

C0221(1) Item 1 Post Exhibition - Planning Proposal and Draft Leichhardt Development Control Plan - 1-5 Chester Street, Annandale

Motion: (Da Cruz/Steer)

THAT Council:

1. **Note the engagement outcomes from the public exhibition of the Planning Proposal and the associated site-specific Leichhardt Development Control Plan 2013 for 1-5 Chester Street, Annandale as detailed in Attachment 1;**
2. **In response to submissions, endorse the proposed minor additions to the exhibited site-specific Leichhardt Development Control Plan 2013 as outlined on page 2 of this report;**
3. **Endorse the amendments to the Leichhardt Local Environmental Plan 2013 and the associated site-specific Leichhardt Development Control Plan 2013 for 1-5 Chester Street, Annandale:**
 - a) **As detailed in Attachment 2;**
 - b) ***To ensure bicycle and motorcycle parking is prioritised, the DCP be amended to increase the provision of bicycle parking to a rate of 1 bicycle space per 3 student housing rooms, 1 visitor bicycle space per 10 student housing rooms and 1 motorcycle space per 5 student housing rooms; and***
 - c) ***For G11.13 Parking Access Objective O2 to read "To minimize car parking to encourage active transport and car sharing"***
4. **Note that Council does not have the delegation to make the LEP amendment and submit the Planning Proposal to the Department of Planning, Industry and Environment Minister to make the amendment under Section 3.36 of the Environmental Planning and Assessment Act 1979; and**
5. **Adopt the site-specific amendment to the Leichhardt Development Control Plan 2013 to come into effect on the same date as the Leichhardt Local Environmental Plan amendment is published on the NSW legislation website.**

Motion Carried

For Motion: Crs Da Cruz, Drury, Iskandar, Lockie, Macri, McKenna OAM, Raciti and Steer

Against Motion: Crs Byrne, Hesse, Kiat, Passas, Porteous and Stamolis

Foreshadowed Motion (Stamolis/Passas)

THAT Council further consult and refine the LEP/DCP for 1-5 Chester Street and bring back to Council.

This Foreshadowed Motion lapsed.

Item No: C0221(1) Item 1

Subject: POST EXHIBITION - PLANNING PROPOSAL AND DRAFT LEICHHARDT DEVELOPMENT CONTROL PLAN - 1-5 CHESTER STREET, ANNANDALE

Prepared By: Gunika Singh - Strategic Planner

Authorised By: Elizabeth Richardson - Chief Operating Officer, Director Development and Recreation

RECOMMENDATION

THAT Council:

1. Note the engagement outcomes from the public exhibition of the Planning Proposal and the associated site-specific Leichhardt Development Control Plan 2013 for 1-5 Chester Street, Annandale as detailed in Attachment 1;
 2. In response to submissions, endorse the proposed minor additions to the exhibited site-specific Leichhardt Development Control Plan 2013 as outlined on page 2 of this report;
 3. Endorse the amendments to the Leichhardt Local Environmental Plan 2013 and the associated site-specific Leichhardt Development Control Plan 2013 for 1-5 Chester Street, Annandale as detailed in Attachment 2;
 4. Note that Council does not have the delegation to make the LEP amendment and submit the Planning Proposal to the Department of Planning, Industry and Environment Minister to make the amendment under Section 3.36 of the Environmental Planning and Assessment Act 1979; and
 5. Adopt the site-specific amendment to the Leichhardt Development Control Plan 2013 to come into effect on the same date as the Leichhardt Local Environmental Plan amendment is published on the NSW legislation website.
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DISCUSSION

On 26 May 2020, Council resolved to endorse a Planning Proposal and a site-specific Development Control Plan (DCP) at 1-5 Chester Street, Annandale to be forwarded to Minister for a Gateway Determination in accordance with Section 3.33 of the Environmental Planning & Assessment Act 1979.

On 9 October 2020, the Department of Planning, Industry and Environment (DPIE) issued a Gateway Determination (see **Attachment 3**) for the Planning Proposal to proceed to public exhibition subject to conditions. The Planning Proposal seeks to amend the Leichhardt Local Environmental Plan (LLEP) 2013 as follows:

- rezone the site from IN2 Light Industrial to B7 Business Park;
 - allow a maximum floor space ratio (FSR) of 2:1 including minimum FSR of 0.75:1 for businesses and light industries in the technology, bio-medical, arts, production and design sectors;
 - restrict the maximum building height to 17 metres or 5 storeys;
 - allow a boarding house land use for student accommodation;
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- provide a 6 metre pedestrian and cycle path and landscaping along Johnstons Creek; and
- include provision to ensure that the development will be environmentally sustainable with a minimum of 4-star Green Star rating.

Prior to issuing the Gateway Determination, DPIE requested removal of the RE1 Public Recreation zoning from the proposed 6 metres landscaped pedestrian and cycling path reserve beside Johnstons Creek. This is a minor technical change to comply with the Standard Local Environmental Plan (LEP) Instrument. The reserve and path will still be delivered through the proposed LEP local provision and dedicated to Council under a Voluntary Planning Agreement (VPA). The VPA is currently being finalised and will be reported to Council separately.

The proposal is accompanied by site-specific amendments to the Leichhardt Development Control Plan (LDCP) 2013. The Planning Proposal and the site-specific LDCP were exhibited for 29 days between 28 October 2020 and 25 November 2020 in accordance with Council's Community Engagement Framework. Feedback was also sought from State and Federal Government agencies as required by the Gateway Determination.

23 responses were received during the exhibition period. 13 (56.5%) opposed the proposed LLEP and LDCP amendments on the grounds of key issues such as excessive bulk and scale, out of character, traffic and parking, heritage, noise and privacy impacts and proposed student housing use.

8 (34.7%) supported or had no objections in principle to the proposed amendments and 2 (8.8%) were neutral towards the proposed amendments. The reasons expressed for supporting the proposal included renewal of the area and provision of active transport infrastructure. The engagement outcomes are discussed in the Community Engagement Outcomes report which includes officers response to the submissions in **Attachment 1**.

2 new site-specific DCP provisions are recommended in response to community and public authority feedback:

- *C13 under G11.8 Student Accommodation* to cease the use of outdoor communal areas after 10pm; and
- *C13 under G11.13 Parking and Access* to improve service vehicle manoeuvrability.

These are minor changes and have been reflected in the revised site-specific LDCP in **Attachment 2**.

It is considered that all other community concerns can be addressed at the development application stage as the site-specific LDCP incorporates objectives and provisions to ensure adequate amenity, appropriate setbacks and built form transitions, mitigate visual privacy and noise impacts and require the provision of detailed traffic and parking impact studies.

In conclusion, it is recommended that Council support the amendments to Leichhardt Local Environmental Plan 2013 and adopt the site-specific Leichhardt Development Control Plan 2013 for 1-5 Chester Street, Annandale.

ATTACHMENTS

1. Engagement Outcomes Report 1-5 Chester Street, Annandale
2. Site specific LDCP 1-5 Chester Street, Annandale
3. DPIE Gateway Determination 1-5 Chester Street, Annandale

