped form with two-storeys to the street and rear;
- Maximum height circa RL19.06m to match the original building on 5-7 White Street;
- Similar FSR (0.89:1 compared to 0.93 for 5-7 White St).

The stepped design of the development ensures compatibility with local residential and industrial development by presenting two-storey facades to the front and rear streets. The three-storey central portion of the development references the height of the former warehouse building on the St Vincent's site but is stepped in from the boundaries to effectively avoid the undesirable bulk and scale of that structure.

The indicative design has been deliberately sympathetic to its surroundings and replicates that of the approved development adjoining to the north. While the application has demonstrated that the future development will not have any adverse impact on the existing and preferred future uses of the surrounding land, the application will be subject to further refinement at the DA stage, where the above design principles adopted to 5-7 White Street are further refined for the subject site.

3. THE SERVICES AND INFRASTRUCTURE THAT ARE OR WILL BE AVAILABLE TO MEET THE DEMANDS ARISING FROM THE DEVELOPMENT (E.G. COMMUNITY, HEALTH, EDUCATION, TRANSPORT AND RETAIL SERVICES)

As discussed, the site is within 800 metres (less than 650 metres) or a 10 minute walk of the entrance to the Lilyfield light rail station. This formed the basis for the issuing of the SCC on adjoining land at 5-7 White Street, which promotes affordable housing opportunities in locations within an easy walking distance of public transport.

Further, the site adjoins Booth Street which is a major bus route with the nearest eastbound bus stop approximately 80 metres away and the nearest westbound bus stop approximately 190 metres away. The 370 bus route connects Leichhardt Marketplace with Coogee and the 470 bus route Lilyfield to Martin Place via Moore/Booth Street.

Other nearby amenities including the Annandale shopping centre along Booth Street at Johnston Street which is a 6-minute walk (450 metres); Whites Creek wetland and valley park, Annandale skatepark and William Stuart Playground immediately to the north; War Memorial Park 250 metres to the west; and the Catherine Street (Piper Street) neighbourhood centre approximately 550 metres to the north west.

Nearby centres also include medical and health facilities while the Roselle Hospital is not far away to the north.

In terms of access to education, numerous schools are within close proximity and walking distance. Annandale North Public School is to the east; St Brendan's Catholic Primary and Annandale Public School to the south east; Leichhardt Public School and St Fiacre's Catholic Primary School to the south west; and Sydney Secondary College Leichhardt to the west.

Further the site has historically been utilised for urban purposes and is in an urban area that includes residential and commercial land uses. This site is therefore well serviced by utilities infrastructure required to support residential land uses in accordance with the existing SCC.

Notwithstanding, a Utilities Infrastructure and Services Report will be prepared in support of development applications for the site to support the provision of gas, water, sewer and electricity.

4. THE LIKELIHOOD OF THERE BEING ANY ADVERSE EFFECT ON THE ENVIRONMENT OR UNACCEPTABLE ENVIRONMENTAL RISKS TO THE LAND. CONSIDER THE NATURE OF THE SURROUNDING ENVIRONMENT, INCLUDING KNOWN SIGNIFICANT ENVIRONMENTAL VALUES, RESOURCES OR HAZARDS

There are 24 trees within and nearby the boundaries of the site. An Arboricultural Impact Assessment has been prepared by Treehaven Environscapes in support of the SCC application and is included with the application. An aerial extract of the site and location of the trees is included in the Assessment. The Assessment included an examination of all trees and tree root examination in considering the proposed future development layout. The report concludes that a number of trees are exempt species and can be removed without Council approval. Further, ten (10) trees should be retained as they are Council assets, however, some will require limbs removed to accommodate the new structure. New planting and replacement planting will be included as recommended by the report.

In relation to flooding, a cycleway/footway at the rear of the site is built over the top of the Whites Creek channel. The Leichhardt LEP 2013 does not include the subject site as flood effected on the Flood Planning Map, the Council issued a flood advice for No. 5 White Street indicating a peak discharge value of 7.25 m3/s for the 100 year ARI flood and the 100 year and the Probable Maximum Flood (PMF) levels. Therefore, a Flood Risk Management Report has been prepared by Kozarovski and Partners in support of the SCC application.

The Report identifies the floor levels required to achieve the required standard of the 100 year flood level plus 500mm freeboard. Further, a drainage easement is running between No. 5 and No. 3 White Street. The consent for 5-7 White Street required a new 1500 mm diameter pipe be constructed to carry the 1 in 20 year flood flow. The new pipe would be fully contained within the property of No. 5 White Street. The proposed future drainage system will reduce the flood levels in White Street by more than 200 mm, reduce the flood levels between White Street and Whites Creek Lane and reduce the velocity and the flood hazard along the overland flow path.

Further assessment will be undertaken during the development assessment process and will be referred to Council's Development Engineer.

C3 ADDITIONAL COMMENTS

Attached Report provides further detail on the application, and addresses in detail the requirements of the ARH SEPP and the compatibility of the proposed development with the surrounding built environment.

PART D — CHECKLIST, PAYMENT AND SIGNATURES

D1 APPLICATION CHECKLIST

Please check that you have provided all the information required for your application.

I have completed all sections of this application form. ☒ Yes ☐ No



I have attached all relevant supporting information (please check box as relevant).

- | | | |
|---|---|-----------------------------|
| <input checked="" type="checkbox"/> Map and detailed description of land | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| <input checked="" type="checkbox"/> Copy of proposed site layout | <input checked="" type="checkbox"/> | |
| <input checked="" type="checkbox"/> Copy of zoning extract or other evidence | <input checked="" type="checkbox"/> | |
| <input checked="" type="checkbox"/> Proposal information - context, proposal, strategic justification, and pre-lodgement consultation | <input checked="" type="checkbox"/> | |
| <input checked="" type="checkbox"/> Additional information for statements against site compatibility criteria | <input checked="" type="checkbox"/> | |

I have addressed the following SEPP site compatibility matters in **section C2** of the form. ☒ Yes ☐ No

- | | |
|---|-------------------------------------|
| 1. Existing uses and approved uses | <input checked="" type="checkbox"/> |
| 2. Impact of development including bulk and scale | <input checked="" type="checkbox"/> |

3. Availability of services and infrastructure



4. Effect on environment or environmental risks



I have provided three (3) hard copies of this form and all relevant supporting information

☒ Yes

☐ No

I have provided the application form and supporting information in electronic format

☒ Yes

☐ No

I have enclosed the application fee (see below for details)

☒ Yes

☐ No

D2 APPLICATION FEE

You are required to pay a fee for the assessment of an application for a Director General's site compatibility certificate. The prescribed fee under clause 262A of the Environmental Planning and Assessment Regulation 2000 is calculated at \$250 for lodgement, plus an additional \$40 for each dwelling in the development in respect of which the certificate is to be issued. The maximum fee payable is \$5,000. Please contact the Department of Planning prior to application lodgement to verify the amount payable.

Number of dwellings in the development to which a site compatibility certificate is required

16

Estimated fee payable (\$250 plus an additional \$40 for each dwelling in the development)

\$890.00

D3 CERTIFICATE APPLICANT'S AUTHORISATION

By signing below, I/we hereby:

- apply, subject to satisfying the relevant requirements under State Environmental Planning Policy (Affordable Rental Housing) 2009 for a Director-General's site compatibility application pursuant to clause 50(2A) of the Environmental Planning and Assessment Regulation 2000
- provide a description of the proposed development and address all matters required by the Director-General pursuant to clause 37(6)(b) of State Environmental Planning Policy (Affordable Rental Housing) 2009
- declare that all information contained within this application is accurate at the time of signing.

Signature(s)

Name(s)

James Matthews

In what capacity are you signing, if you are not the owner of the land?

Applicant

Date

3 September 2019

D4 LANDOWNER'S CONSENT

As the owner(s) of the subject land for which the proposed development will be permitted and in signing below, I/we hereby agree to the lodgement of an application for a Director-General's site compatibility certificate.

Signature(s)

Name(s)

Dan Cohen

Date

3 September 2019