

## **Attachment 2 – Council Officer’s Planning Proposal**

## INTRODUCTION

This Planning Proposal has been prepared by Inner West Council ('the Council') to explain the intent of and justification for an amendment to *Leichhardt Local Environmental Plan 2013* ('LLEP 2013') as it applies to 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield ('the site').

This Planning Proposal has been prepared to amend the maximum floor space ratio ('FSR') and introduce a maximum building height for the site to facilitate a greater residential density on the site in the form of a future residential apartment development. A Checklist against the criteria for the Planning Proposal as outlined in the Department of Planning and Environment's ('DPE') *A Guide to Preparing Planning Proposals* ('Planning Proposal Guide') is provided in **Attachment 4**.

This Proposal has been prepared following an initial request from the Proponent to prepare a Planning Proposal, provided at **Attachment 5**. Council considered this original Planning Proposal involved an excessive increase to the FSR and height development standards for the site, however considered that a greater residential density could be accommodated on the site as outlined in this proposal.

Specifically, the Planning Proposal seeks to increase the maximum permitted FSR and building height for the site as well as the addition of the site as a key site and a site-specific clause which is to provide objectives, maximum number of storeys and setbacks for the site. The proposed amendments will enable redevelopment of the site to provide an increased density and diversity of housing types and sizes in the area.

This Planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act') and guidelines published by the DPE including the Planning Proposal Guide as well as '*A guide to preparing planning proposals*' and '*A guide to preparing local environmental plans*'.

## BACKGROUND

### Site Description

The Planning Proposal relates to 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield, Lots 18, 19 & 20 DP 977323, Lot 1 DP 1057094, Lot 22 DP 977323, and Lots 1 & 2 DP 529451 ('the site'). The site is located approximately 6km west of the Sydney CBD and approximately 50 metres west of the Lilyfield Light Rail Station, part of the Inner West Light Rail Line which runs between Central Station and Dulwich Hill (**Figure 1**).

The site is an irregularly shaped block located on the corner of three (3) streets, with a frontage of 54 metres to the City West Link to the north, a 36 metre frontage to Lonsdale Street along the eastern boundary and a 30 metre frontage to Russell Street along the western boundary. The site has an approximate area of 2,145m<sup>2</sup>.

The City West Link (Brenan Street) is a major arterial road running east-west, located at a level significantly below the site. Lonsdale Street is a local road which terminates in a cul-de-sac a short distance to the south of the site. This road is a left in, left out only road onto the City West Link. Russell Street is also a local road providing access to low density housing. Low density, detached housing exists along the southern boundary.

The site is currently occupied by a mix of styles and use buildings including a part single and

part two (2) storey industrial building with vehicle access from Lonsdale Street (36 Lonsdale Street) and a part single and part two (2) storey commercial building with vehicle access from Brenan Street (64 Brenan Street). The remainder of the site is currently occupied by single detached dwelling houses with limited vehicle access due to the location of the City West Link and the height of the wall down to this road.

Existing development on the site is illustrated in **Figures 2, 3 and 4.**



**Figure 1: Aerial photograph showing land affected by the Planning Proposal**



**Figure 2: The site looking west along the northern boundary to City West Link**



Figure 3: Lonsdale Street frontage of the site



Figure 4: Russell Street frontage of the site

The site is located within a generally low density residential environment with mixed uses occurring to the east. This mixed use commercial and residential development exists on the opposite corner of Lonsdale Street with a small IGA supermarket located on the ground floor. Residential development exists on the upper levels. Development to the south generally comprises single detached dwellings, with similar development located beyond. The neighbourhood is dominated by the City West Link which carries significant volumes of traffic throughout the day.

There are no significant natural features on the site, with only minor trees located within the Russell Street properties on the site and street tree planting along northern street boundary. The site slopes from the western corner along Russell Street to the north-east corner at the intersection of Lonsdale Street and the City West Link (Brenan Street), with the site located significantly higher than the City West Link. A large brick wall exists along this boundary (Figure 2). The long axis of the site has a northern orientation. Beyond the site to the north, the land continues to slope down towards the light rail line. The topography means that the site is lower than the adjoining properties to the south.

The site is located in close proximity to a range of services including the retail services in the Lilyfield 50 metres to the south-east along Catherine Street as well as the retail and commercial services within the Leichhardt town centre approximately 1.2km to the south-west. Various schools are located close to the site while public transport services include the Lilyfield light rail stop of and bus services along Catherine Street to the east of the site.

### Current Planning Controls

The site is zoned R1 General Residential under 'LLEP 2013, illustrated in **Figure 5**. The objectives of the zone are:

- *To provide for the housing needs of the community.*
- *To provide for a variety of housing types and densities.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To improve opportunities to work from home.*
- *To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.*
- *To provide landscaped areas for the use and enjoyment of existing and future residents.*
- *To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding*



area.

- To protect and enhance the amenity of existing and future residents and the neighbourhood.

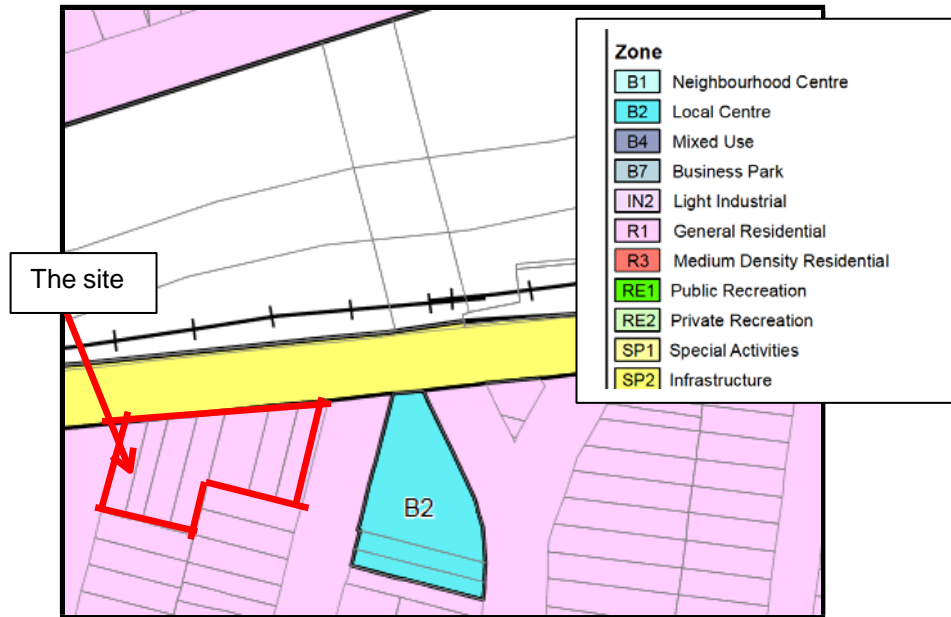


Figure 5: Extract from the Land Zoning Map showing land affected by the Planning Proposal

The site has a maximum permitted (FSR of 0.6:1 pursuant to Clause 4.4(2B)(a)(iv)) of LLEP 2013 as the site is located in Area 6 and has a site area greater than 450m<sup>2</sup>. The current FSR map for the site is illustrated in Figure 6.

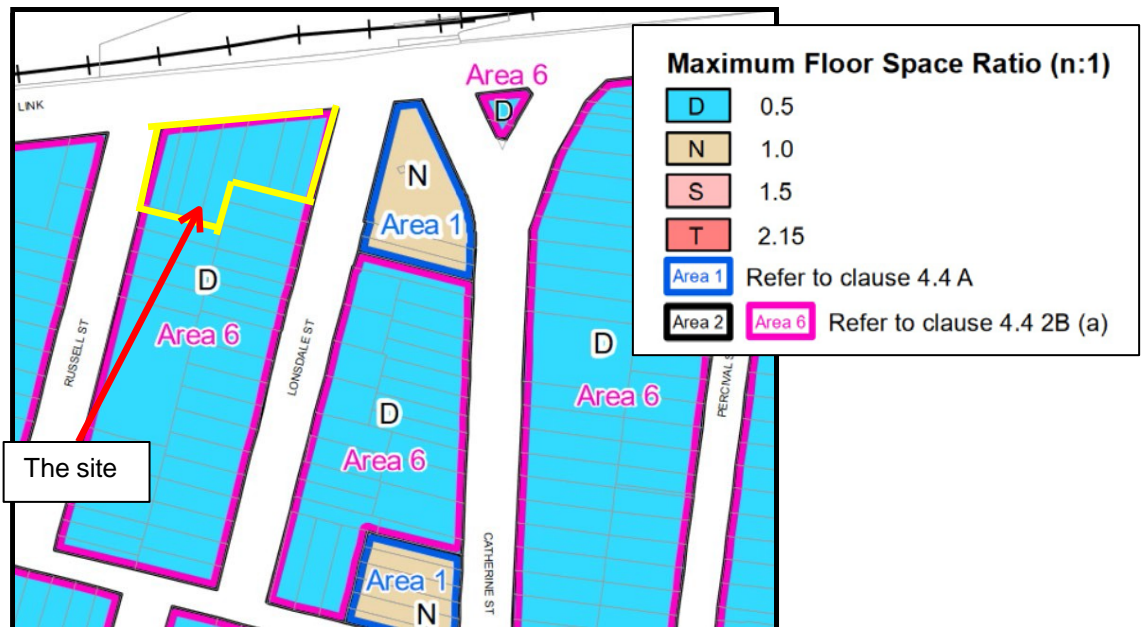


Figure 6: Extract from the FSR Map showing land affected by the Planning Proposal

While there is no maximum height of building control for the site in the LEP, the *Leichhardt Development Control Plan 2013* ('LDCP 2013') effectively controls height with the provisions for the Catherine Street Distinctive Neighbourhood imposing a maximum building wall height of 7.2m.

Other relevant controls of the LLEP 2013 include the following, where no changes are proposed and where adequate provisions exist for assessment at DA stage:

- Clause 2.6 – Consent required for subdivision
- Clause 2.7 - Consent required for demolition
- Clause 4.3A(3)(a)(ii) and (b)) - minimum landscaped area of 20% and a maximum 60% site coverage for the site
- Clause 6.1 - site is affected by Class 5 acid sulphate soils
- Clause 6.2 - earthworks
- Clause 6.4 – stormwater management
- Clause 6.7 - obstacle limitation surface
- Clause 6.8 - aircraft noise
- Clause 6.13 – diverse housing requirements

### **Request to amend the planning controls**

Council has prepared this Planning Proposal to amend LLEP 2013 as it applies to the site to facilitate the following:

- Increase the maximum floor space ratio for the site to 1:5:1;
- Introduce a maximum height of buildings development standard of RL 33.2 for the site;
- Add the site to the Key Sites Map as Key Site 7 of LLEP 2013; and
- Add a site-specific clause to LLEP 2013 which includes the following provisions:-
  - objectives for the future redevelopment of the site,
  - setbacks and maximum height in storeys for future development; and
  - a requirement for non-residential development adjoining the City West Link.

### **PLANNING PROPOSAL**

This Planning Proposal has been prepared by Council officers following consideration and assessment of the proponent's original requested amendments to LLEP 2013 lodged on 7 August 2018.

Part 3 of the Planning Proposal demonstrates that it has strategic merit; however more detailed consideration of the key development controls is required to demonstrate that the scale of development that would be facilitated under the proposed amendments to the height and FSR is appropriate for the site. Accordingly, further detail on the anticipated built form massing should be required prior to exhibition as well as compliance with *State Environmental Planning Policy No 65—Design Quality of Residential Apartment Development* ('SEPP 65') and the ADG.

Other issues relating to land contamination, traffic generation and the VPA contributions (including affordable housing) have also not been sufficiently addressed and it is recommended that they be addressed prior to exhibition. Consultation with Roads and Maritime Services ('RMS') will also be required to ensure the likely increased traffic generation, particularly for the City West Link, is acceptable. A revised Valuation Report is required to ensure the required contributions for the VPA can be accurately calculated.

The proponent's initial Planning Proposal was accompanied by supporting documentation, including concept plans and technical assessments. It is requested that a Gateway determination require this material to be updated prior to exhibition to reflect the development concept now envisaged under the current Planning Proposal and the information deficiencies addressed as outlined above.

## **PART 1 – Objectives and Intended Outcomes**

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The objective and intended outcome of this Planning Proposal is:

*To amend the Leichhardt Local Environmental Plan 2013 as it applies to 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield to facilitate the redevelopment of the site for a residential apartment development by increasing the FSR development standard and introducing a new maximum building height development standard.*

## **PART 2 – Explanation of Provisions**

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To achieve the intended outcome, the Planning Proposal seeks the following amendments to the *Leichhardt Local Environmental Plan 2013*:

- Amend the Floor Space Ratio Map Sheet FSR\_004 as shown in Part 4 of this Planning Proposal to increase the FSR from 0.5:1 to 1.5:1;
- Amend the Height of Building Map Sheet HOB\_004 as shown in Part 4 of this Planning Proposal to nominate the maximum height to RL 33.2 for the site by adding the site to the RL 21m – 40m category;
- Amend the Key Sites Map Sheet KYS\_004 as shown in Part 4 of this Planning Proposal to nominate the site as a key site; and
- Add a Clause to Part 6 Additional Local Provisions to relate to the site to contain the following:
  - objectives for the future redevelopment of the site,
  - setbacks and maximum height in storeys for future development; and
  - requirement for non-residential development adjoining the City West Link.

## **PART 3 – Justification**

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### **Section A – Need for the planning proposal**

#### **Q1. *Is the planning proposal a result of any strategic study or report?***

The Planning Proposal is not the result of a strategic study or report undertaken by Council. A request to amend the planning controls for 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield was received by Council. Development of this site offers a good opportunity to deliver additional dwellings with access to employment, services and public transport.

#### **Q2. *Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

Under LLEP 2013, the site has a maximum permitted FSR of 0.6:1, enabling development of a substantially lesser scale than presented in this Planning Proposal. While Clause 4.6 of LLEP 2013 allows variations to a development standard, such a substantial departure would be inappropriate.

The R1 General Residential zoning permits *residential flat buildings* as well as other uses suitable for the site including *shop top housing* and therefore no change in the zoning of the site is required. This proposed use is consistent with the objectives of the zone in that it will provide for the housing needs of the community and for a variety of housing types and densities. Located just over 50 metres from the entrance to the Lilyfield light rail station and

adjoining a small area of local shops, the site is well positioned to provide this additional housing. Accordingly, it is considered that the Planning Proposal is the best means of achieving the intended outcome.

## **Section B - Relationship to strategic planning framework**

***Q3. Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?***

### **Greater Sydney Region Plan: A Metropolis of Three Cities (2018)**

The *Greater Sydney Region Plan 2018: A Metropolis of Three Cities* (GSRP) was released in March 2018 and sets out a vision of three cities, comprising the Western Parkland City, the Central River City and the Eastern Harbour City, where most residents live within 30 minutes of their jobs, education and health facilities, services and great places. The site is located within the Eastern Harbour City.

The GSRP sets a 40-year vision and establishes a 20-year plan to manage growth and change for Greater Sydney in the context of social, economic and environmental matters. To achieve this, the GSRP includes 10 directions and associated objectives. Directions relevant to this Planning Proposal including the following:

- **Direction 1: A city supported by infrastructure and Objective 4: Infrastructure use is optimised** - The site is well located to optimise the use of existing infrastructure, in particular the Lilyfield Light Rail Station as well as major roads and bus services. The proposed increased density on the site will ensure that the use of existing infrastructure is optimised and is therefore consistent with Direction 1 and Objective 4.
- **Direction 2: A collaborative city and Objective 5: Benefits of growth realised by collaboration of governments, community and business** – The proposal is supported by an offer to enter into a VPA with Council for affordable housing and other requirements (to be considered in further detail following the Gateway Determination). Such an arrangement allows for a collaborative approach between private individuals and local government to provide affordable housing opportunities in the local area.
- **Direction 3: A city for people and Objective 7: Communities are healthy, resilient and socially connected** - The proposal provides a location which allows walking and use of public transport. Being located close to services, the proposal will provide for a healthy and socially connected community.
- **Direction 4: Housing the city and Objective 10: Greater housing supply and Objective 11: Housing is more diverse and affordable.**

The GSRP and District plans have set a housing supply target of 5,900 new dwellings in the next 5 years for the Inner West. This proposal will assist Council in achieving this target given the provision of additional gross floor area for residential development is proposed. The site is located in close proximity to transport and services, which ensures that any additional housing provided is well located. The additional housing capacity is also located within the established general residential area, with access to all necessary amenities and services and therefore does not require the extension of the urban footprint.



The proposed affordable housing via a VPA and a mix of apartment types (required by Clause 6.13 of the LLEP 2013) would also assist in satisfying Objective 11 and Planning Priority E5. Council's *Affordable Housing Policy* (November 2016) states that stronger intervention through the planning system in the form of mechanisms to capture an equitable share of land value uplift is needed. This Policy requires a 15% Affordable Housing Contribution within various sites, which will be provided in the proposal via the proposed VPA.

- **Direction 5: A city of great places and Objective 12: Great places that bring people together** – This planning proposal achieves an appropriate form and density for future development on the site. The proposal is considered to be generally consistent with these objectives and priorities as the site is located within a walkable neighbourhood to transport and services, allowing people to come together.

Strategy 12.1 includes, among other things, states “*providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centre*”. The proposal provides for an appropriate bulk and scale such that with adequate setbacks and building envelopes that overshadowing and overlooking of the adjoining southern properties should be minimised.

- **Direction 6: A well connected city and Objective 14: A metropolis of three cities- integrated land use and transport creates walkable and 30-minute cities**
  - The proposal is considered to be consistent with this Direction given the site's proximity to the Lilyfield light rail station and bus stops, ensuring future residents can gain access to the 30 minute city consistent with the strategic plans. The site is also within an easy walking distance to the small local centre of Lilyfield. The proposal is consistent with Strategy 14.1 which is to integrate land use and transport plans to deliver the 30-minute city.
- **Direction 7: Jobs and skills for the city and Objective 23: Industrial and urban services land is planned, protected and managed** – The proposal is consistent with this direction as the site is already located within a residential zone. While the site currently includes commercial and industrial uses, the site is not zoned for industrial or urban services uses and accordingly is not required to be protected or maintained for this use as the LLEP 2013 considers the site suitable for residential use.
- **Direction 8: A city in its landscape and Objective 25: The coast and waterways are protected and healthier, Objective 27: Biodiversity is protected, urban bushland and remnant vegetation is enhanced and Objective 30: Urban tree canopy cover is increased** - The site is located in close proximity of Sydney Harbour and within the Sydney Harbour REP area (but not within the Foreshores and Waterways area). The redevelopment of the site for higher density housing will provide opportunities to deliver a more effective stormwater management system on-site that will capture and appropriately dispose of stormwater, will allow for groundwater absorption, and may capture and reuse stormwater. This, together with the phasing out of non-conforming industrial premises on-site, will ultimately improve the water quality, health, and enjoyment of Sydney Harbour and the District's waterways.

The proposal will not adversely impact on any bushland or biodiversity. Further and future landscaping and deep soil planting can be introduced to the site, consistent with the requirements of LLEP 2013. The introduction of landscaping to the site will

contribute to the tree canopy of the locality. Accordingly, the Proposal is generally consistent with this direction in that greater landscaping opportunities can be provided on the redeveloped site than is currently achieved on the site.

- **Direction 9: An efficient city and Objective 33: A low-carbon city contributes to net-zero emissions by 2050 and mitigates climate change** - Future development on the site will be required to comply with the BASIX requirements for water and energy efficiency. The provision of a deep soil zone and other landscaping opportunities will also assist with the proposal being generally consistent with this Direction. Further opportunities to include controls relating to environmental performance /sustainability should be incorporated into a site-specific Development Control Plan which is to be provided following the Gateway Determination.
- **Direction 10: A resilient city and Objective 37: Exposure to natural and urban hazards is reduced and Objective 38: Heatwaves and extreme heat are managed** – The proposal will be subject to the BASIX requirements at DA stage. Additional landscaping opportunities are proposed which will assist in reducing the heat island effect at the site. The proposal is generally consistent with this direction.

The proposal is generally consistent with the GSRP.

### **Eastern City District Plan (2018)**

The *Eastern City District Plan* ('ECDP') is a 20-year plan to manage growth in the context of economic, social and environmental matters to achieve the 40-year vision for Greater Sydney. It contains the planning priorities and actions for implementing the GSRP, at a district level and is a bridge between regional and local planning. The ECDP includes the same 10 directions with associated Planning Priorities relevant to this District.

Directions and Planning Priorities from the ECDP relating to this proposal are addressed below:

- **Direction 1: A city supported by infrastructure and Planning Priority E1: A city supported by infrastructure** - It is considered that the proposal is well located in terms of existing infrastructure to optimise its use by future residents and is consistent with Direction 1 and the associated objective and planning priorities.
- **Direction 2: A collaborative city and Planning Priority E2: Working through collaboration** - It is considered that the proposal demonstrates this collaboration via the proposed VPA for the provision of contributions (following the Gateway Determination).
- **Direction 3: A city for people and Planning Priority E3: Providing services and social infrastructure to meet people's changing needs and E4: Fostering healthy, creativity, culturally rich and socially connected communities** - The site is located in close proximity to the small local centre of Lilyfield, located approximately 250 metres to the east. This small local centre comprises a café, newsagent and small supermarket. This allows future residents to enjoy a walkable neighbourhood comprising walking opportunities and social connections which can potentially increase the quality of life for residents.
- **Direction 4: Housing the city and Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport** – The site is located in close proximity to transport and services, which

ensures that any additional housing provided is well located. Council's Affordable Housing Policy requires a 15% Affordable Housing Contribution within various sites (including infill development) where there are more than 20 dwellings proposed or GFA of more than 1,700m<sup>2</sup>. The proposal involves providing this affordable housing via a cash contribution in a VPA which satisfies this requirement. Being located close to jobs, services and transport as well as providing housing supply and choice ensures the proposal is consistent with this Direction. The proposed additional FSR on this site will assist Council to achieve the additional dwellings required to be provided within an existing residential area, which is 5,900 by 2021. The proposal fits within these housing targets and the future dwellings required in the area in terms of housing supply.

- **Direction 5: A city of great places and Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage -** This planning proposal as outlined by Council achieves an appropriate form and density of future development on the site. The proposal is considered to be generally consistent with these objectives and priorities as the site is located within a walkable neighbourhood to transport and services, allowing people to come together.

Strategy 12.1 includes, among other things: *“providing fine grain urban form, diverse land use mix, high amenity and walkability in and within a 10-minute walk of centre”*. This proposal provides for an appropriate bulk and scale such that overshadowing and overlooking of the adjoining southern properties in the context of the low density residential properties has been minimised.

- **Direction 6: A well connected city and Planning Priority E10: Delivering integrated land use and transport planning and a 30-minute city -** The proposal is considered to be consistent with this Direction given its proximity to the light rail station and bus stops, ensuring future residents can gain access to the 30 minute city consistent with the strategic plans.
- **Direction 7: Jobs and skills for the city and Planning Priority E12: Protecting industrial and urban services land -** The proposal does not rezone land as the site is already located in the R1 General Residential zone. The proposed amendment to LLEP 2013 seeks to amend the FSR and height controls only. There will be no loss of industrial land given the existing industrial use on the site currently operates under existing use rights and the site is located outside of the core industrial lands identified in the District Plan.
- **Direction 8: A city in its landscape and Planning Priority E14: Protecting and improving the health and enjoyment of Sydney Harbour, and the District's waterways, Planning Priority E15: Protecting and enhancing bushland and biodiversity and Planning Priority E17: Increasing urban tree canopy cover and delivering Green Grid connections –** The proposal is unlikely to adversely impact on the water quality of Sydney Harbour and will not adversely impact on any bushland or biodiversity. The proposal is generally consistent with this direction in that greater landscaping opportunities can be provided on the redeveloped site than is currently achieved on the site.
- **Direction 9: An efficient city and Planning Priority E19: Reducing carbon emissions and managing energy water and waste efficiently -** Future development on the site will be required to comply with the BASIX requirements for water and energy efficiency. The provision of a deep soil zone and other landscaping opportunities will further ensure the proposal is generally consistent with this

Direction. Further opportunities to include controls relating to environmental performance or sustainability should be incorporated into a site-specific Development Control Plan which should be provided following the Gateway Determination.

- **Direction 10: A resilient city and Planning Priority E20: Adapting to the impacts of urban and natural hazards and climate change** - The site is not affected by any natural hazards and energy efficiency should be addressed in the site-specific development control plan to be provided following the Gateway Determination.

The proposal is generally consistent with the ECDP.

### Strategic Merit Assessment Criteria

DPEs Planning Proposal Guide establishes Assessment Criteria to be considered in the justification of a planning proposal in terms of whether the proposal has strategic merit. In this case, it is considered that the proposal has strategic merit, as outlined in **Table 1** below.

**Table 1: Consideration of the Planning Proposal against the Assessment Criteria of ‘A guide to preparing Planning Proposals’**

CRITERA	COMMENT
<b>Qu 3 (a) Does the proposal have strategic merit? Is it:</b>	
<ul style="list-style-type: none"> <li>• Consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment.</li> </ul>	<p>The proposal is considered to be consistent with the Eastern City District Plan as outlined above. The site is well located to optimise the use of existing infrastructure, in particular the Lilyfield Light Rail Station as well as major roads and bus services and allows for walking to nearby services. The proposed increased density on the site will therefore ensure that the use of existing infrastructure is optimised and contributes towards a 30 minute city. The proposal is also supported by an offer to enter into a VPA with Council for contributions and affordable housing and with a mix of apartment types (required by Clause 6.13 of the LLEP 2013) will assist in providing housing choice.</p> <p>This proposal will assist Council in achieving the housing target given the provision of additional gross floor area for residential development proposed. The site is located in close proximity to transport and services, which ensures that any additional housing provided is well located. The additional housing capacity is also located within the established general residential area, with access to all necessary amenities and services and therefore does not require the extension of the urban footprint.</p> <p>The redevelopment of the site for higher density housing will provide opportunities to deliver a more effective stormwater</p>

<ul style="list-style-type: none"> <li>• Consistent with relevant local council strategy that has been endorsed by the Department; or</li> <li>• Responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</li> </ul>	<p>management system on-site and will result in the phasing out of non-conforming industrial uses, which will ultimately improve the water quality, health, and enjoyment of district's waterways. The proposal will not adversely impact on any bushland or biodiversity and further landscaping and deep soil planting can be introduced to the site which will contribute to increasing the tree canopy in the area. Future development on the site will be required to comply with the BASIX requirements for water and energy efficiency.</p> <p>There is no relevant strategy endorsed by the Department. This criterion has not been relied upon in this proposal.</p> <p>This has not been relied upon in this instance.</p> <p>It is therefore considered that the proposal has strategic merit.</p>
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**Qu 3 (b) Does the proposal have site-specific merit, having regard to:**

<ul style="list-style-type: none"> <li>• The natural environment (including known significant values, resources or hazards) and</li> <li>• The existing uses, approved uses, and likely future uses of land in the vicinity of the proposal and</li> </ul>	<p>The site is located within the urban footprint and is not considered to have any significant environmental values. While there are some trees located on the site, these trees are not considered to be significant. Furthermore, there are no other natural site features and the site is not affected by any significant natural hazards such as flooding, bushfire or geotechnical instability.</p> <p>The site is currently zoned R1 General Residential and there are no changes proposed to this existing zoning or the uses permissible on the site. The surrounding area is also within the R1 zone with the exception of a small area zoned B2 Local Centre to the east on the opposite side of Lonsdale Street. There is currently some commercial and industrial uses on the site, however, these uses rely on existing use rights. Given there is no change to the zoning or permissible uses and the surrounding area is residential, the future use of the site for residential development is satisfactory.</p>
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<ul style="list-style-type: none"> <li>The services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangements for infrastructure provision.</li> </ul>	<p>The site is well located in terms of close proximity to transport and services, including the Lilyfield light rail stop as well as numerous bus stops. The small local centre of Lilyfield is also located in close proximity to the site. The site is also adequately serviced with the relevant infrastructure for residential development including reticulated water and sewerage, electricity and telecommunications. Therefore, there are sufficient services and infrastructure in the area for the proposal.</p> <p>It is therefore considered that the proposal has site-specific merit.</p>
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**Q4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?**

The relevant Council Policies are considered below in relation to this Planning Proposal.

**Our Inner West 2036 – Community Strategic Plan**

The Inner West Community Strategic Plan, *Our Inner West 2036* ('the CSP'), identifies the community's vision for the future, long-term goals, the strategies to get there and how to measure progress towards that vision. The CSP is structured around the guiding principle, *'To work together in a way that is creative, caring and just'*. This Guiding Principle reflects the values of the Inner West community, underpins community expectations of how Council will interact with its residents and is the foundation for all decision-making, actions taken and management of resources.

The CSP contains five (5) strategic directions, which are considered in the context of the proposal in **Table 2** below. The proposal is consistent with the CSP.

**Table 2: Consideration of Council's Community Strategic Plan**

STRATEGIC DIRECTION	OUTCOMES	COMMENT
<p><b>Strategic Direction 1: An ecologically sustainable inner west</b></p>	<p>1.1 <i>The people and infrastructure of Inner West contribute positively to the environment and tackling climate change.</i></p> <p>1.2 <i>Inner West has a diverse and increasing urban forest that supports connected habitats for flora and fauna</i></p> <p>1.3 <i>The community is water sensitive, with clean, swimmable waterways</i></p> <p>1.4 <i>Inner West is a zero emissions community that generates and owns clean energy</i></p> <p>1.5 <i>Inner West is a zero waste community with an active share economy.</i></p>	<p>The proposal is generally consistent with these outcomes in that it provides additional landscaping opportunities and coverage on the site, increases the tree canopy and allows for communal open spaces where gardens could be grown.</p> <p>Future development on the site would be required to comply with the BASIX requirements at the DA stage. Further energy and water efficient initiatives can be considered at the detailed</p>



		design/DA stage of the proposal.
<b>Strategic direction 2: Unique, liveable, networked neighbourhoods</b>	<p>2.1. <i>Development is designed for sustainability and makes life better.</i></p> <p>2.2. <i>The unique character and heritage of neighbourhoods is retained and enhanced</i></p> <p>2.3. <i>Public spaces are high-quality, welcoming and enjoyable places, seamlessly connected with their surrounding</i></p> <p>2.4. <i>Everyone has a roof over their head and a suitable place to call home</i></p> <p>2.5. <i>Public transport is reliable, accessible, connected and enjoyable</i></p> <p>2.6. <i>People are walking, cycling and moving around Inner West with ease.</i></p>	<p>The proposal will allow a greater use of public transport given its proximity to the light rail and bus services and is located in an appropriate area for a higher density development.</p> <p>While there are no public spaces proposed, the proposal has the potential to positively contribute to the streetscape and public domain subject to an appropriate scale as outlined in this report. The proposal provides a range of dwelling sizes and will provide for affordable housing through the VPA.</p>
<b>Strategic Direction 3: Creative communities and a strong economy</b>	<p>3.1. <i>Creativity and culture are valued and celebrated</i></p> <p>3.2. <i>Inner West is the home of creative industries and services</i></p> <p>3.3. <i>The local economy is thriving</i></p> <p>3.4. <i>Employment is diverse and accessible</i></p> <p>3.5. <i>Urban hubs and main streets are distinct and enjoyable places to shop, eat, socialise and be entertained.</i></p>	<p>The proposal is likely to have a positive economic impact given it would result in greater patronage of the nearby retail and commercial services in Lilyfield. The proposal can also assist in promoting the Inner West as a great place to live, work, visit and invest in.</p> <p>The proposal will not adversely affect employment given the land is already zoned residential; notwithstanding the existing use of the site currently involves a minor amount of industrial and commercial employment. The proposal does not remove any creative uses and is not contrary to this Direction.</p>
<b>Strategic Direction 4: Caring, happy, healthy communities</b>	<p>4.1. <i>Everyone feels welcome and connected to the community.</i></p> <p>4.2. <i>The Aboriginal community is flourishing, and its culture and heritage continues to strengthen and enrich Inner West.</i></p> <p>4.3. <i>The community is healthy and people have a sense of wellbeing</i></p> <p>4.4. <i>People have access to the services and facilities they need at all stages of life.</i></p>	<p>The proposal is not inconsistent with this Direction.</p>
<b>Strategic Direction 5: Progressive local leadership</b>	<p>5.1. <i>People are well informed and actively engaged in local decision making and problem solving.</i></p> <p>5.2. <i>Partnerships and collaboration are valued and recognised as vital for community leadership and making</i></p>	<p>Detailed community consultation would be undertaken by Council following the Gateway Determination. This report represents a thorough consideration of the proposal.</p>

	<p><i>positive changes</i></p> <p>5.3. <i>Government makes responsible decisions to manage finite resources in the best interest of current and future communities.</i></p>	
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## **Integrated Transport Plan – Leichhardt**

The Leichhardt Integrated Transport Plan 2013 – 2023 10 Year Strategic Plan has been prepared by drawing from the previous community strategic plan. This Plan’s primary goal is to foster environmental improvements by reducing private car dependency for all travel and also to improve the safety for all of the community. In order to achieve this, the Plan identifies nine strategic objectives which include:-

1. *Improve accessibility within and through the LGA;*
2. *Create a legible, direct and safe pedestrian and cycling environment;*
3. *Encourage public transport use;*
4. *Provide appropriate levels of parking;*
5. *Provide a safe and efficient road network for all road users;*
6. *Facilitate integration of land use, transport and community & cultural activities;*
7. *Provide convenience for the users of Leichhardt;*
8. *Promote health and wellbeing; and*
9. *Improve environmental conditions.*

Of particular relevance to this proposal are objectives 2, 3, 4, 5 and 6. It is considered that the site and proposal are capable of providing sufficient car parking on site and is located in close proximity to Lilyfield light rail stop which ensures Objectives 3 and 4 are met by the proposal. Public domain improvements in the form of public footpaths and similar pedestrian infrastructure can also be provided within the VPA, which allows consistency with Objective 2. Objective 6 is also considered satisfied by the proposal given the proposed increase in residential density is well located to utilise public transport comprising the light rail and bus services.

Objective 5 requires the provision of a safe and efficient road network. The potential increase to traffic joining and exiting from the City West Link is an issue which requires further consideration by the RMS following the Gateway determination. In all other aspects, the proposal is generally consistent with this Policy.

## **Inner West Council Delivery Program 2018-22**

The *Inner West Council Delivery Program 2018-22* (‘Delivery Program’) was adopted by Council in June 2018 which outlines the Council’s four year Delivery Program. This includes two parts; Part A outlines the continuation of the delivery of essential and established services while Part B involves initiatives for major changes that deliver on the Community Strategic Plan (CSP). The Delivery Program identifies how the Council will implement the strategic directions and outcomes outlined in the CSP.

The proposal is generally consistent with the CSP and therefore this Delivery Program as outlined above. The proposal provides an appropriate form of development in an appropriate location in terms of accessibility to services and public transport. Sustainability goals and creating a sense of community can be more fully considered at the detailed design stage. The proposal encourages the use of sustainable modes of transport, and is supported by a

VPA offer for value uplift sharing that could be allocated to address Council's priorities. The proposal is generally consistent with this Policy.

### **Affordable Housing Policy 2016**

Council's *Affordable Housing Policy 2016* outlines the Council's justification to actively seek to increase the supply of affordable housing through its planning instruments and policies. The amount of land value uplift created through the operation of Council's planning and approvals processes, some of which may reasonably be contributed to affordable housing as key infrastructure or a public purpose under a voluntary planning agreement or other legal mechanism, is also acknowledged.

The Policy outlines that there are a number of reasons why affordable housing needs to be provided including that there are a large, disproportionate and growing number of local people in housing stress, the displacement of historical populations through ongoing gentrification and non-replacement of affordable housing lost and current and projected levels of unmet need for affordable housing including for very low, low and moderate income households together with other more vulnerable groups.

The Policy (Section 2.5) requires 15% of the total gross floor area ('GFA') of the development as a Major Planning Agreement as it is for a rezoning with a development of more than 20 dwellings and a GFA of > 1,700m<sup>2</sup> to be provided as affordable housing. Contributions made under a Planning Agreement may be made in the form of apartments or a cash contribution, or a combination of the two. Council will determine the form of the contribution to be made. Where the share of land value uplift is provided as apartments, Council will determine the size of apartments in accordance with its strategic priorities, and seek a mix of dwellings sizes.

In this instance, the proposal involves an offer to enter into a VPA to provide a monetary contribution towards affordable housing. The proposal is generally consistent with this Policy subject to this VPA. Further details of this VPA will be considered following the Gateway Determination.

The proposal is generally consistent with the relevant Council Policies.

### **Q5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?***

The Planning Proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs) as shown in the table below.

**Table 3: Consideration of the Relevant SEPPs to the Planning Proposal**

<b>STATE ENVIRONMENTAL PLANNING POLICY (SEPP)</b>	<b>COMMENT</b>
SEPP No 65—Design Quality of Residential Apartment Development	<p>The proposal is considered to be generally consistent with the design quality principles of SEPP 65 as outlined below:</p> <ul style="list-style-type: none"> <li>• <i>Principle 1: Context and neighbourhood Character</i> - This principle states that good design responds and contributes to its context. Context is the key natural and built features of an area, their</li> </ul>

	<p>relationship and the character they create when combined. Responding to this context involves identifying the desirable elements of an area's existing or future character. Consideration of local context is important for all sites, including sites in established areas, those undergoing change or identified for change. Contextually, whilst the current low-scale houses to the south of the site may over time increase in height and density, in the short-to-medium term it will be important for any development on the subject site to transition in height and overall built form to this current low-scaled adjoining area. It is considered that this contextual relationship is satisfactory having regard to the controls outlined in this proposal in that greater setback and minimum height controls are required to ensure the contextual relationship with the lower density development to the south is retained. Articulation and adequate setbacks (discussed in this report) further ensure that adverse impacts will be minimised by the proposal on the surrounding area.</p> <ul style="list-style-type: none"><li>• <i>Principle 2: Built form and scale</i> – This principle states that good design achieves a scale, bulk and height appropriate to the existing or desired future character of the street and surrounding buildings. Good design also achieves an appropriate built form for a site and the building's purpose in terms of building alignments, proportions, building type, articulation and the manipulation of building elements. The proposed density changes have been developed having regard to achieving an appropriate built form for the site given the low density residential areas adjoining to the south of the site.</li><li>• <i>Principle 3: Density</i> – This Principle states that good design achieves a high level of amenity for residents and each apartment, resulting in a density appropriate for the site and its context. As outlined in the planning proposal, it is considered that the proposed maximum FSR of 1.5:1 for the site will allow an increased density while also preserving the amenity of the surrounding area in terms of overshadowing, bulk and scale and overlooking. Further controls are proposed which relate to minimum setbacks and a maximum number of storeys to further ensure amenity is maintained.</li><li>• <i>Principle 4: Sustainability</i> – This principle states that good design combines positive environmental, social and economic outcomes. In</li></ul>
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	<p>terms of sustainability the proposed density changes will allow for buildings to provide for natural ventilation and solar access to minimise the use of artificial heating and cooling for the buildings. The proposal will also require the provision of significant landscaping throughout the site to ensure groundwater recharge and a tree canopy for biodiversity. Future development will also be subject to the requirements of BASIX for water and energy efficiency.</p> <ul style="list-style-type: none"> <li>• <i>Principle 5: Landscape</i> – This principle states that good design recognises that together landscape and buildings operates as an integrated and sustainable system, resulting in attractive developments with good amenity. The proposal allows for adequate setbacks which will provide opportunities for landscaping for amenity improvements including privacy and communal open space areas.</li> <li>• <i>Principle 6: Amenity</i> – This principle states that good design positively influences internal and external amenity for residents and neighbours. The proposed controls have been developed having regard to reducing adverse impacts on adjoining properties as well as increasing the level of internal amenity for future residents. The provision of minimum setbacks and maximum number of storeys, particular near boundaries, will reduce overshadowing and overlooking which will assist in reducing adverse impacts. The proposed density controls will also ensure there is adequate provision for open space and car parking on the site.</li> <li>• <i>Principle 7: Safety</i> – This principle states that good design optimises safety and security within the development and the public domain. These design features will be further considered at the detailed design stage. It is considered that a building can be designed on the site which will have good casual surveillance of the street and entry areas and that a secure basement car park can be provided on the site.</li> <li>• <i>Principle 8: Housing Diversity and Social Interaction</i> – This principle states that good design achieves a mix of apartment sizes, providing housing choice for different demographics, living needs and household budgets. In this regard, Clause 6.13 of the LLEP 2013 requires that such a mix is provided. The housing mix on the site will be considered at the detailed design stage. It is</li> </ul>
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	<p>considered that the proposed density changes can accommodate a housing mix on the site.</p> <ul style="list-style-type: none"> <li>• <i>Principle 9: Aesthetics</i> – This principle states that good design achieves a built form that has good proportions and a balanced composition of elements, reflecting the internal layout and structure. The aesthetics on the site will be considered at the detailed design stage. It is considered that the proposed density changes can accommodate a built form with positive aesthetics on the site.</li> </ul> <p>Further consideration of an appropriate building envelope and layout is required following the Gateway Determination to ensure that the proposal will demonstrate good design and that the matters required to be addressed by the ADG and SEPP 65 are adequately considered.</p>
SEPP 55 - Remediation of Land	The site contains existing commercial and industrial land uses and accordingly, there is a potential risk of contamination. Clause 7 of SEPP 55 requires consideration of potential areas of contamination to be considered. A Detailed Site Investigation (DSI) report has been provided with the proposal, however, this DSI only relates to one portion of the site (36 Lonsdale Street) and is out of date. This issue is discussed further in Question 8 below. It is considered that this issue requires further consideration however can be addressed following the Gateway Determination.
SEPP 70 - Affordable Housing (Revised Schemes)	The proposal involves the offer to enter into a VPA, which will include an affordable housing contribution. It is considered that this issue requires further consideration however can be addressed following the Gateway Determination. The PP does not contain provisions that contradict or hinder application of this SEPP.
SEPP (Affordable Rental Housing) 2009	The proposal involves the offer to enter into a VPA, which will include an affordable housing contribution. The proposal does not contain provisions that contradict or hinder application of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	The proposal does not contain provisions that contradict or hinder application of this SEPP. Should the proposal proceed, any future development must comply with the requirements of this SEPP.
SEPP (Exempt and Complying Development Codes) 2008	The proposal does not contain provisions that contradict or hinder application of this SEPP.
SEPP (Infrastructure) 2007	The proposal will result in an infill development with increased density on a site which adjoins a classified road. Acoustic testing and reporting is required given its proximity to the City West Link. Should the proposal proceed, any future development must comply with the



	requirements of this SEPP and can be addressed at the detailed design/DA stage.
Sydney REP (Sydney Harbour Catchment) 2005	The proposal does not contain provisions that contradict or hinder the application of this SEPP. The site, while within the area of this SREP, is not within the Foreshores and waterways map area or zoned under this Policy.

**Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

The Planning Proposal has been assessed against each of the relevant Section 117 Ministerial Directions. Consistency with these relevant directions is achieved by the proposal subject to various matters being addressed following the Gateway Determination, as discussed in the table below.

**Table 4: Assessment of the Planning Proposal against the relevant s117 directions**

DIRECTION	REQUIREMENT	COMMENT
<b>3. Housing, Infrastructure and Urban Development</b>		
3.1 Residential Zones	<p>4) <i>A planning proposal must include provisions that encourage the provision of housing that will:</i></p> <p>a) <i>broaden the choice of building types and locations available in the housing market, and</i></p> <p>b) <i>make more efficient use of existing infrastructure and services, and</i></p> <p>c) <i>reduce the consumption of land for housing and associated urban development on the urban fringe, and</i></p> <p>d) <i>be of good design.</i></p>	<p>The Planning Proposal will increase the maximum permitted density on the site thereby making more efficient use of land and existing infrastructure and services.</p> <p>Housing mix will be determined at the development application stage and will be informed by Clause 6.13 (Diverse housing) of LLEP 2013 which specifies a minimum proportion of small (studio or one bedroom) dwellings and a maximum proportion of dwellings including three or more bedrooms.</p> <p>The proposal has been prepared by Council following a review of the site configuration and likely best fit in terms of building envelopes, height and FSR. Further consideration of an appropriate building envelope and layout is required following the Gateway Determination to ensure that the proposal will demonstrate good design and that the matters required to be addressed by the ADG and SEPP 65 are</p>

	<p>5) <i>A planning proposal must, in relation to land to which this direction applies:</i></p> <p>a) <i>contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i></p> <p>b) <i>not contain provisions which will reduce the permissible residential density of land.</i></p>	<p>adequately considered.</p> <p>The site is adequately serviced and there are no planning provisions which would reduce the permissible residential density of land.</p>
3.4 Integrating Land Use and Transport	<p>4) <i>A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:</i></p> <p>a) <i>Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and</i></p> <p>b) <i>The Right Place for Business and Services – Planning Policy (DUAP 2001).</i></p>	<p>The proposal aims to facilitate additional residential dwellings in close proximity to public and active transport. The site is proximate to well-serviced bus and light rail stops, particularly those servicing the CBD. There are also a number of on-road and shared path cycle routes accessible from the site, including on Lilyfield Road, Victoria Road and Catherine Street.</p>
3.5 Development Near Regulated Airports and Defence Airfields	<p>4) <i>In the preparation of a planning proposal that sets controls for development of land near a regulated airport, the relevant planning authority must:</i></p> <p>a) <i>consult with the lessee/operator of that airport;</i></p> <p>b) <i>take into consideration the operational airspace and any advice from the lessee/operator of that airport;</i></p> <p>c) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></p> <p>d) <i>not allow development types that are incompatible with the current and future operation of that airport.</i></p>	<p>The subject site is within the ANEF 20-25 contour for Sydney Airport. Consultation with Sydney Airport Corporation must be undertaken following the Gateway Determination.</p>
	<p>5) <i>In the preparation of a planning proposal that sets controls for development of land near a core regulated airport, the relevant planning authority must:</i></p>	<p>Consultation is required as outlined above.</p>

	<p>a) <i>consult with the Department of the Commonwealth responsible for airports and the lessee/operator of that airport;</i></p> <p>b) <i>for land affected by the prescribed airspace (as defined in Regulation 6(1) of the Airports (Protection of Airspace) Regulation 1996, prepare appropriate development standards, such as height controls.</i></p> <p>c) <i>not allow development types that are incompatible with the current and future operation of that airport.</i></p> <p>d) <i>obtain permission from that Department of the Commonwealth, or their delegate, where a planning proposal seeks to allow, as permissible with consent, development that would constitute a controlled activity as defined in section 182 of the Airports Act 1996. This permission must be obtained prior to undertaking community consultation in satisfaction of section 57 of the Environmental Planning and Assessment Act 1979.</i></p>	
	<p>6) <i>In the preparation of a planning proposal that sets controls for the development of land near a defence airfield, the relevant planning authority must:</i></p> <p>a) <i>consult with the Department of Defence if:</i></p> <p>(i) <i>the planning proposal seeks to exceed the height provisions contained in the Defence Regulations 2016 – Defence Aviation Areas for that airfield; or</i></p> <p>(ii) <i>no height provisions exist in the Defence Regulations 2016 – Defence Aviation Areas for the airfield and the proposal is within 15km</i></p>	<p>Not relevant.</p>

	<p><i>of the airfield.</i></p> <p>b) <i>for land affected by the operational airspace, prepare appropriate development standards, such as height controls.</i></p> <p>c) <i>not allow development types that are incompatible with the current and future operation of that airfield.</i></p>	
	<p>7) <i>A planning proposal must include a provision to ensure that development meets Australian Standard 2021 – 2015, Acoustic-Aircraft Noise Intrusion – Building</i></p>	<p>Clause 6.8 of the LLEP 2013 - <i>Development in areas subject to aircraft noise provides adequate controls for this requirement.</i></p>
	<p><i>siting and construction with respect to interior noise levels, if the proposal seeks to rezone land:</i></p> <p>a) <i>for residential purposes or to increase residential densities in areas where the ANEF is between 20 and 25; or</i></p> <p>b) <i>for hotels, motels, offices or public buildings where the ANEF is between 25 and 30; or</i></p> <p>c) <i>for commercial or industrial purposes where the ANEF is above 30.</i></p>	
	<p>8) <i>A planning proposal must not contain provisions for residential development or to increase residential densities within the 20 ANEC/ANEF contour for Western Sydney Airport.</i></p>	<p>Not applicable to this site.</p>

**4. Hazard and Risk**

<p>4.1 Acid Sulphate Soils</p>	<p>4) <i>The relevant planning authority must consider the Acid Sulfate Soils Planning Guidelines adopted by the Director-General of the Department of Planning when preparing a planning proposal that applies to any land identified on the Acid Sulfate Soils Planning Maps as having a probability of acid sulfate soils being present.</i></p> <p>5) <i>When a relevant planning authority is preparing a planning proposal to introduce provisions to regulate works in acid sulfate soils, those provisions must be</i></p>	<p>The site is located on Class 5 acid sulfate soils ('ASS') land and is located adjoining Class 3 land being the City West Link pursuant to the LLEP 2013.</p> <p>There are no specific new provisions being proposed which are contrary to Clause 6.1 of the LLEP 2013 in relation to ASS.</p>
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	<p><i>consistent with:</i></p> <p>a) <i>the Acid Sulfate Soils Model LEP in the Acid Sulfate Soils Planning Guidelines adopted by the Director-General, or</i></p> <p>b) <i>such other provisions provided by the Director-General of the Department of Planning that are consistent with the Acid Sulfate Soils Planning Guidelines.</i></p> <p>6) <i>A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing acid sulfate soils on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an acid sulfate soils study assessing the appropriateness of the change of land use given the presence of acid sulfate soils. The relevant planning authority must provide a copy of any such study to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act.</i></p> <p>7) <i>Where provisions referred to under paragraph (5) of this direction have not been introduced and the relevant planning authority is preparing a planning proposal that proposes an intensification of land uses on land identified as having a probability of acid sulfate soils on the Acid Sulfate Soils Planning Maps, the planning proposal must contain provisions consistent with paragraph (5).</i></p>	<p>An Acid Sulfate Soils Study will be required following the Gateway Determination to ensure that there are no significant environmental impacts arising from the proposed intensification of residential development on the site which is affected by ASS.</p> <p>Clause 6.1 of the LLEP 2013 provides requirements in relation to ASS which will be required to be complied with for any future development application.</p>
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<b>6. Local Plan Making</b>		
6.3 Site Specific Provisions	<p>4) <i>A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:</i></p> <p>a) <i>allow that land use to be</i></p>	<p>The proposal involves increasing the maximum FSR and introducing a maximum height of buildings development standard for the site. Both of these development standards are already contained in the</p>



	<p><i>carried out in the zone the land is situated on, or</i></p> <p>b) <i>rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or</i></p> <p>c) <i>allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.</i></p> <p>5) <i>A planning proposal must not contain or refer to drawings that show details of the development proposal.</i></p>	<p>LLEP 2013 and therefore no additional provisions are required for the proposal. The site is zoned R1 which allows a variety of uses including residential apartments buildings, shop top housing etc and therefore there are no changes required to the zoning.</p> <p>The only requirement beyond the FSR and height development standards is that of setbacks, number of storeys and the need to provide non-residential development adjoining the City West Link. These requirements represent an inconsistency with this Direction; however, they are considered minor and are appropriate for the site. These requirements will not result in any unnecessarily restrictive site specific planning controls and are similar to existing controls with the LLEP 2013 for other sites.</p> <p>The proposal does not include or reference any drawings of a specific development proposal.</p>
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**7. Metropolitan Planning**

<p>7.1 Implementation of a Plan for Growing Sydney</p>	<p>4) <i>Planning proposals shall be consistent with:</i></p> <p>a) <i>the NSW Government's A Plan for Growing Sydney published in December 2014.</i></p>	<p>The Proposal will achieve the vision and desired outcomes of the Plan by increasing housing supply close to services and transport in close proximity to the CBD and public and active transport infrastructure while maintaining the amenity of the local area. Consistency of the Planning Proposal with the regional and district plans is discussed in detail in Section B Question 3.</p>
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**Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The site is located within an urban area, with the majority of the site comprising existing buildings and improvements, including commercial and industrial buildings as well as dwelling houses and driveways. There are some trees and shrubs located on and adjoining the site, however, there is no significant vegetation existing on the site. There is no known critical habitat, threatened species, populations or ecological communities or their habitats located on the site.

**Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

**Built Form**

Built form is largely considered having regard to the principles and requirements of SEPP 65 and the *Apartment Design Guide* ('ADG'). The design quality principles of SEPP 65 were considered above in Question 5, with the proposal found to be generally consistent with these design principles subject to further information following the Gateway Determination and the imposition of the recommended controls for minimum setbacks and maximum number of storeys.

The ADG outlines that the primary development controls are the key planning tool used to manage the scale of development so that it relates to the context and desired future character of an area and manages impacts on surrounding development. The site is located in a predominantly low density residential environment with low density detached housing and some mix of uses located within the B2 Local Centre zoning to the east of the site across Lonsdale Street. An increase to the density through an adjustment of the FSR and height controls for this site needs to ensure that the amenity and character of the immediate area is preserved.

The primary development controls and how they have been addressed in this proposal are outlined below:

- *Building Height* – The proposed maximum height of buildings for the site is RL 33.2, having regard to minimising both the visual and physical impacts for adjoining and nearby development as well as considering the varying site levels. This maximum height of buildings development standard is considered to be capable of accommodating five (5) storey buildings across the site with varying heights and setbacks to reduce impacts to adjoining properties. This maximum height has also been developed, in conjunction with the maximum FSR, having regard to the topography of the site, particularly the fall towards the northern boundary and the ability to spread the bulk across the site with varying heights and setbacks.
- FSR - The proposed density has been calculated having regard to the following:-
  - A setback to the southern boundary with the adjoining low density residential development of at least 3 metres;
  - A front setback to the City West Link of approximately 3 metres to reduce noise and other amenity impacts;
  - A side setback to the side streets of Lonsdale and Russell Streets of approximately 4 metres;

- A deep soil zone shall extend for the length of the site to the south and other side boundaries; and
- Building height in storeys restrictions to ensure bulk, scale and overshadowing are acceptable, particularly a maximum two (2) storey limit to the adjoining southern properties.

Following from this analysis, it is proposed to increase the FSR for the site to 1.5:1 to allow an additional 1,930.5m<sup>2</sup> of GFA with a resulting total GFA permissible on the site of 3,217.5m<sup>2</sup>. A maximum height to RL 33.2 (or approximately five (5) storeys) is also proposed having regard to the ADG and the discussion above. These proposed controls are considered to be appropriate to provide an increased density while preserving the amenity of adjoining and nearby residential development.

- Building depth – The depth of the future buildings on the site is largely set by the controls within the ADG and should be within the range of 10 to 18 metres, depending on orientation and unit configuration. The controls have been designed to allow for satisfactory depths of buildings on the site.
- Building separation and setbacks - The ADG notes that adequate building separation ensures useability of communal and private open space, provision of deep soil areas, solar and daylight access, privacy, outlook and natural ventilation. In this regard, the ADG recommends that *'apartment buildings should have an increased separation distance of 3 metres when adjacent to a different zone that permits lower density residential development to provide for a transition in scale and increased landscaping'*.

While it is acknowledged that there is not a zoning change in this instance, the proposal seeks a much higher density in comparison to the adjoining sites as the proposal will facilitate a scale of development on this site that is substantially greater than that of those to the south and west. Therefore, it is recommended that this rear setback be a minimum of 3 metres as well as being of a lower scale in terms of height (in storeys) to provide a more appropriate transition to the surrounding low density area.

Accordingly, it is considered that in order to protect the visual privacy and amenity of the adjoining low density dwellings to the south, a setback of at least 3 metres and a maximum height of two (2) storeys in this location is required to the adjoining southern properties. This requirement should also be reflected in a Gateway determination.

Further consideration of an appropriate building envelope and layout is required following the Gateway Determination to ensure that the proposal will demonstrate good design and that the matters required to be addressed by the ADG and SEPP 65 are adequately considered. It is requested that a Gateway determination require that this documentation be provided and/or updated (as appropriate) prior to exhibition of the proposal.

Having considered these design principles in relation to the proposal, it is considered that the proposal is suitable for the site subject to further consideration of an appropriate building envelope and layout, which is required following the Gateway Determination. This is to ensure that the proposal will demonstrate good design and that the matters required to be addressed by the ADG and SEPP 65 are adequately considered.

### ***Overshadowing***

The proposed increased density and height for this site has been calculated on the basis of

ensuring, among other things, that adequate sunlight can be achieved by both the proposed development and the existing adjoining buildings, particularly the low density residential dwellings to the south of the site. The separation of the building forms within the site will also assist with minimising overshadowing to the adjoining properties as well as the internal communal open space.

Further detailed consideration of the building forms and layouts will be required following the Gateway Determination to further ensure that overshadowing is minimised to the adjoining properties and within the site for future development at the proposed density. It is requested that a Gateway determination require that this documentation be provided and/or updated (as appropriate) prior to exhibition of the proposal.

### ***Public Domain***

The proposal is likely to generate increased pedestrian activity through the area as a consequence of the proposed increased density. The Planning Proposal provides an opportunity to contribute towards a community benefit by improving and enhancing the public domain around the site to ensure that the surrounding area is safe, walkable and accessible. Potential public domain improvements may include the following:

- Enhancement of the pedestrian links between north and south of Lonsdale Street, Russell Street and City West Link;
- Installation of new street lights; and
- Footpath tree plantings.

The proponent should explore these opportunities further and these can be included in the VPA letter of offer to Council. It is requested that a Gateway determination require that this issue is adequately addressed prior to exhibition.

### ***Heritage***

The subject site is not a heritage item nor located in a heritage conservation area. There are no heritage items in close proximity to the site. Accordingly, it is considered that the PP will not adversely impact on any heritage values. No further consideration of this issue is required.

### ***Landscaping and deep soil zone***

The site includes several trees and other shrubs; however, none of these trees are listed as significant or identified as heritage items. Accordingly it is considered that this vegetation does not pose a significant constraint on the site subject to appropriate compensatory tree planting.

Deep soil zones are to be provided on the site and are to be included in the site-specific DCP. A good tree canopy and deep soil zone is required to achieve the various objectives and Planning Priorities of the Regional and District Plans. These zones allow for healthy plant and tree growth, provide for water management and also improve residential amenity and privacy. In this regard, an urban forest canopy target of 25% should be adopted for the site to reflect the goals of increasing urban forest canopy in the Regional and District Plans, and the urban forest policies of Council. These requirements should also be reflected in a Gateway determination in regard to the required site-specific DCP.

### **Site-specific DCP**

The site is identified to be located within the 'Peripheral Sub Area' of the Catherine Street Distinctive Neighbourhood in Lilyfield pursuant to Section C2.2.4.1 of the LDCP 2013. In particular, it is noted that under the LDCP 2013 controls, a maximum building wall height of 7.2 metres applies to this Peripheral Sub Area. The proposal does not currently meet this provision of LDCP 2013.

Accordingly, a Site-specific Development Control Plan is required to be prepared to be included in Part G: Site Specific Controls of the LDCP 2013. This DCP must include the specific design measures for the site and other controls which would apply to the site, including (but not limited to) the following controls:-

- Desired future character statement;
- Public domain;
- Built form and design controls including the following:-
  - *Building height and bulk* including a sympathetic building height with existing dwellings on Lonsdale and Russell Street then transitioning up to 4 storeys above a ground level non-residential podium along City West Link Road in accordance with LLEP 2013;
  - *Building setbacks and articulation* including apartments to be oriented toward Lonsdale Street and Russell Street, with a dual aspect layout and cross ventilation, with winter garden balconies to ameliorate noise and a middle quiet open zone for apartments to open onto;
  - *Building separation* to comply with the ADG requirements;
  - *Building materials and finishes* including the requirement for architectural cues to be provided with adjacent houses in Lonsdale Street and Russell sufficient to enough to achieve a sympathetic relationship with those houses and the residential character of those streets. Exterior building finishes shall use a variety of complementary materials suitably arranged to provide visual interest, sense of place and so enhance the character of the streets. A monolithic building appearance will not be supported;
  - *Design of building elements* including a noise screen wall or similar device to be constructed between buildings on the site along the northern part of the site. (eg a 3 storey wall and horizontal top return placed above the lower work storey”);
  - *Disability access*; and
  - *Ground floor apartments* including the apartments adjoining City West Link must not be used for residential uses. It may be used for work purposes as part of a live work apartment.
- Residential amenity (including solar access, cross ventilation, open space, visual privacy, and deep soil and podium planting landscaping areas). Deep soil zones in accordance with the following:
  - 3m wide perimeter deep soil area adjacent to adjoining dwellings to the south to establish a tree buffer;
  - 3m wide perimeter deep soil zone along Lonsdale Street to establish front gardens;
  - Use of roof top gardens encouraged; and

- 3m wide deep soil zone along City West Link;
- Parking and access;
- Waste management; and
- Communal open space of 25% of site area (irrespective of the ADG provisions due to the 'U shape' design concept).

The environmental impacts of the proposal can be addressed through the provision of these controls within the site-specific DCP. It is requested that a Gateway determination require that this documentation be provided prior to exhibition of the proposal.

### ***Traffic and Transport***

A *Traffic Impact Assessment* prepared by Traffix Traffic and Transport Planners dated July 2018 ('the Traffic Report') was provided with the proposal. The Traffic Report was based on an indicative development yield of 54 residential apartments and determined that between 33 and 55 car parking spaces would be required on site under the provisions of the LDCP 2013.

The Traffic Report noted that the concept drawings indicated provision for approximately 61 parking spaces within the proposed two (2) basement levels, with capacity for any required car share, bicycle and motorcycle spaces. At this preliminary stage, it is considered that the site is capable of providing the required car parking on site associated with the proposed increase in density. Further analysis of the car parking requirement can be undertaken at the detailed design/DA stage.

Having regard to transport, the site is well serviced by public transport, namely bus services and light rail, with Lilyfield light rail station approximately 50m from the site. The site is also located within 200 metres of bus stops on Catherine Street and Lilyfield Road that are serviced by routes connecting to the Sydney central business district and the surrounding region.

In terms of traffic generation, the Traffic Report concluded that the proposal is likely to generate comparable traffic volumes to existing conditions based on recommended trip generation rates for both the existing and proposed uses on the site. This analysis concluded that there would be two (2) less vehicle trips than the existing uses on the site in the AM peak and only two (2) additional vehicle trips in the PM peak having regard to the existing uses on the site. On this basis, the Proponent considered that the changes sought under the Planning Proposal will not increase the traffic generating potential of the site.

Following consideration of this issue by Council's Engineers, it is considered that the proposal, due to its increased density arising from the increase to height and FSR, has the potential to adversely impact on traffic flow along the City West Link resulting from the increased number of traffic movements both entering and exiting the City West Link from Lonsdale Street adjoining the site.

There are further concerns with potential adverse impacts to pedestrian safety as a result of the increased traffic generated by the proposal, particularly at the intersection of Catherine Street and the City West Link. This impact is due to the high level of pedestrian activity at this intersection as a result of the proximity of the Lilyfield light rail station and the local supermarket at this location.

Accordingly, it is requested that a Gateway determination require an amended Traffic Impact Assessment to be prepared which further considers these issues. This amended Traffic

Assessment must consider further site-specific impacts of the proposed increased density on this site and its potential impacts to traffic flow along the City West Link and pedestrian safety at the intersection of Catherine Street and the City West Link intersection. This amended Traffic Impact Assessment would then be peer-reviewed by Council and considered by other relevant state authorities as part of the consultation requirements following the Gateway Determination.

### ***Stormwater Management and Flooding***

The site is not affected by flooding; however, the adjoining site (City West Link) is affected by flooding. It is considered that this issue can be further considered at the detailed design/DA stage as part of the Section 4.15(1) of the EP&A Act assessment. Similarly, in relation to stormwater, Clause 6.4 (Stormwater management) of LLEP 2013 includes adequate controls for the management of stormwater on the site for future development. This issue can also be addressed at the DA stage as part of the Section 4.15(1) merit assessment.

### ***Land Contamination***

The potential for land contamination is an important consideration for this site, given its past and present use for industrial and commercial purposes. While Clause 6 of *State Environmental Planning Policy No 55 – Remediation of Land* ('SEPP 55') specifically refers to rezoning of land, which is not proposed in this application, it does require the consent authority to consider if the land is within an investigation area and whether the land has been used for a purpose referred to in Table 1 to the contaminated land planning guidelines for changes of use. The former uses of the site are unknown and it is considered prudent that this issue is considered in the preparation of the planning controls for the site.

The original proposal did not address land contamination, however, a Phase 1 detailed site investigation report 36 Lonsdale Street was provided for a portion of the site with the revised proposal. This report is now out of date, being four years old and only relates to a portion of the site. Accordingly, a Phase 2 Detailed Site Investigation should be provided for the whole site which identifies all past and present potential contaminating activities and types, provides a preliminary assessment of site contamination and assesses the need for further investigations. Any future development application for the site would be required to satisfy Clause 7 of SEPP 55 and would likely require a more detailed report. It is requested that a Gateway Determination require that this issue is adequately addressed prior to exhibition.

### ***Acid Sulphate Soils***

The site is affected by Class 5 acid sulphate soils ('ASS') pursuant to the ASS maps under Clause 6.1(2) of the LLEP 2013. Pursuant to Ministerial Direction 4.1, a relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as containing ASS unless it has considered an ASS Study assessing the appropriateness of the change of land use given the presence of ASS. The proposal involves an intensification of the residential use of the land and accordingly an ASS Study is required following the Gateway Determination.

### ***Noise***

There is a number of existing noise sources in close proximity to the site which need to be considered having regard to the proposed increased in residential density at the site. These noise sources including aircraft noise, as the site is located within the ANEF 20 - 25 contour for Sydney Airport, noise from the light rail and road noise from the City West Link.

While the proposal was not accompanied by any Acoustic assessment, Council considers that an Acoustic Report can be provided at the detailed design (DA) stage. There are adequate provisions in the LLEP 2013 (Clause 6.8 – aircraft noise) and the Infrastructure SEPP to ensure acoustic impacts are adequately considered for a future development on the site at the detailed design/DA stage.

### ***Voluntary Planning Agreement***

The proposal is supported by an offer from the Proponent to enter into a Voluntary Planning Agreement ('VPA') to share in the value uplift that would accrue from the proposed amendment to LLEP 2013. The monetary value will be utilised by Council in the funding of a variety of potential projects, including Council's affordable housing programs.

In the revised proposal submitted in January 2019, the proponent provided a 'Valuation Assessment for a Proposed Voluntary Planning Agreement (VPA)' prepared by Property Logic dated 10 December 2018 ('Valuation Report'). This report uses a combination of the Direct Comparison (per sqm of land value) method of similar sites and comparable zones and densities and a Capitalised Valuation Method for industrial sites. While this methodology used to arrive at the current residual land value (\$9.8m) is supported, the methodology used to arrive at the 'value uplift of the proposed Planning Proposal' (\$17.85m) is not supported. The methodology applied does not assess the Gross Realisation (GR) or 'end market value' of the site in a post development, Hypothetical Development Methodology (HDM) scenario. A revised valuation is required that sums the costs of site acquisition, construction, interest and sales cost, profit and risk factor, less the affordable housing component to ascertain whether the affordable housing component is viable.

Accordingly, following a thorough consideration of this Valuation Report by Council, it is considered that the report is unacceptable and needs to be revised by the Proponent. A revised Valuation Report for the proposed VPA based a Residual Land Valuation (RLV) and a Hypothetical Development Methodology (HDM) should be provided as outlined above. It is requested that a Gateway determination require that this issue is adequately addressed prior to exhibition.

### ***Q9. Has the planning proposal adequately addressed any social and economic effects?***

In relation to social impacts, the additional housing opportunities, a variety of dwelling types and the provision for affordable housing via the VPA will assist the local population in their housing needs and the proximity to services will allow for walking and social interaction for the local community. This will also facilitate the more efficient use of land and increase housing density in close proximity to transport, employment and services.

It is considered that adequate social infrastructure services exist as the proposal fits within the housing target for the area as outlined in the GSRP and the ECDP. It is not anticipated that the additional population will substantially increase demand for social infrastructure such as schools, hospitals and community facilities. The proposal is considered to be generally satisfactory in terms of social impacts.

In relation to economic impacts, there are unlikely to be any significant economic impacts arising from this proposal given the site is already zoned for residential development and will utilise existing infrastructure. The proposal also does not involve any commercial development which may seek to compete with nearby businesses and commercial uses.

The provision of additional housing choices and supply in the area will assist the local population in housing as well as providing additional patronage to existing shops and other



services in the local area. The displacement of the existing commercial and industrial development on the site is considered satisfactory given the site is zoned residential and the current uses on the site rely on existing use rights. The site is not part of the core employment lands of the local government area. The proposal is considered to be satisfactory in terms of economic impacts.

**Q10. *Is there adequate public infrastructure for the planning proposal?***

The site is located in an area well serviced by necessary services and infrastructure including public transport, electricity, telecommunications, water and sewer. The additional demand created under the Planning Proposal is likely to be minimal, thereby ensuring the efficient use, but not overburdening, of existing services and infrastructure. Consultation with relevant authorities during public exhibition of the Planning Proposal will confirm the capacity of current utilities to serve the site.

**Q11. *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?***

Further consultation with relevant State and Commonwealth public authorities will be undertaken in accordance with a Gateway determination. In general, the proposal is consistent with the relevant Regional and District Plans and the Government's housing targets and strategies for the Sydney region in appropriate locations.

It is considered that, as a minimum, the Sydney Airport Corporation limited (for aircraft noise) and the Roads and Maritime Services (RMS) (for road noise and potential impact on traffic flow on the City West Link) should be consulted.

## **PART 4 – Mapping**

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The planning proposal involves changes to the mapping for this site, with the proposed changes outlined below in accordance with the DPE's Guidelines on LEPs and Planning Proposals. The Planning Proposal seeks to amend the FSR map, Height of Building map and Key Sites Map of the LLEP 2013 as it applies to the subject site.

### *Current Planning Controls*

The DPE's requirements for mapping are outlined below:

- Land subject to the planning proposal – Lots 18, 19 & 20 DP 977323, Lot 1 DP 1057094, Lot 22 DP 977323, and Lots 1 & 2 DP 529451 (36 Lonsdale Street and 64-70 Brenan Street, Lilyfield);
- Current zoning of the land – R1 General Residential;
- Current development standards relating to the land – the land is currently affected by the following mapping:
  - Acid Sulphate Soils – The site is currently located within the Class 5 land on ASS\_004 map. No changes are proposed;
  - FSR – The site is currently located within the 'D' classification (0.50:1) and within "Area 6" (Clause 4.4(2B)(a)(iv)) land on FSR\_004 map. Changes are proposed;

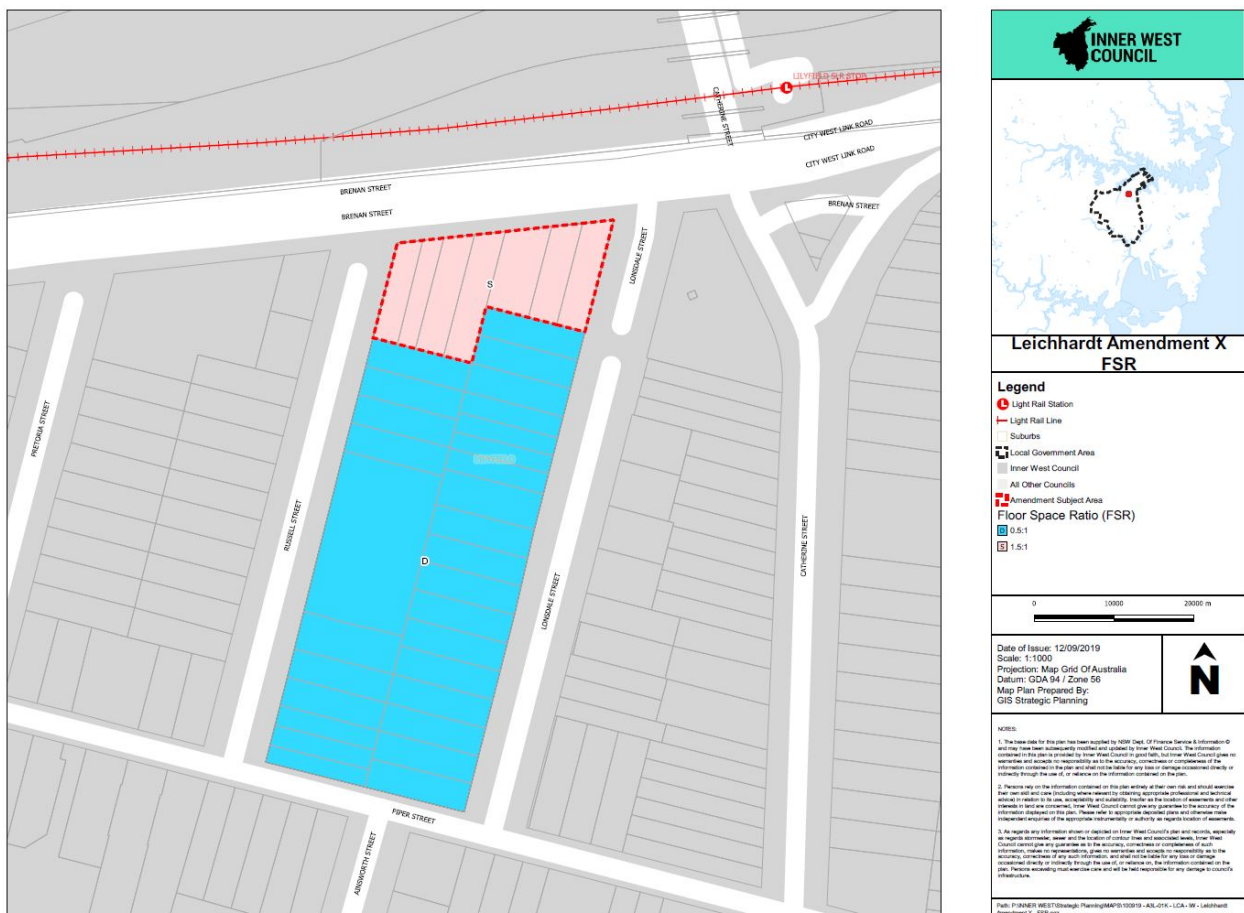
- Proposed zone – There are no zoning changes proposed.

### Proposed Planning Controls

The planning controls proposed to be changed on the mapping sheets associated with the LLEP 2013 are as follows:-

- Amend the Floor Space Ratio Map Sheet FSR\_004 as shown in Part 4 of this Planning Proposal to increase the FSR from 0.5:1 to 1.5:1;
- Amend the Height of Building Map Sheet HOB\_004 as shown in Part 4 of this Planning Proposal to nominate the maximum height to RL 33.2 for the site by adding the site to the RL 21m – 40m category;
- Amend the Key Sites Map Sheet KYS\_004 as shown in Part 4 of this Planning Proposal to nominate the site as a key site; and
- Add a Clause to Part 6 Additional Local Provisions to relate to the site to contain the following:
  - objectives for the future redevelopment of the site,
  - setbacks and maximum height in storeys for future development; and
  - requirement for non-residential development adjoining the City West Link

The proposed changes to the LLEP 2013 mapping sheets are as follows:-



**Figure 7: Extract from the proposed mapping changes to Floor Space Ratio affected by the Planning**

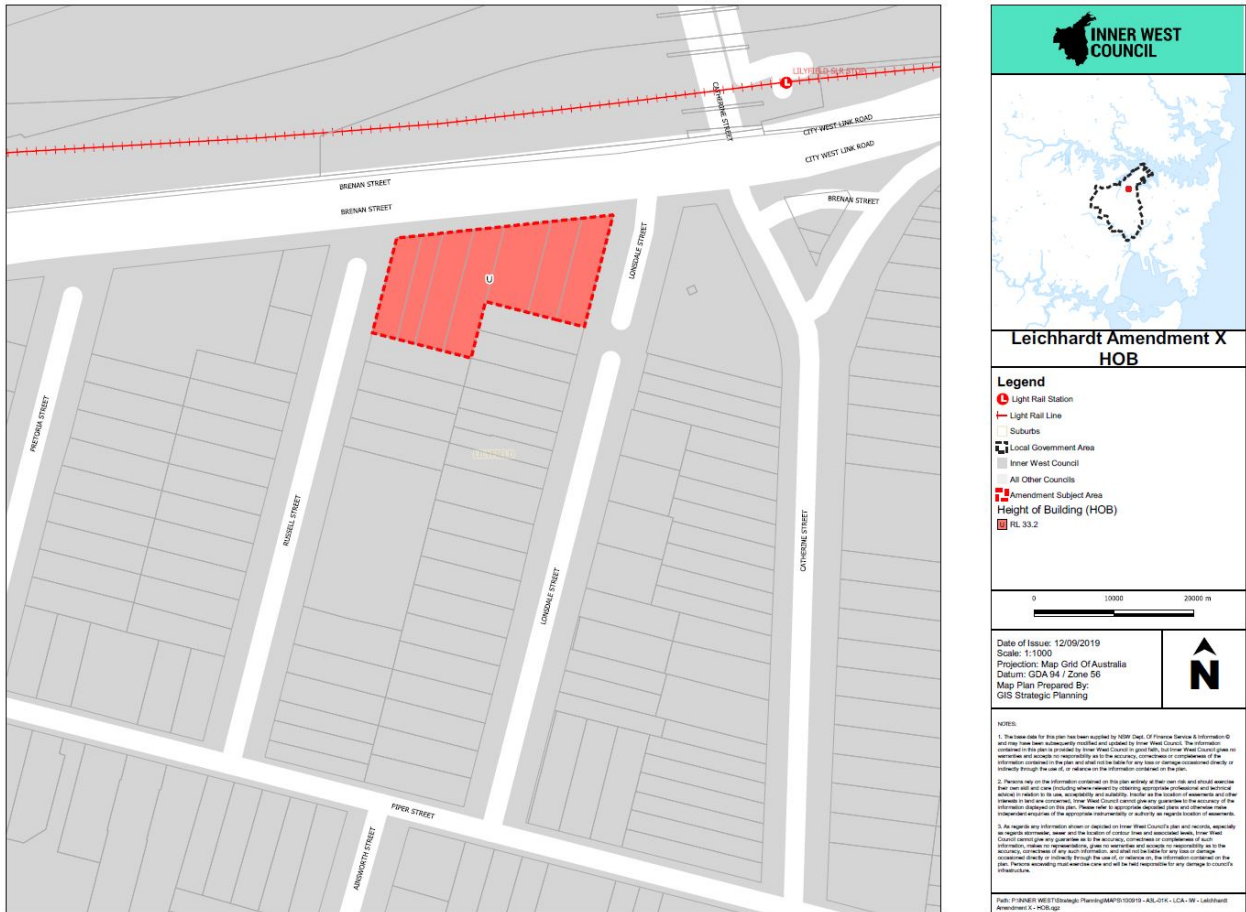
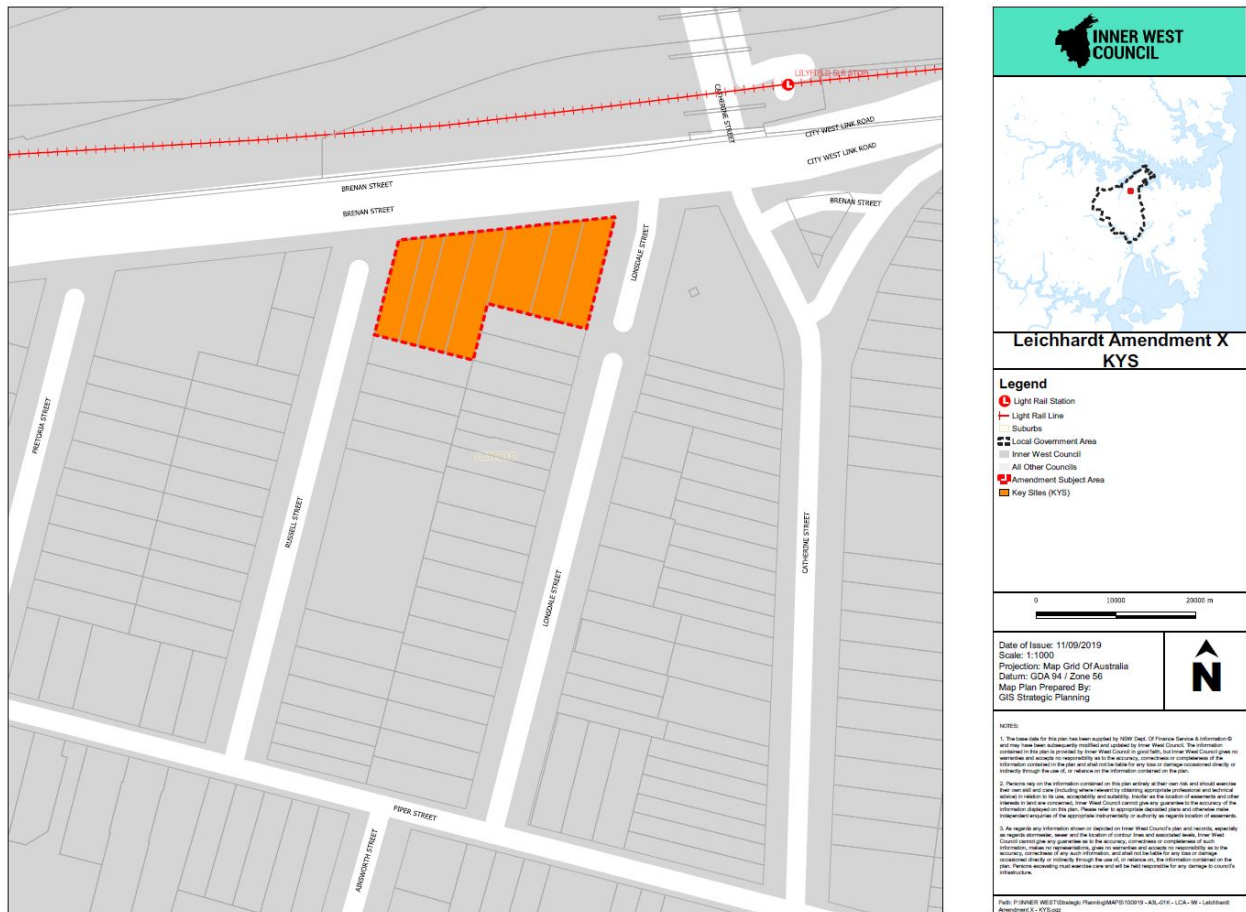


Figure 8: Extract from the proposed mapping changes to Height of Building affected by the Planning



**Figure 9: Extract from the proposed mapping changes to Key Sites affected by the Planning Proposal**

## PART 5 – Community Consultation

Public consultation will be undertaken in accordance with the requirements of the Gateway determination, the DPE's Planning Proposal Guide and 'A guide to preparing local environmental plans' and Council's Community Engagement Framework.

It is expected that the Planning Proposal will be exhibited for a period not less than 28 days and that this will include notification of the public exhibition:

- on the Inner West Council website;
- in relevant local newspapers; and
- in writing to the owners and occupiers of adjoining and nearby properties.

The exhibition material will be made available on the Inner West Council website, in the Leichhardt Customer Service Centre at 7-15 Wetherill St, Leichhardt and on the DPE's website.

The gateway determination will specify the level of public consultation that must be undertaken in relation to the planning proposal including those with government agencies. Consistent with sections 3.34(4) and 3.34(8) of the EP&A Act 1979, where community consultation is required, an instrument cannot be made unless the community has been given an opportunity to make submissions and the submissions have been considered.

## PART 6 – Project Timeline

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The table below outlines an anticipated timeline for completion of the Planning Proposal if approved for public exhibition at Gateway.

**Table 5: Project Timeline**

<b>MILESTONE</b>	<b>TIMEFRAME</b>
Planning Proposal submitted to Department of Planning and Environment seeking Gateway determination	July 2019
Anticipated commencement date (date of Gateway determination)	August 2019
Anticipated timeframe for the completion of required technical information and peer review by Council	October 2019
Public exhibition and public authority consultation	November/December 2019
Timeframe for consideration of submissions	December 2019/January 2020
Timeframe for the consideration of a proposal post exhibition (including reporting to Council)	March 2020
Drafting of instrument and finalisation of mapping	April 2020
Date of submission to the Department to finalise the LEP	May 2020
Anticipated date RPA will make the plan (if delegated)	June 2020
Anticipated date RPA will forward to the Department for notification	June 2020