



PLANNING PROPOSAL REPORT
From the Strategic Planning and Policy Team

Item No	2
Planning Proposal No.	IWC_PP_2018_03
Address	36 Lonsdale Street and 64-70 Brenan Street, Lilyfield
Proposal	<p>Planning proposal to amend <i>Leichhardt Local Environmental Plan 2013</i> to:</p> <ul style="list-style-type: none"> • Increase the floor space ratio from 0.6:1 to 1.5:1; • Introduce a maximum building height development standard of RL 33.2, • Add a site-specific clause for objectives, minimum setbacks, maximum number of 5 storeys and non-residential development at street level next to City West Link.
Main issues	The planning proposal as amended by Council officers has sufficient strategic merit to proceed to NSW Department of Planning, Industry and Environment for a Gateway Determination.
Recommendation	That the Panel advise Council to support the planning proposal prepared by Council officers for 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield for submission to the Minister for Planning and Open Space for a Gateway Determination in accordance with Section 3.33 of the Environmental Planning Assessment Act 1979.

SUMMARY

Council received a Planning Proposal on 5 February 2020 to amend the *Leichhardt Local Environmental Plan 2013* ('LLEP 2013') for 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield ('the site'), to facilitate residential development. The site is on the corner of Lonsdale and Russell Streets next to the City West Link (northern boundary) and close to the Lilyfield light rail stop.

The proponent's Planning Proposal (the original proposal) sought to increase the maximum floor space ratio ('FSR') to 2:1 and introduce a new height control of RL 33.2. Assessment of this original proposal concluded the proposed bulk and scale would result in adverse impacts on the amenity of the adjoining low density residential area.

Council officers have prepared an alternative Planning Proposal, (**Attachment 1**), which puts forward an acceptable increase in site density and height. This passes the strategic merit test in the Department of Planning, Industry and Environment's ('DPIE') '*A Guide to preparing Planning Proposals*'.

This alternative Planning Proposal is recommended to the Inner West Planning Panel to consider advising Council that it should be forwarded to the Minister for Planning for Gateway determination in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* ('EP&A Act').

RECOMMENDATION:

THAT the Inner West Planning Panel advise Council:

- 1. That it should support the Planning Proposal prepared by Council Officers for 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield, which seeks to amend the *Leichhardt Local Environmental Plan 2013* (LLEP 2013) as outlined in Section 4 of this report.**

- 2. That the attached Council officer Planning Proposal be forwarded to the Minister for Planning and Open Space for a Gateway determination in accordance with Section 3.33 of the *Environmental Planning & Assessment Act 1979* with a recommendation for conditions that the material listed in the Conclusion of this report be provided by the original proponent prior to exhibition of the Planning Proposal.**

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 – DA for a mixed use development of retail on the ground floor and apartments above at 36 Lonsdale Street with an FSR of 2.44:1 refused for overdevelopment, loss of amenity and other issues such as non-compliance with SEPP65.
- October 2015 – DA for a residential development at 64 Brenan Street with an FSR of 0.89:1 refused as overdevelopment.
- May 2016 – Pre-Planning Proposal for a mixed use development at 36 Lonsdale Street and 64-66 Brenan Street with a child care centre and retail space on the ground floor and apartments above with a building height of 6 storeys 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 increase in the FSR that would have reasonable residential amenity and traffic impacts.
- February 2018 – the proponent applied to Council to purchase and close the northern section of Lonsdale Street next to 36 to purportedly facilitate a larger development, Council refused the application on planning, traffic, pedestrian access and sewage / stormwater grounds.
- January 2019 – Planning Proposal for a residential development at 36 Lonsdale Street and 64-70 Brenan Street 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 for the above site to the Inner West Local Planning Panel (IWLPP). This had an FSR of 1.5:1, a building height of up to 5 storeys and other site specific controls for element such as minimum setbacks and non-residential uses at street level facing City West Link. The IWCPP added some additional recommendations and advised Council to support this Planning Proposal.
- 8 October 2019 – Council declined to support the IWCPP / Council officer recommendation Planning Proposal on the grounds of overlooking and overshadowing of adjacent properties. Council also asked for a new Planning Proposal addressing these issues to be prepared.
- 5 February 2020 – the proponent submitted a new Planning Proposal as requested by Council
The proponent had altered the design concept to reflect the Council's October 2019 reasons for not supporting the January 2019 Planning Proposal. The FSR range of 0.6:1 to 2:1 and a 6 storey building height was unchanged. Council officers assessed the new proposal as still having excessive bulk and scale.
- 4 June 2020 – Council officers recommended an amended Planning Proposal to the IWCPP. This proposal addresses the 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.

2.0 SITE AND SURROUNDING CONTEXT

The 2,145m² site is located on the southern side of Brenan Street/City West link with three (3) street frontages to City West Link, Lonsdale and Russell Streets (**Figure 1**). It 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 (Source: SIX Maps)

It is composed of seven (7) allotments:

The site is irregularly shaped, with a 54 metre northern boundary and a 36 metre eastern boundary to the Lonsdale Street cul-de-sac. This road is a left in, left out only road onto City West Link.

The 30 metre western boundary adjoins Russell Street, a local road providing access to residential properties with no access to City West Link. The 64 metre irregular southern boundary adjoins low density residential development on Lonsdale Street and Russell Street.



Figure 2: The Site (Source: SIX Maps)

The existing development has a mix of styles, uses and buildings including

- A part single and part two (2) storey industrial building with vehicle access from Lonsdale Street (36 Lonsdale Street);
- A part single and part two (2) storey commercial building with vehicle access from Brenan Street (64 Brenan Street);
- A single storey dwelling house with vehicle access and garaging from Brenan Street dominated by a high masonry wall to Brenan Street (66 Brenan Street);
- Single dwelling house set high off Brenan Street with no vehicle access (68 Brenan Street);
- Single dwelling house set high off Brenan Street with no vehicle access (70 Brenan Street).

This existing development on the site is illustrated in **Figures 3, 4 and 5**.

The site is in a generally low density residential neighbourhood, with a mixed use development to the east and dominated by the City West Link, which carries significant volumes of traffic at all times.

The opposite corner of Lonsdale Street is zoned B2 Local Centre and has a mixed use development with an FSR of 1.75:1. It includes a ground floor IGA supermarket and apartments
(**Figure 6**).

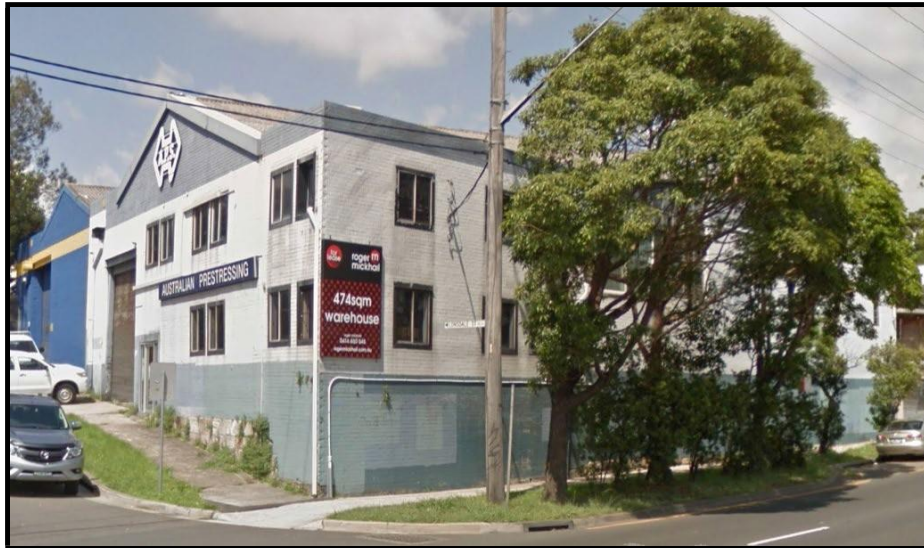


Figure 3: Existing Development on the site - corner of Lonsdale and Brenan Streets



Figure 4: Existing Development on the site - along Brenan Street



Figure 5: Existing Development on the site - Russell Street

Development to the south is predominantly single detached dwellings. The property to the south located beyond the City West Link road barrier wall is a single storey brick dwelling at 34 Lonsdale Street (**Figure 7 and Figure 8**). There is a single storey weatherboard dwelling on the southern boundary at 37 Russell Street (**Figure 9**).



Figure 6: Adjoining Development on the opposite side of Lonsdale Street – IGA site

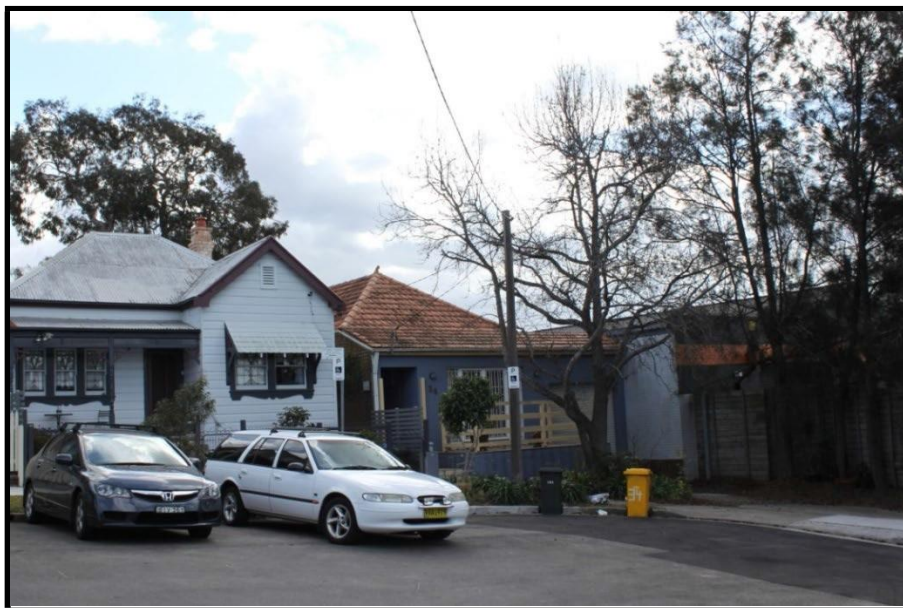


Figure 7: Adjoining Development to the South - 34 & 32 Lonsdale Street

Apart from some small trees in the lots facing Russell Street and the City West Link trees there are no significant natural features on the site. The site slopes down from Russell Street to the intersection of Lonsdale Street and the City West Link (Brenan Street). Parts of it are significantly higher than the City West Link. The long axis of the site has a northern orientation.



Figure 8: Cul-de-sac and dividing wall in Lonsdale Street with the subject site to the right

The site has no heritage items and is not in a conservation area. The only heritage item in the vicinity is the Lilyfield (Catherine Street) Overbridge listed in Schedule 4, Part 3 of the Sydney Regional Environmental Plan No.26 and the NSW RailCorp state agency 170 register.

The large light rail stabling facility, industrial premises, the light rail station, a large digital advertising sign and the IGA development are much closer to the bridge so this development is unlikely to have any additional impact on the Overbridge.

The site is close to the IGA, the Catherine Street neighbourhood centre 150 metres to the south-east as well retail and commercial services in Leichhardt town centre 1.2km to the south-west. The site is well served by local schools, the light rail station and the Catherine Street bus route.

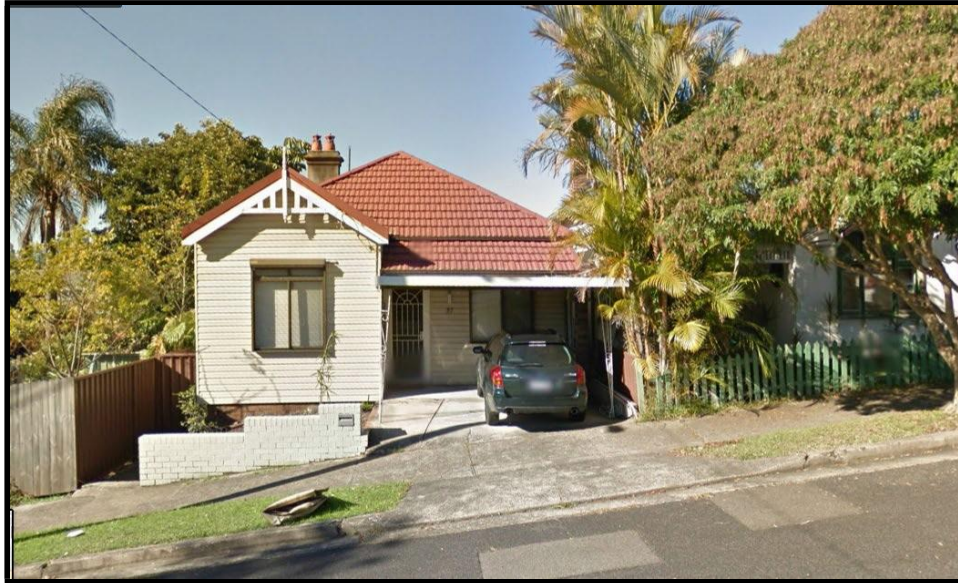


Figure 9: Adjoining Development to the South - 37 Russell Street

Site Constraints

The site is affected by noise as it is in the 20-25 Australian Noise Exposure Forecast (ANEF) contour for Sydney Airport, close to the light rail line, the associated stabling facility, and a major classified road (City West Link). The site is affected by Class 5 acid sulphate soils and adjoins land within Class 3. The site has had industrial and commercial uses and could be contaminated.

3.0 PLANNING PROPOSAL

The assessments of both the proponent's original Planning Proposal (**Attachment 2**) and the Council officer recommended Planning Proposal (**Attachment 1**) are based on the following design considerations drawn from best practice, the IWLPP July 2019 discussion of the previous Planning Proposal, Council concerns at its October 2019 meeting, SEPP65 and Apartment Design Guide principles.

They include:

- Apartments oriented to the Lonsdale and Russell Street frontages to minimise direct exposure to City West Link, with an acoustic wall between the buildings to achieve a quiet middle open space;
- A 25% communal central open space;
- A 3 metre wide perimeter buffer to the dwellings to the south for deep soil tree planting and tree canopy;
- Two (2) storey scale adjoining the dwelling houses to the south transitioning to five (5) storeys along City West Link.
- A 3 metre wide deep soil buffer zone along City West Link to establish a zone for trees to mitigate traffic noise and lights; and
- Any non-residential uses such as live-work units to be at street level next to City West

The recommended Planning Proposal (**Attachment 1**) puts forward the following changes to the LLEP 2013:

- Maximum FSR – 1.5:1;
- Maximum Height of Building – RL 33.2;
- Addition of the site as a Key Site (Key Site 7); and
- Addition of a site-specific Clause for objectives, land title details, setbacks from boundaries, heights of future buildings in storeys and limitations on residential uses adjoining City West Link.

The proponent for the original Planning Proposal made a Voluntary Planning Agreement ('VPA') offer proposing a cash contribution for affordable housing. The proponent's Planning Proposal is not accompanied by a proposed amendment to *Leichhardt Development Control Plan 2013* ('LDCP 2013') which should be required as a Gateway Determination condition. Some technical issues such as land contamination, acid sulphate soils and traffic generation impacts would be addressed following a positive Gateway Determination and / or at the development application stage.

3.1 PROPONENT'S PLANNING PROPOSAL

The proponent's Planning Proposal involved increasing the maximum FSR to 2:1 and introducing a maximum height of buildings development standard of RL33.2m or 6 storeys.

The proponent primarily relied on the submitted architectural plans and illustrations (**Figures 14** and **15**) to justify the proposed height and FSR for the site. The planning proposal was accompanied by a building envelope study as recommended by Part 2 of the *Apartment Design Guide*. When amended documents responding to Council's initial assessment comments were submitted in March the envelope study was not updated.

The original application was supported by information including:

- Planning Proposal Report prepared by SJB Planning dated January 2020 including Draft LEP maps (**Attachment 2**);
- Architectural Concept Plans (including ADG Compliance Table) prepared by Derek Raithby Architecture dated March 2020 (**Attachment 3**);
- Urban Analysis and Context prepared by Derek Raithby dated January 2020 (**Attachment 4**);
- Architect's Cover Letter for amended Concept Plans, March 27 2020 (**Attachment 5**);
- Traffic Impact Assessment prepared by traffic dated July 2018 (**Attachment 6**);
- Detailed Site Investigation Report - 36 Lonsdale Street, Lilyfield, prepared by Environmental Investigations Australia dated 24 March 2015 (**Attachment 7**); and
- Valuation Assessment for a Proposed Voluntary Planning Agreement (VPA) prepared by Property Logic dated 10 December 2018 (**Attachment 8**).



Figure 14: Proponent's original Planning Proposal at 2:1 and RL33.2m (Source: DRA, March 2020)



3D View 1



3D View 2

Figure 15: Proponent's original Planning Proposal at 2:1 and RL33.2m (Source: DRA, March 2020)

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

Council officers conclude that the planning proposal would:-

- Result in excessive bulk and scale;
- Have unacceptable visual privacy impacts on adjoining properties to the south, in particular to 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 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.

The Council officer Planning Proposal recommended by this report (**Attachment 2**) resolves the overlooking, adverse bulk and scale issues for the residential properties to the south. Additional technical information can be provided following the Gateway Determination. The Planning Proposal is summarised in **Table 1** in the context of the existing controls under the LLEP 2013 as well as the original amendments proposed by the proponent.

Table 1: Proposed Changes to the LEP under the Planning Proposal

CRITERA	CURRENT LEP CONTROL	ORIGINAL PROPOSAL (PROPONENT)	PLANNING PROPOSAL BY COUNCIL
MAX FSR	0.6:1 (for R1 & >450sqm)	2:1	1.5:1
MAX HEIGHT OF BUILDINGS	N/A (no height limit)	RL 33.2 (up to 6 storeys)	RL 33.2 (no more than 5 storeys including a basement)

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;
- c) Adding the site as Key Site 7; and
- d) A site-specific Clause with the following 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-residential uses at street level adjoining City West Link.

The recommended Planning Proposal would allow two (2) and five (5) storeys residential apartment building with basement car parking as illustrated in **Figures 18 and 19**. The 5 storey element includes a non-residential ground floor and 4 storeys of apartments.

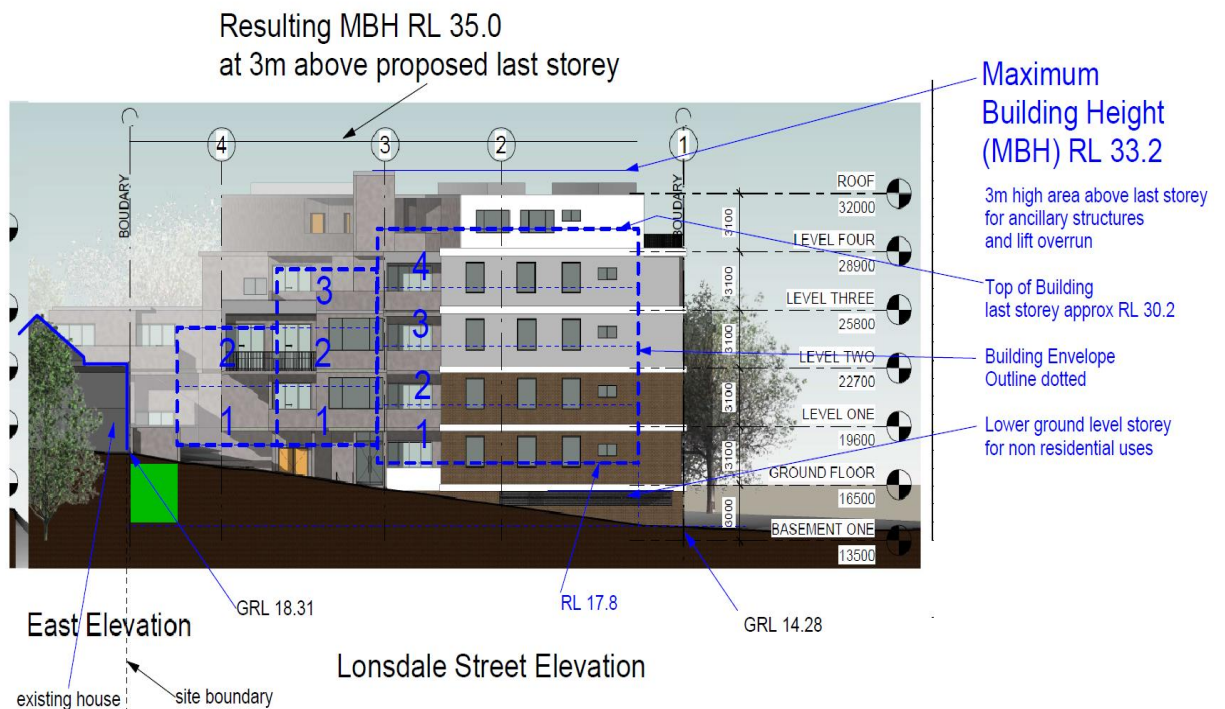


Figure 18: Council's concept design with a 1.5:1 FSR and reduced height to no more than 5 storeys in total although still with RL 33.2 (Source: annotated over DRA drawings by Council Officers)

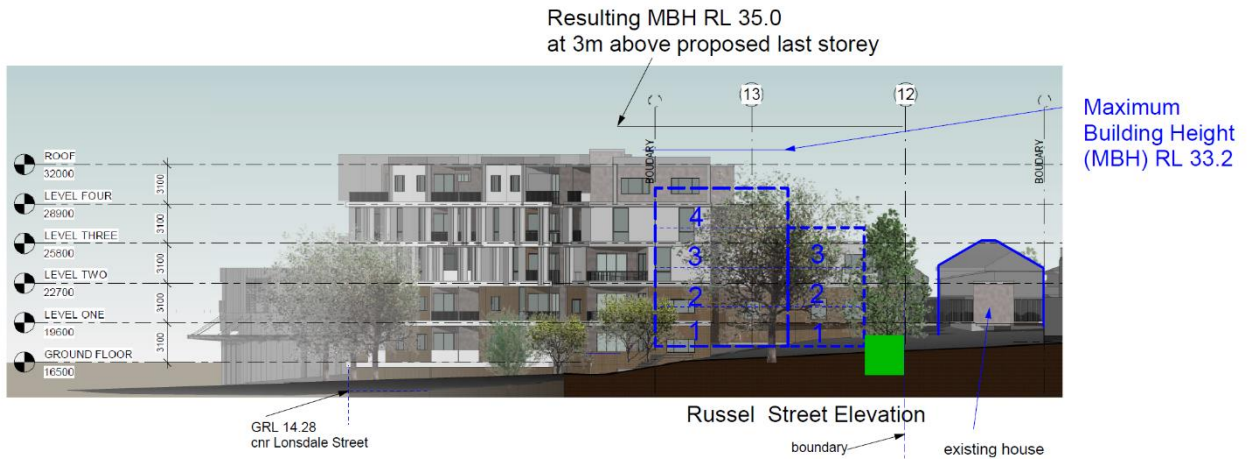


Figure 19: Council's concept design with a 1.5:1 FSR and reduced height to no more than 5 storeys in total although still with RL 33.2 (Source: annotated over DRA drawings by Council Officers)

Figures 20 and 21 illustrate two building footprint options for how the Council officer's recommended FSR and height could be accommodated on the site to meet the design principles set out at the beginning of Section 3 of this report.

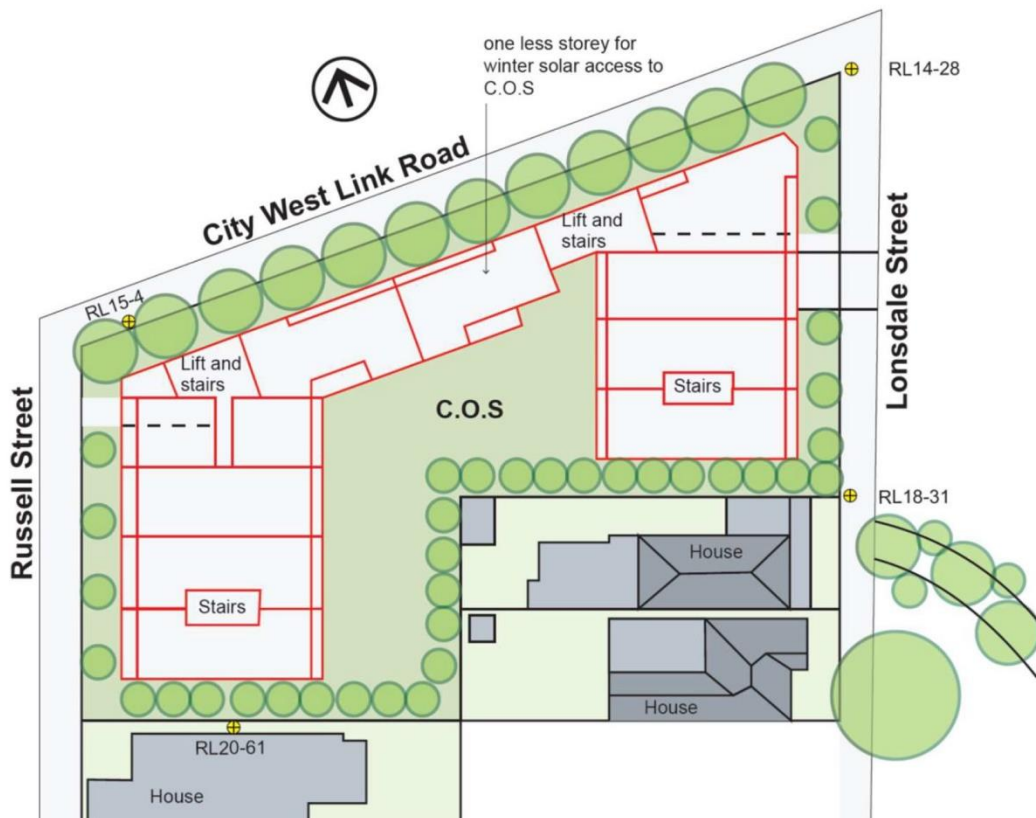


Figure 20: Indictive site layout option 1 complying with proposed FSR and HOB. (Source Council Officers)

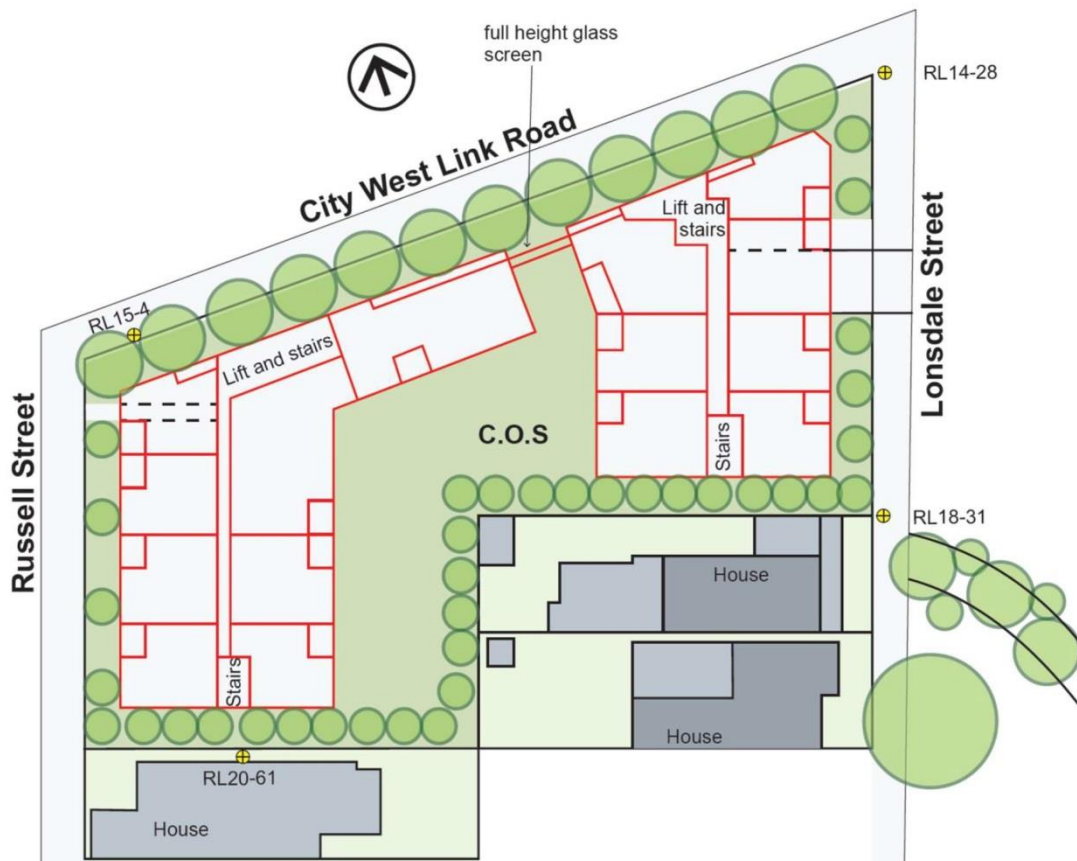


Figure 21: Indicative site layout option 2 with smaller apartments complying with proposed FSR and HOB. (Source Council Officers)

5.0 STRATEGIC MERIT ASSESSMENT OF THE RECOMMENDED PLANNING PROPOSAL

The recommended Planning Proposal including relevant parts of the supporting documentation for the original Proposal has been assessed against current planning strategies and controls at State and local level, strategic planning and the Department of Planning's *A Guide to Preparing Planning Proposals*.

In broad terms, this Planning Proposal meets the applicable objectives of the R1 zone in LLEP which 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 provides 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.*

The key assessment points are summarised in the remainder of this section.

Urban Design

The assessment against the design quality principles of SEPP 65 is especially relevant to this Proposal and is set out below:

- Principle 1: Context and neighbourhood Character - This principle states that good design responds and contributes to its context. Context is defined as the key natural and built features of an area, their 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 low-scale houses to the south of the site may be enlarged through extensions over time, in the short-to-medium term it will be important for the proposed development on the subject site to have an appropriate transition in height and built form in relationship to these dwellings.

The proposed setback and minimum height controls will ensure the contextual relationship with the lower density development to the south is retained. Articulation and these setbacks also ensure that potential adverse impacts will be minimised.

- Principle 2: Built form and scale – 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 achieve an appropriate built form for the site given the low density residential character of the area to the south and west of the site.
- Principle 3: Density – 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. The proposed maximum FSR of 1.5:1 will allow increased density while preserving the amenity of the surrounding area in terms of overshadowing, bulk and scale and overlooking. Further controls are proposed for minimum setbacks and a maximum number of storeys to reinforce the protection of amenity.
- Principle 4: Sustainability – This principle states that good design combines positive environmental, social and economic outcomes. The proposed density changes will 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 landscaping throughout the site to ensure groundwater recharge and a tree canopy for biodiversity. Future development will meet the requirements of BASIX for water and energy efficiency.
- Principle 5: Landscape – This principle states that good design recognises landscape and buildings should operate as an integrated and sustainable system to create attractive developments with good amenity. The proposal has adequate setbacks for landscaping to enhance amenity and protect privacy.

- Principle 6: Amenity – This principle states that good design positively influences internal and external amenity for residents and neighbours. The proposed controls have been developed to reduce potential adverse impacts on adjoining properties and increase internal amenity for future residents. The provision of minimum setbacks and a maximum number of storeys will reduce overshadowing and overlooking. The proposed density controls will also ensure there is adequate provision for communal open space and car parking on the site.
- Principle 7: Safety – This principle states that good design optimises safety and security within the development and the public domain. These design features will be elaborated on at the detailed design stage. It is considered that a building can be designed on the site to provide informal surveillance of the street and entry areas and a secure basement car park.
- Principle 8: Housing Diversity and Social Interaction – 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 already requires a mix of apartment sizes. The housing mix on the site will be finalised at the detailed design stage. The proposed density changes will be able to facilitate a housing mix on the site.
- Principle 9: Aesthetics – 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. The proposed density changes can accommodate a built form with positive aesthetics.

Further consideration of an appropriate building envelope and layout will be required following a positive Gateway Determination to ensure that the proposal will achieve a high quality design and that the matters required to be addressed by the ADG and SEPP 65 are fully resolved.

The reduction in FSR and building heights will reduce the excessive bulk and scale of the proponent's Planning Proposal thereby addressing the October 20th 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 result in significant urban design or amenity issues.

These provisions will therefore meet the urban design and amenity objectives for the R1 zone.

Site-Specific DCP

A site-specific Development Control Plan will have to be prepared for inclusion in Part G: Site Specific Controls of the LDCP 2013. This DCP must include a desired future character statement, specific design measures and other controls and provisions:-

- Public domain;
- Built form and design controls covering:-
 - Residential amenity (including solar access, cross ventilation, open space, visual privacy and deep soil and podium planting landscaping areas).
 - Parking and access;

- Waste management; and
- Communal open space of 25% of the site area (irrespective of the ADG provisions because of the 'U shape' design concept).

It is recommended that a Gateway Determination require that this site specific DCP is provided prior to exhibition of the Planning Proposal.

Land Use

The R1 zone objectives regarding housing need, variety of house types and density and opportunities for working home will be met by the recommended Planning Proposal. No change to the land use zone is required. The development is also at the centre of the Inner West Housing Strategy Lilyfield East investigation area which aims to deliver between 310 and 330 dwellings.

Traffic and Transport

The site is close to the intersection of Catherine Street and City West Link.

The traffic report provided by the proponent has not fully addressed the potential increase in traffic entering and leaving the site from City West Link or the potential increase 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.

These issues should be addressed in an updated traffic report prior to public exhibition. This should be a condition of a positive Gateway Condition.

Overall, the recommended Planning Proposal (**Attachment 1**) has sufficient strategic merit to proceed to the Gateway stage.

6.1 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 site-specific Development Control Plan should be prepared to include the following specific design measures, controls and provisions:-

- Desired future character statement;
- Public domain;
- 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 along City West Link Road in accordance with LLEP 2013;
 - *Building setbacks and articulation* to have 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 zone 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, and deep soil and podium planting landscaping areas). Deep soil zones should provide:
 - a 3m wide perimeter deep soil area for a tree planting area adjacent to adjoining dwellings to the south;
 - a 3m wide perimeter deep soil zone along Lonsdale Street to establish front gardens;
 - for use of roof top gardens; and
 - a 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 in the site-specific DCP. It is recommended that a Gateway Determination require that this DCP is provided prior to exhibition of the proposal.

7.0 VOLUNTARY PLANNING AGREEMENT (VPA)

Council and the Proponent have entered discussions in response to the VPA offer submitted with the original Planning Proposal. This VPA could provide for a share of the value uplift to become a monetary contribution towards a public purpose. This could include the provision of:

- affordable housing,
- public amenities or services,
- transport or other infrastructure relating to land,
- monitoring of the planning impacts of development, or
- conservation or enhancement of the natural environment.

Should the proposal proceed to the Gateway Determination stage and be approved for exhibition the final draft VPA should be exhibited concurrently with the Planning Proposal.

8.0 FINANCIAL IMPLICATIONS

The proponent has paid fees for the Council's consideration of a Planning Proposal and possible submission to the Gateway process in accordance with IWC's Fee Structure.

The proponent would also be responsible for meeting the costs associated with revising documentation or studies prior to exhibition if required by a Gateway Determination and the peer reviews of this material or additional studies should these be deemed necessary.

As this report relates to a policy change, it does not raise any financial obligation for Council.

9.0 CONCLUSION

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

It is also consistent with Council's Local Strategic Planning Statement, Integrated Transport Strategy, Local Housing Strategy and draft Employment and Retail Land Strategy.

The recommended Planning Proposal meets the criteria of the "*Guide to preparing local environmental plans*", the Strategic Merit test as indicated in this planning report and is consistent with the key objectives, priorities and actions of the Regional and District Plans as well as the relevant State Environmental Planning Policies, Ministerial Directions and Council plans and policies.

It is recommended that the Inner West Planning Panel advises Council to support the Council officer Planning Proposal (**Attachment 1**).

The Planning Proposal should be forwarded to the Minister for Gateway Determination with the following recommendations for Gateway Determination conditions to be met prior to public exhibition:

- a) A revised Urban Design Report outlining 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 with 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 which considers 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 VPA should be exhibited for formal community and stakeholder consultation.