

# INNER WEST



Engagement outcomes report  
*36 Lonsdale Street and 64-70  
Brenan Street, Lilyfield –  
Amendments to Development  
Control Plan 2013*

# Contents

Summary ..... 3

Background ..... 3

Promotion ..... 4

Engagement outcomes ..... 4

Officer comments ..... 6

# Summary

The Development Control Plan (DCP) was publicly exhibited for a minimum 28 days from 14 April 2021 to 14 May 2021 respectively. The exhibition material was made available on Your Say Inner West (YSIW) and 177 letters were posted to neighbours, the landowner and occupiers. The YSIW project pages were viewed a total of 137 times with relevant documents downloaded 85 times.

Respondents were asked “Do you support the DCP amendment at 36 Lonsdale Street and 64-70 Brennan Street, Lilyfield”. Throughout the public exhibition period, 15 submissions were received during the DCP exhibition; 12 responded on the YSIW webpage and 3 submissions were received by email.

Consideration of the post exhibition draft DCP and this Engagements Report was deferred in August 2021, in order to seek review of draft DCP by constituted Design Panel – refer to Council report.

Consequently, this report includes reference to the exhibited Draft DCP in 2021 and also where relevant the October 2022 amendment draft DCP (as indicated) which is recommended for adoption by Council.

# Background

On 26 November 2021, the Department of Planning, Industry and Environment (DPIE) made amendment to the Leichhardt Local Environmental Plan (LLEP) to:

- Increase the maximum floor space ratio from 0.6:1 to 1.5:1
- Restrict the maximum building height to RL 33.2
- Add the site to the Key Sites Map as Key Site 7 of LLEP 2013

# Engagement Methods

*The following engagement methods were used:*

- Online on [yoursay.innerwest.nsw.gov.au](https://yoursay.innerwest.nsw.gov.au)
- By mail
- By email

# Promotion

*The engagement was promoted via:*

- 177 notification letters to surrounding neighbours including landowners and occupiers.

## Engagement outcomes

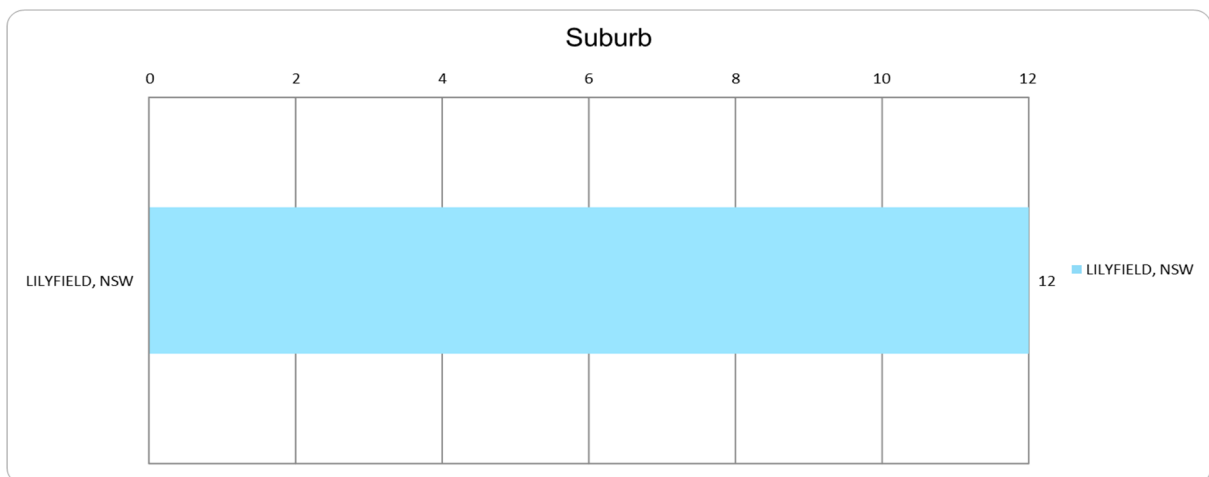
*How did people respond?*

Council received 15 submissions for the site specific DCP. These included 12 responses on the YSIW webpage and 3 submissions by email from the public on the DCP.

*Who did we hear from?*

All the YSIW community submissions were received from local residents in Lilyfield. The graph no 1 below identify where respondents live.

1. Your Say Development Control Plan graph showing submissions by Suburb



Note there were also 3 email submissions, one from local resident objecting to the Planning Proposal, and two submissions from consultants on behalf of proponent for Planning Proposal seeking amendments to the DCP.

### *What did they say?*

The submissions on the YSIW webpage responded to the following questions 'Do you support the planning proposal?' and then separately, 'Do you support the DCP amendment?'.

There were 12 responses to the survey. 11 opposed the draft DCP and 1 supported the draft DCP. Note there were also 3 email submissions, one from local resident and two submissions from consultants on behalf of proponent for Planning Proposal.

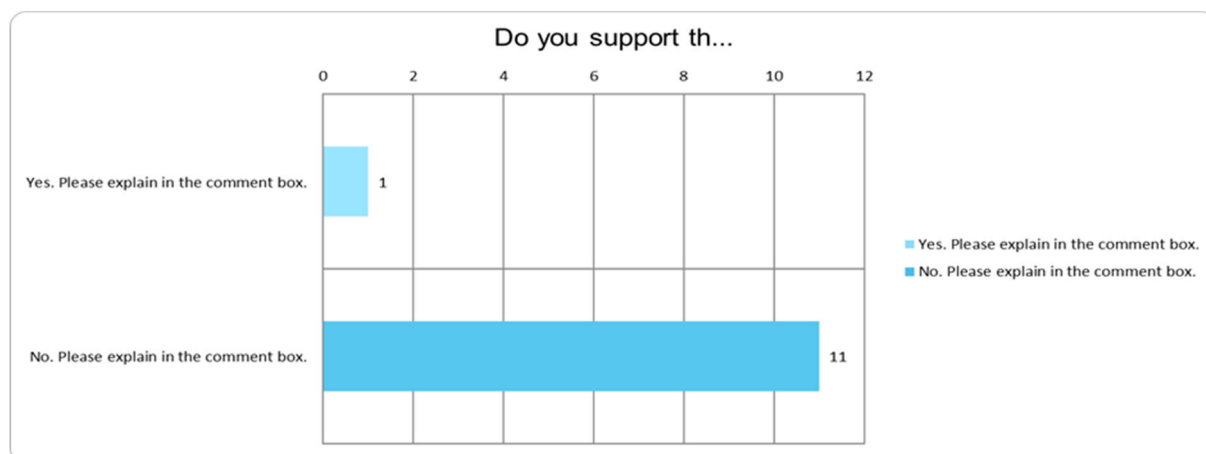
The following key themes emerged from the community feedback:

- Predominantly objecting to the Planning Proposal and resulting development outcomes
- Loss of on street parking and increased traffic in Russell Street
- Excessive FSR and built form, height and density
- Loss of privacy to houses
- Seeking DCP clause requiring a dilapidation report for minimising damage to adjacent houses
- Ensuring DCP controls will minimise impacts to local area and nearby houses

Further details of the submissions and officer responses are provided in the tables at the end of this report.

(Note that one respondent from the survey graph below mistakenly ticked to support the amendment to the DCP. The comments from that respondent were instead opposed to the site specific DCP).

### 2. Your Say Development Control Plan graph – number of respondents supports or opposes



# Officer comments in response to public exhibition on DCP amendment

## *Submissions seeking amendment to the DCP.*

Note: Submissions were originally reported to Council on 3 August 2021 and dealt with both the Planning Proposal and draft DCP.

<i>Issue</i>	<i>Officer's comment</i>
<p><i>3m setback to City West Link</i></p> <ul style="list-style-type: none"> <li>• A 3m setback to the employment floor space is inconsistent with the adjacent IGA development to the east and will not activate the streetscape successfully.</li> <li>• A 3m deep soil setback for trees will not offer adequate noise attenuation and a so nil setback is required.</li> <li>• Employment floor space has a much higher noise threshold, therefore not requiring a 3m setback.</li> <li>• A nil setback to the lower levels to City West Link will concentrate the massing to the northern portion of the site rather than the neighbouring low density dwellings to the south.</li> <li>• The DCP seeks to have the Transmission Lines relocated underground which enables a nil setback to the lower level on City West Link.</li> </ul>	<p>The objective of the DCP setbacks for deep soil is to maximise the potential for 40 percent requirement for tree canopy added to the LDCP Part C1.4–Tree Management amendment in 2020.</p> <p>The 3m DCP setback to the rear of houses for deep soil planting and trees will be a sufficient buffer, with the much larger adjacent unobstructed communal open space also providing for tree planting and planter boxes above the podium slab.</p> <p>The setback reflects the Transport NSW submission, including the requirements of the SEPP (Transport and Infrastructure) 2021 to consider resident amenity, the location of high voltage power lines, and the setback is supported by the Architectural Excellence Design Review Panel.</p>

<p><i>Acoustic Amenity</i></p> <p>C2 in Section 1.9 –Visual and Acoustic Amenity should be amended so that the DCP does not rely on trees along City West Link Road to achieve quiet noise levels in the communal open space. Allowance should be made for an optional retention of existing frontage brick wall.</p>	<p>The DCP does not rely for trees for achieving satisfactory noise levels on site, control C6 refers to a tree buffer which is relevant for Visual Amenity alongside a busy road.</p> <p>C2 also refers to a slim building. This should not be amended or deleted as it will provide for essential acoustic attenuation/barrier to the site’s communal open space area from high 24-hour traffic noise levels. Retention of an already existing thin and relatively low brick wall may not be structurally advisable, or feasible, and the extent of the wall would not achieve a worthwhile noise reduction in any case.</p> <p>In addition, any future development application will require the submission of a specialist acoustic report reflecting an appropriate building design responding to the site’s proximity to an arterial road (City West Link) as per SEPP (Transport and Infrastructure) 2021 as confirmed by Transport NSW.</p> <p>The potential for a lower ground floor employment space does not require as strict acoustic attenuations as those for residents.</p>
<p>Vehicular access should be from Russell Street.</p>	<p>Vehicular access from Russell Street would create adverse impacts for the residents living on Russell Street as stated by the community in response to the exhibition of the Planning Proposal and site specific Development Control Plan.</p>

	<p>The vehicular access off Lonsdale Street is existing and will be nearby the adjacent vehicular access for the adjacent IGA supermarket site.</p> <p>Council's engineers have confirmed the entrance/exit to the underground carpark should be off Lonsdale Street, adjacent to the IGA site.</p> <p>Transport NSW have raised no objection since their longstanding policy for traffic access is that should be from side streets and not off motorways.</p>
<p>Parts of the DCP are faulty and will affect the feasibility for development of the site as demonstrated on new designs. Including:</p> <ul style="list-style-type: none"> <li>• lack of basement carparking capacity</li> <li>• unnecessary vehicular access of Lonsdale Street</li> <li>• unnecessary setbacks from City West Link Road for deep soil tree landscaping</li> <li>• unnecessary acoustic protection for communal open space</li> <li>• seeking a child care centre on the ground level storey on a design concept.</li> </ul>	<p>There will not be any adverse effect on the feasibility.</p> <p>The alternative design put forward to support these objections is not acceptable for the reasons outlined below:</p> <p>The designs do not show where substantial additional floorspace would be possible within the draft DCP controls while still complying with the maximum FSR of 1.5:1.</p> <p>The access off Lonsdale Street is to avoid traffic impacts on residential Russell Street.</p> <p>The carparking provision is consistent with LDCP controls and the development only requires a modest amount off basement carparking space because of its closeness to the light rail station and bus services.</p> <p>A proposed childcare centre should not be located next to City West Link</p>

	<p>with its 110 decibel traffic noise and without the required functional open space.</p> <p>The DCP is necessary to provides for some deep soil planting along City West Link Road to maximise compliance with Council's 40 percent tree canopy objective for R1 Zones in the LDCP amendment in 2020 – Tree Management. It will also provide a desirable landscape visual setting created by tall trees.</p> <p>The 3m setback to City West Link Road is also supported by the Architectural Excellence Design Review Panel who have considered the TNSW and SEPP (Transport and Infrastructure) 2021 requirements for resident amenity and the landscaped setting objectives of the DCP, also the Landscape Design Principle of SEPP 65.</p>
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### ***Submissions objecting***

Submissions were reported to Council on 3 August 2021, noting at the time they related to both the exhibited Planning Proposal and the draft DCP. The (Planning Proposal) LEP amendment was later made in Nov 2021.

Comments below have been updated where indicated to refer to the Nov 2022 version draft DCP version considered by Architectural Excellence Design Review Panel.

<i>Issue</i>	<i>Officer's comment</i>
<p><i>Parking and Traffic relating to the Planning Proposal /LEP amendment:</i></p> <ul style="list-style-type: none"> <li>Significant increase in traffic on Russell Street.</li> </ul>	<p>In summary:</p> <ul style="list-style-type: none"> <li>The draft DCP requires access from Lonsdale Street.</li> <li>Transport for NSW will not permit any entry/exit off City West Link.</li> </ul>

<ul style="list-style-type: none"> <li>• Piper Street cannot handle additional traffic off Russell Street.</li> <li>• Loss of existing street parking.</li> <li>• Safety and amenity impacts from the location of underground car park off Russell Street.</li> <li>• Emergency vehicles cannot move along Piper Street.</li> <li>• Traffic should be in/out of West Connex.</li> <li>• Overflow parking from the Bowling Club impacts Russell Street parking demands.</li> <li>• Increase of traffic noise.</li> </ul>	<ul style="list-style-type: none"> <li>• A development application will require compliance with the Leichhardt Development Control Plan (DCP) 2013 parking rates which take the location of sites near public transport such as Lilyfield Light Rail Station into account.</li> <li>• Council's engineers confirmed the entrance/exit to the underground carpark should be off Lonsdale Street to avoid traffic impacts on Russell Street.</li> </ul>
<p><i>Built Form</i></p> <ul style="list-style-type: none"> <li>• 5 storeys is too big and out of character with the local area.</li> <li>• The development will create overshadowing.</li> <li>• Creates privacy and overlooking concerns.</li> <li>• Out of character.</li> <li>• Loss of views.</li> <li>• Poor architectural design.</li> <li>• Excessive Floor Space Ratio.</li> </ul>	<p>The LEP amendment made in November 2021 was for a Maximum Floor Space Ratio of 1.5:1 and Height of Buildings RL 33.2 (to equate to 5 storeys as put in Councils Planning Proposal in 2020).</p> <p>The Draft DCP provides controls to minimise or mitigate potential adverse impacts, including the stepping down of buildings to the rear of the subject site.</p> <p>An analysis was carried out to determine if significant views will be lost as a result of the proposal. It was determined that the proposal would not result in any significant view loss as the dwellings along Russell and Lonsdale Street are east and west facing, with the proposal situated to the north with no significant impact to views to the east from these houses.</p>
<p>Live/work units do not work.</p>	<p>The site is currently partly occupied by houses including a home business as</p>

<p>Lack of controls to protect live/work units from selling the workspaces separately.</p> <p>Viability of employment uses</p>	<p>well as two industrial units. In addition, it is envisioned many employees will continue to work from home, therefore creating a potential need for home offices and live/workspaces whose potential is reflected in the DCP.</p> <p>The potential for live/work arrangement at ground level will also activate the site, instead of the space being occupied by an exposed above ground carpark.</p> <p>The live/work component of apartments cannot legally be sold off individually. The DCP also does not have the legislative power to include any such controls.</p> <p>Alternatively, the existing R1 land use zoning already allows for certain employment uses along the ground floor such as take away food operations, resulting in potential activation at the lower level Lonsdale Street corner.</p>
<p>The future development does not provide any amenity improvements for the surrounding area.</p>	<p>A voluntary planning agreement has been agreed, exhibited and approved by Council. It will provide a monetary contribution to Council to be used for public domain, infrastructure improvements or to implement other Council policies. C7 in Part 1.6 Built Form, Height and Design, has been added to the draft DCP (Nov 2022) to respond to AEDRP comments regarding public domain improvements.</p> <p>The DCP protects the amenity of neighbouring properties with a transition from 2 storeys at the south</p>

	adjacent to the residential dwellings to 5 storeys on City West Link, 3m setbacks for deep soil planting and gardens and with the carpark entry and exit on Lonsdale Street so that residents along Russell and Lonsdale Streets are not burdened by traffic noise and light spillage.
Russell Street will become a dumping pit for waste collection.	The DCP requires basement waste storage rooms and servicing areas that are not visible from the street.
The development can impact the water table and floor propensity.	The development is to be built in accordance the National Construction Code which shall not impact the neighbouring properties.
Dilapidation reports should be provided prior to any works and final Occupational Certificate.	A development application will require the dilapidation reports to be conducted as a matter of the development consent.
The development should provide indemnities for adjacent houses resulting from future construction works.	This is not a matter of consideration under the Environmental Planning and Assessment Act.
Negative impact to the living conditions of nearby residents.	<p>The proposed DCP building layout for the proposal has a transition from 5 storeys at City West Link to 2 storeys next to the adjacent houses on Lonsdale and Russell Street.</p> <p>The controls will require a 3m setback to the houses at Lonsdale and Russell Street and to the south of the site adjacent to the residential dwellings with deep soil planting for a tree buffer.</p> <p>The proposed site specific DCP requires the majority of the new dwellings to be oriented towards</p>

	<p>Lonsdale and Russell Street with a rear garden site layout pattern. Also, dwellings adjacent or in close proximity to houses on Lonsdale Street and Russell Street are not to have windows which directly face those houses, except for rooms containing highlight windows with a minimum sill height of 1.6 metres.</p>
<p>My property will be devalued because of this development.</p>	<p>Matters that affect property value such as amenity impacts have been assessed and the proposed planning controls are appropriate.</p>
<p>Tenants regularly leave broken furniture and rubbish on Lonsdale Street at the IGA site.</p>	<p>This issue will be referred to Council's Waste Services Team for further attention.</p>
<p>The developer built the IGA site across the road.</p> <p>The developer has lodged many previous planning proposal applications for the subject site and have been previously rejected by council.</p>	<p>Noted.</p> <p>The Proponent has lodged two Previous Planning Proposals, in 2018 and 2020, including for MFSR of 2.15:1 and 6 storeys.</p> <p>The draft DCP results from the Council version Planning Proposal in 2020 which reduced the MFSR to 1.5:1 and to RL 33.2 to accommodate a maximum of 5 storeys as stated in the draft DCP.</p>
<p>Adverse impact on the community feel of Russell Street.</p>	<p>The proposal will not have any direct traffic impact on Russell Street as the site specific draft DCP will have the entrance/exit of the underground basement carpark off Lonsdale Street.</p> <p>The 2 storey built form facing Russell Street will be sympathetic with the existing building heights in that street.</p>

<p>Council must ensure the developer complies with any conditions of the Development consent at DA stage.</p>	<p>Any development application will be assessed on its planning merits, based on the LEP and DCP controls that apply to the site. If granted, all conditions of consent must be complied with.</p>
<p>Object – but support only if the development if the views and vistas aren't impacted.</p>	<p>An analysis was carried out to determine if significant views will be lost as a result of the proposal. It was determined that the proposal would not result in any significant view loss as the dwellings along Russell and Lonsdale Street are east and west facing, with the proposal situated to the north out of sight of the significant views to the east from these houses.</p>