



## COUNCIL OFFICER'S PLANNING PROPOSAL ASSESSMENT REPORT

<b>Planning Proposal No.</b>	IWC_PP_2018_03
<b>Address</b>	36 Lonsdale Street and 64-70 Brenan Street, Lilyfield
<b>Proposal</b>	<p>Planning proposal to amend <i>Leichhardt Local Environmental Plan 2013</i> to:</p> <ul style="list-style-type: none"> <li>• Increase the floor space ratio (FSR) from 0.6:1 to 1.5:1;</li> <li>• Introduce a maximum building height development standard of RL 33.2,</li> <li>• Add a site-specific clause for objectives, minimum setbacks, maximum number of 5 storeys and non-residential development at City West Link street level.</li> </ul>

### 1.0 BACKGROUND

A series of development applications (DA), pre-planning proposals, planning proposals and a road closure application have been lodged for the site or parts of the site since 2015 as summarised below:

- **February 2015** – 36 Lonsdale Street, DA for a ground floor mixed use retail development and apartments above with an FSR of 2.44:1 refused for overdevelopment, loss of amenity and other issues such as non-compliance with SEPP 65 .
- **May 2016** – 36 Lonsdale Street and 64-66 Brenan Street, Pre-Planning Proposal for a mixed use ground floor child care centre and retail development with apartments above, a 6 storey building height and an FSR ranging from 4.42:1 to 5.17:1. Council advised that the proposal would be overdevelopment, but that it was likely to support a more modest FSR increase with reasonable residential amenity and traffic impacts.
- **February 2018** – Application to Council to purchase and close the northern section of Lonsdale Street to facilitate a larger development. Council refused on planning, traffic, pedestrian access and sewerage / stormwater grounds.
- **January 2019** – 36 Lonsdale Street and 64-70 Brenan Street, Planning Proposal for a residential development at with an FSR ranging from 0.6:1 to 2.15:1 and a building height of up to 6 storeys. Council officers assessed this as having excessive bulk and scale, but that a smaller increase in density for the site would be reasonable.
- **23 July 2019** – Council officer recommended an amended Planning Proposal with an FSR of 1.5:1, a building height of up to 5 storeys and other site specific controls for minimum setbacks and non-residential uses at City West Link street level to the Inner West Local Planning Panel (IWLPP). The IWCPP added some additional recommendations and advised Council to support this Planning Proposal.
- **8 October 2019** – Council declined to support the IWLPP / Council officer recommended Planning Proposal on the grounds of overlooking and overshadowing of adjacent properties to the south. Council also asked for a new Planning Proposal addressing these issues to be prepared.
- **5 February 2020** – Revised Planning Proposal submitted to address the Council's October 2019 resolution. Council officers assessed the new proposal as still having excessive bulk and scale. The amended design moved building height away from the southern boundary but the FSR range of 0.6:1 to 2:1 and a 6 storey building height was unchanged.
- **4 June 2020** – Council officers recommended an amended Planning Proposal to the IWLPP. This proposal addresses the 8 October 2019 Council concerns about overlooking and

overshadowing and has an FSR of 1.5:1, a building height of no more than 5 storeys along with other site specific details detailed in this report. The IWLPP made the following recommendation to Council – see Attachment 3 of the Council report for the IWLPP Minutes.

## 2.0 SITE AND SURROUNDING CONTEXT

The 2,145m<sup>2</sup> site (**Figure 1**) is zoned R1 Residential with a potential FSR of 1.5:1 through the active street frontage incentive in Clause 4.4A of LLEP 2013. The site is 6km west of the Sydney CBD and 50 metres west of the Lilyfield Light Rail Station.



**Figure 1: Site Location**

It is composed of seven (7) allotments with a mix of industrial, commercial and residential uses and buildings.

The site is on the edge of a low density residential neighbourhood with a ground floor IGA mixed use development to the east and City West Link to the north. The Catherine Street neighbourhood centre is 150 metres to the south-east and Leichhardt town centre 1.2km to the south-west. The site is well served by schools, the light rail station and the Catherine Street bus route.

The site is affected by noise from aircraft, traffic and light rail; it has acid sulphate soils and may be contaminated.

## 3.0 PROPONENT'S PLANNING PROPOSAL

The proponent primarily relied on architectural plans and illustrations (**Figures 2 and 3**) to justify the proposed height and FSR. The original February 2020 planning proposal was accompanied by a building envelope study. When amended documents responding to Council's initial assessment were submitted in March the envelope study was not updated.

Council officers concluded that the proponent's proposed FSR of 2:1 and a maximum building height of RL33.2m and 6 storeys would:-

- Result in excessive bulk and scale impacts on the surrounding area;
- Have unacceptable visual privacy impacts on adjoining properties to the south, (37 Russell Street and 34 Lonsdale Street);

- Be inconsistent with the Apartment Design Guide (ADG) and the design quality Principles of SEPP 65;
- Have adverse amenity impacts for properties to the south and for the proposed units that would face City West Link;
- Be inconsistent with Leichhardt Development Control Plan 2013 (LDCP 2013);
- Need to provide additional information on acoustic impacts, water cycle management (stormwater and flooding) and traffic impacts prior to public exhibition.



**Figure 2: Proponent's original Planning Proposal at 2:1 and RL33.2m (Source: DRA, March 2020)**



**Figure 3: Proponent's original Planning Proposal at 2:1 and 6 storeys (Source: DRA, March 2020)**

The updated Planning Proposal failed to demonstrate that its proposed increase to the FSR would not have an adverse impact on the surrounding area.

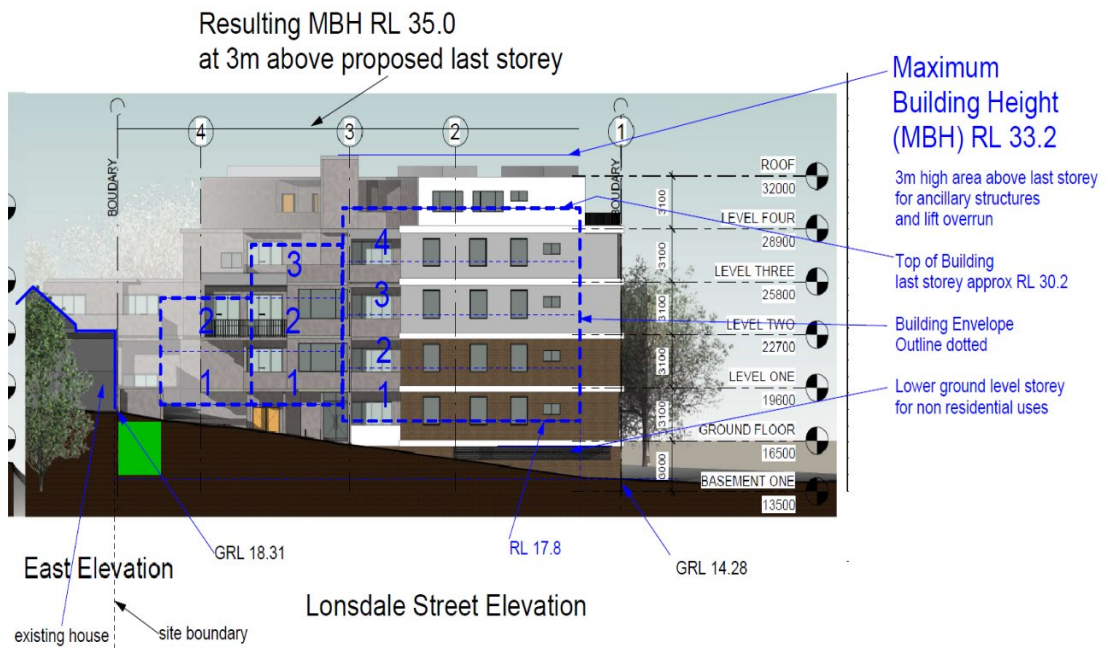
The Council officer amended Planning Proposal recommended by this report (**Attachment 2**) resolves the overlooking, adverse bulk and scale issues for the residential properties to the south.

#### 4.0 COUNCIL OFFICER RECOMMENDED PLANNING PROPOSAL

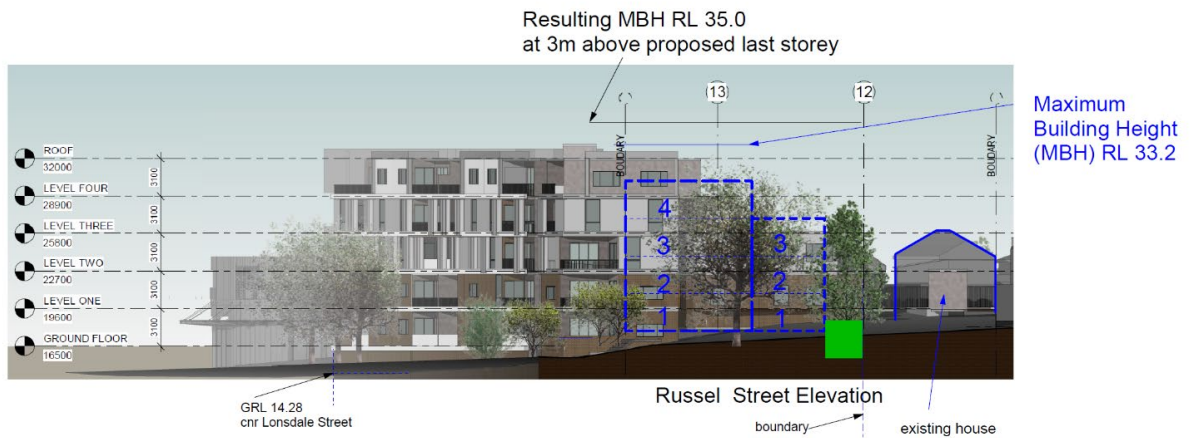
This includes:

- a) A maximum floor space ratio of 1.5;
- b) A maximum height of buildings of RL 33.2 (no more than 5 storeys including a basement);
- c) Amending the Key Sites Map to identify the site; and
- d) The following new local provisions:
  - Controls for different maximum heights and minimum setbacks for buildings to achieve a sympathetic relationship with adjacent dwellings without adversely affecting the streetscape, character, amenity or solar access of surrounding land.
  - Development consent must not be granted unless the consent authority is satisfied that the development complies with the following:
    - (a) any proposed building is set back at least:
      - (i) 3 metres from the southern boundary adjoining 34 Lonsdale Street and 37 Russell Street, and
      - (ii) 3 metres from the northern site boundary adjoining City West Link, and
      - (iii) 4 metres from the eastern and western site boundaries to adjoining side streets.
    - (b) the height in storeys of any proposed building will not exceed:
      - (i) 2 storeys adjacent to 34 Lonsdale Street and 37 Russell Street to provide a suitable transition in built form and land use intensity.
      - (ii) 5 storeys including a partially above ground basement podium adjacent to the City West Link.
    - (c) only non-habitable residential uses and non-residential uses at street level fronting City West Link.

The recommended Planning Proposal would allow two (2) storey development next to the southern boundary, stepping up to a five (5) storey building on the City West Link boundary as illustrated in **Figures 4** and **5**. The 5 storey element includes a non-residential ground floor and 4 storeys of apartments.



**Figure 4: Council's concept design with a 1.5:1 FSR and reduced height of no more than 5 storeys (Source: annotated over DRA drawings by Council Officers)**



**Figure 5: Council's concept design with a 1.5:1 FSR and reduced height to no more than 5 storeys (Source: annotated over DRA drawings by Council Officers)**

Figures 6 and 7 illustrate two building footprint options for how the Council officer's recommended FSR and height could be accommodated on the site.



Figure 6: Indictive site layout option 1 complying with proposed FSR and HOB. (Source Council Officers)



Figure 7: Indictive site layout option 2 with smaller apartments complying with proposed FSR and HOB. (Source Council Officers)

## 5.0 STRATEGIC MERIT ASSESSMENT OF THE RECOMMENDED PLANNING PROPOSAL

The Planning Proposal including the relevant supporting documentation for the original Proposal has been assessed against Greater Sydney Region Plan 2018, Eastern City District Plan 2018 and Council policies including the Local Strategic Planning Statement and the Local Housing Strategy.

The key assessment points are summarised below.

## **Urban Design**

The reduction in FSR and building heights will reduce the excessive bulk and scale of the proponent's Planning Proposal thereby addressing the October 20<sup>th</sup> 2019 Council concerns about overlooking and overshadowing of two properties to the south.

These reductions combined with the proposed setbacks, deep soil planting buffers and 25% central communal open space will ensure that the development will not have significant urban design or amenity issues.

## **Land Use**

No change to the land use zone is required. The R1 General Residential zone objectives regarding housing need, variety of house types, density and opportunities for working from home are met by the recommended Planning Proposal. The development is in the Local Housing Strategy Lilyfield East investigation area for between 310 and 330 new dwellings.

## **Traffic and Transport**

The traffic report provided by the proponent has not fully addressed the potential increases in traffic entering and leaving the site from City West Link and in numbers of pedestrians and cyclists generated by the development. The proposed kerbside waste collection is not acceptable under Leichhardt Development Control Plan (LDCP) 2013.

## **6.0 LEICHHARDT DEVELOPMENT CONTROL PLAN 2013 (LDCP 2013)**

The LDCP 2013 applies to the site and includes car parking, building height, landscaping, open space and character controls.

A draft site-specific Development Control Plan should be prepared by the proponent prior to public exhibition if a favourable Gateway is received from Department of Planning Industry and Environment. It should include the following specific design measures, controls and provisions: -

- A desired future character statement;
- Public domain measures and enhancements;
- Built form and design controls as follows: -
  - *Building height and bulk:* including a sympathetic building height transition from existing dwellings on Lonsdale and Russell Street up to 4 storeys above a ground level non-residential podium( 5 storeys in total) facing City West Link;
  - *Building setbacks and articulation:* apartments oriented toward Lonsdale Street and Russell Street, with a dual aspect layout and cross ventilation, winter garden balconies to ameliorate noise and a middle quiet open space for apartments to face;
  - *Building separation:* to comply with ADG requirements;
  - *Building materials and finishes:* including architectural cues to complement adjacent houses in Lonsdale Street and Russell Street and the residential character of those streets. Exterior building finishes should use a variety of complementary materials to provide visual interest and strengthen sense of place. A monolithic building appearance will not be supported;
  - *Design of building elements* including a noise screen wall or similar device should be constructed between buildings along the northern part of the site. (e.g. a 3 storey wall and horizontal top return placed above the lower level non-residential storey);
  - *Disability access;* and
  - *Ground floor apartments* adjoining City West Link must not be used for residential uses,

although subject to detailed design at the DA stage they may be suitable as part of live work units.

- Residential amenity (including solar access, cross ventilation, open space, visual privacy, deep soil and podium planting landscaping areas). Deep soil provision should include:
  - a 3m wide perimeter deep soil setback for tree planting on the southern boundary;
  - a 3m wide perimeter deep soil setback along Lonsdale Street to establish front gardens;
  - a 3m wide deep soil setback for tree planting and landscaping along City West Link;
- Parking and access;
- Waste management; and
- 25% Communal open space.

## 7.0 CONCLUSION

The recommended Planning Proposal is consistent with the objectives of the LLEP and the reduced bulk and scale will ensure that amenity impacts will be acceptable.

It is consistent with Council's plans and strategies and passes the State government "*Guide to preparing local environmental plans*" Strategic Merit test. It is also consistent with the key objectives, priorities and actions of the Regional and District Plans as well as the relevant State Environmental Planning Policies and Ministerial Directions.

The Council Officer's amended Planning Proposal should be forwarded to the Department of Planning Industry and Environment for Gateway Determination with the following recommendations for Gateway Determination conditions to be met prior to public exhibition:

- a) A revised Urban Design Report prepared by the proponent to outline key development controls for the site including building height, FSR, building depth, building separation, building envelopes, deep soil zones and setbacks based on the recommendations of this report. This revised report must address relevant matters in *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* and the *Apartment Design Guide*, including overshadowing. These key development controls must be incorporated into site-specific DCP;
- b) A site-specific Development Control Plan prepared by the proponent to provide controls for the desired future character, public domain, residential amenity, parking and access, waste management and communal open space;
- c) An amended Traffic Impact Assessment prepared by the proponent to consider impacts of the proposed increased density on this site in relation to traffic flow along the City West Link and pedestrian safety at the intersection of Catherine Street and the City West Link.

Subject to the requirements of a favourable Gateway Determination the Planning Proposal, draft DCP and planning agreement should be exhibited for formal community and stakeholder consultation.