

Item No: C1222(1) Item 7

Subject: POST EXHIBITION - DRAFT DEVELOPMENT CONTROL PLAN - 36
LONSDALE STREET AND 64 -70 BREMAN STREET, LILYFIELD

Prepared By: Con Colot - Senior Strategic Planner & Projects

Authorised By: Simone Plummer - Director Planning

RECOMMENDATION

That Council:

1. Note the engagement outcomes in response to the public exhibition of the site-specific Development Control Plan amendment to Leichhardt Development Control Plan (DCP) 2013 for 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield as detailed in Attachment 3;
2. Endorse the amendments to the Leichhardt Development Control Plan 2013 for 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield as outlined in this report and contained in the DCP in Attachment 4; and
3. Officers be authorised to make any minor amendments to correct any minor errors, omissions or inconsistencies prior to finalisation of the Development Control Plan amendment;

DISCUSSION

On 26 November 2021, the former Leichhardt Local Environmental Plan (LEP) 2013 Amendment 20 (now Inner West LEP) was gazetted for 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield (the subject site in Figure – 1) (**Attachment 2**). This amendment increased the maximum Floor Space Ratio (FSR) of the site to 1.5:1 and introduced a maximum Height of Building (HOB) of RL 33.2 equivalent to 5 storeys.

Clause 6.30 (2) & (3) of the Inner West Local Environmental Plan (IWLEP) 2022 require that a site-specific Development Control Plan be prepared to activate the increased FSR and HOB controls. The DCP must provide for objectives and controls relating to built form, height transition, sustainable transport, environmental impacts, ecologically sustainable development etc.



Figure 1–Map showing subject site in red

Council as the planning authority is responsible for making or amending the DCP as per the *Environmental Planning & Assessment Act 1979* (the “Act”) and *Environmental Planning & Assessment Regulation 2021* (the “Regulation”).

The draft site-specific DCP (**Attachment 1**) was exhibited by Council between April-May 2021 and post-exhibition outcomes were reported to the Council on 3 August 2021. However, the adoption of the DCP amendment was sought to be deferred to allow consideration by the Architectural Excellence & Design Review Panel (AEDRP or the Panel) as required by Clause 15 of the Regulation.

On 4 October 2022, the AEDRP advised Council that it supports the draft site-specific DCP. In the intervening period, between the post exhibition report and the review by the AEDRP, Council officers reviewed the draft DCP controls against the relevant legislation to ensure all requirements were met. Consequently, this report recommends Council to approve the draft DCP for adoption.

1.0 Site Context

The site is an irregularly shaped 2,145m² block with three street frontages of 54m to City West Link to the north, 36m to Lonsdale Street to the east and 30m to Russell Street to the west.

The site is partly occupied by one - two storey industrial and commercial buildings with vehicle access from Lonsdale Street and Brenan Street. 66-70 Brenan Street consists of three detached dwelling houses with limited vehicle access.

2.0 Inner West LEP 2022 and draft site-specific DCP provisions

The site is zoned R1 General Residential with a maximum FSR of 0.6:1 and no HOB. The following site-specific provisions apply under Part 6 – Additional Local Provisions of the LEP as gazetted in November 2021:

- If a DCP has been prepared for the land, the maximum HOB is RL 33.2 and the maximum FSR is 1.5:1.
- The DCP must provide for objectives for development; building envelopes and built form controls (incl. bulk, massing, scale, storeys etc.); height transitions; sustainable transport provisions; environmental impacts consideration including overshadowing and solar access and visual and acoustic privacy; application of ecologically sustainable development.
- Development consent must not be granted to development that will result in a dwelling on the ground floor of a building if a wall of the dwelling faces the City West Link.

The LEP Amendment deleted Council's proposed clause relating to the maximum number of storeys and building setbacks, and in lieu of this required that a site-specific DCP be prepared.

The preparation and adoption of site-specific DCP is required to comply with the above clause and provide certainty to the community that good design and amenity outcomes will be delivered on the site at the Development Application (DA) stage.

The draft DCP provides objectives and controls on the following matters:

- Desired future character
- Lot amalgamation
- Built form and Design
- Setbacks and Separation
- Design, Finishes and Materials

- Visual and Acoustic Amenity
- Communal Open space, deep soil and landscaping
- Disabled Access
- Parking, Access and Waste
- Environmental management

The draft DCP(with minor changes post exhibition) also includes below diagrams showing the indicative site plan and sections which will result in a 5 storey residential development on the site.



Figure 2 - Indicative site plan in the Draft DCP

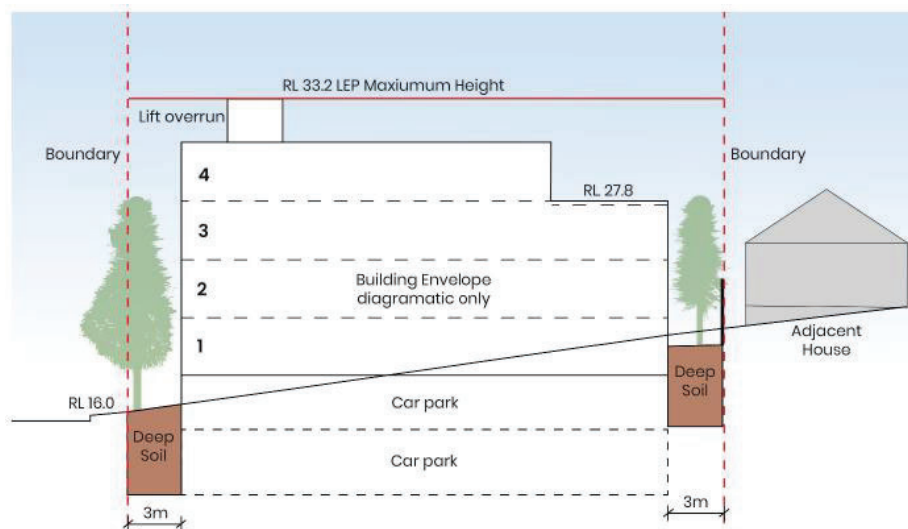


Figure 3 - Indicative elevation along Russell Street in the Draft DCP

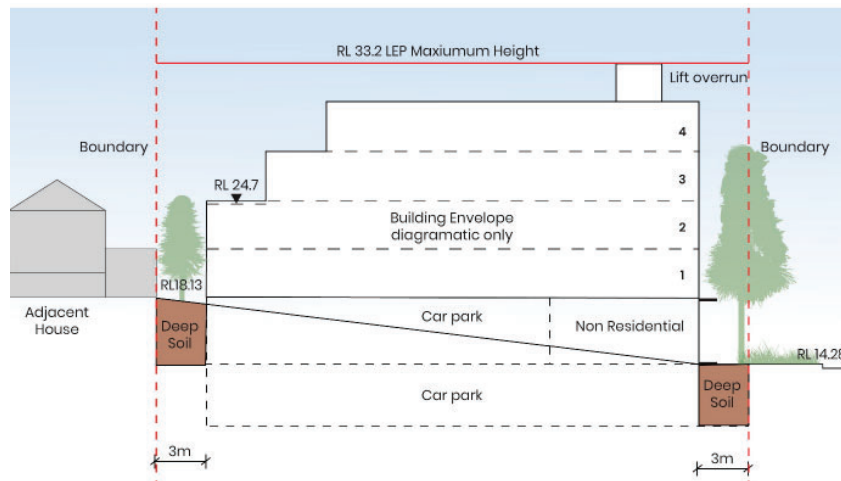


Figure 3 - Indicative elevation along Lonsdale Street in the Draft DCP

3.0 Engagement outcomes

The draft site-specific DCP was exhibited for 28 days between 19 April and 14 May 2021 in accordance with Council's Community Engagement Framework. Council sent hard copy letters to nearby landowners and occupants to notify them of the public exhibition and provided information on how to view the supporting documentation, which was featured on Council's Your Say website. Detailed Engagement Outcomes Report is provided in **Attachment 3**.

Council received 15 submissions during this exhibition period out of which 13 were against the proposal, 2 in support subject to minor changes. The key matters raised in these submissions include:

- potential traffic impacts if Russel Street and Catherine Street are used for vehicular access
- loss of on-street parking in Russell Street
- support for vehicular access from Lonsdale Street
- lack of sympathy of the development with the local street character
- excessive height of buildings and built form
- loss of privacy to adjacent houses.

Officer's comment:

Some of these concerns relating to excessive height and density are beyond the remit of site-specific DCP as these controls have already been gazetted by DPE as part of the LEP Amendment.

Council officers have addressed the matters raised in the submissions through minor amendments to the exhibited DCP which will strengthen the built form requirements to adequately address the development impacts at the Development Application (DA) Stage. See Section 5.0 below regarding the list of post-exhibition changes to the draft DCP.

4.0 Consideration of the AEDRP advice

The State Environmental Planning Policy (SEPP) 65 Design Review Panel (also known as AEDRP) was formally constituted for IWC on 1 July 2021. Clause 15 of the Regulation requires that DCPs with residential flat buildings be referred to the Panel prior to its adoption by Council. The Regulation requires the Panel to provide advice on the draft DCP that it has addressed the matters in parts 1 and 2 of the Apartment Design Guide 2015.

The draft DCP was referred to the AEDRP twice, initially for a briefing on 21 September 2022 and subsequently for a formal meeting on 4 October 2022. AEDRP requested minor changes to the draft DCP including new requirements for lot amalgamation, street frontage treatment along City West Link and at the Lonsdale Street corner, pedestrian entries and additions/amendments to site plan/elevation diagrams.

On 4 October 2022, the AEDRP advised Council (**Attachment 4**) that it supports the draft DCP on the basis that:

- It gives appropriate consideration to the Apartment Design Guide 2015.
- It provides appropriate guidance to the proponent to achieve good quality design outcomes at the detailed design stage.
- It strikes an appropriate balance between prescriptive controls and design flexibility.
- It is consistent with the FSR and Height controls set in the LEP.

5.0 Post-exhibition minor amendments

Minor amendments to the draft site-specific DCP are required to address matters raised by the community and AEDRP. These new and amended provisions to ensure satisfactory residential amenity, building setbacks and landscape setting, built form transitions, visual privacy, landscaping, traffic and parking.

Following minor amendments are recommended to the draft site-specific DCP:

- Add new Part 1.5: Lot Amalgamation and associated objectives and controls
- Amend Controls under Part 1.6 - Built Form, Height and Design
 - Addition to C1 requiring integration of roof structures into the design
 - Add C4 for treatment of walls along City West Link Road
 - Add C6 to underground power cables subject to TfNSW approval
 - Add C8 to clarify provision of lower level employment floorspace at corner of Lonsdale Street/ City West Link Road
 - Add new Figure 5 Section diagram through middle of the site
- Amend Section - 1.7 Setbacks and Separation
 - Add O3 for public domain treatment along City West Link road to enhance streetscape
 - Add C3 for building separation to comply with Apartment Design Guide
 - Add C4 clarifying the building design treatment at corner Lonsdale Street and City West Link road
- Amend Section - 1.8 Design, Finishes and Materials
 - Addition to C5 requiring undergrounding of overhead power cables
- Amend Section - 1.12 Parking, Access and Waste
 - Add C3 regarding waste management facilities to comply with LDGP Part 2.5
 - Add C9 for location of pedestrian entries

The above amendments are contained in the Draft DCP (Nov 2022) in **Attachment 5** which is recommended for adoption by Council.

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

The DCP will provide guidance to the proponent to achieve good quality design outcomes at the detailed design stage. Detailed assessment of the design will occur at the DA stage to ensure that any new development meets the objectives and controls of the LEP and DCP.

Conclusion

Community consultation and AEDRP referral has been carried out as per the requirements of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2021*.

The draft site-specific DCP with minor amendments as outlined above satisfactorily complies with the requirements of the Inner West Local Environmental Plan 2022 for the site and addresses matters raised during public exhibition by community and the AEDRP.

It is recommended that the draft site-specific amendment to the Leichhardt Development Control Plan 2013 for 36 Lonsdale Street, 64-70 Brennan Street, Lilyfield be adopted by Council. If approved by Council, the revised DCP will come into effect when Council publishes notice of its decision on website within 28 days of its decision.

FINANCIAL IMPLICATIONS

Nil

ATTACHMENTS

1. [↓](#) Draft DCP exhibited 2021
2. [↓](#) Leichhardt LEP 2013 Amendment 20
3. [↓](#) Engagements Report
4. [↓](#) AEDRP advice
5. [↓](#) Draft DCP for adoption

SECTION XX – Lonsdale St, City West Link Road Lilyfield

XX1.0 LAND TO WHICH THIS SECTION APPLIES

This section applies to 36 Lonsdale Street and 64-70 Brenan Street, Lilyfield, being Lots 18, 19 & 20 DP 977323, Lot 1 DP 1057904, Lot 22 DP 977323, and Lots 1 & 2 DP 529451 (the Site).

The site has an area of 2,145m² and is located on the southern side of City West Link Road/Brennan Road between Russell Street and Lonsdale Street.

XX1.1 BACKGROUND

This site specific section of Leichhardt Development Control Plan 2013 (LDCP) has been created to reflect Council's current view on the most appropriate development for the site and should be designed in-conjunction with the site specific provisions contained within Leichhardt Local Environmental Plan 2013 Amendment XX (LLEP).

The site is subject of a planning proposal which seeks to increase the FSR to 1.5:1, to have a maximum Building Height of RL 33.2. containing a maximum of 5 storeys as measured from City West Link Road.

XX1.2 RELATIONSHIP TO OTHER SECTIONS OF THIS DCP

Unless otherwise stated, development of the Site should be designed and constructed in accordance with the controls in this site specific section and the provisions of this plan.

In the event of an inconsistency between this site specific section and the remaining provisions of the LDCP, the controls in this section will prevail in relation to development on the Site to the extent of the inconsistency.



Figure 1: Location Plan

XX 1.3 GENERAL OBJECTIVES

- O1 Apply site specific controls/guidelines which take into account the site's unique conditions to ensure an acceptable development outcome.
- O2 To respond to the existing and future context and character of the area.
- O3 To achieve architectural and urban design excellence.
- O4 To enhance and activate the public domain.
- O5 To maintain adequate solar access and amenity to adjacent residences in Lonsdale Street and Russell Street.
- O6 To ensure good amenity for future residents of the development.
- O7 To encourage active transport and support public transport mode share.
- O8 To ensure an ecologically sustainable development outcome.

XX1.4 DESIRED FUTURE CHARACTER STATEMENT

The site is located in the 'Peripheral Sub Area' of the Catherine Street Distinctive Neighbourhood in Lilyfield (Section C2.2.4.1 of the LDCP 2013).

The new character of the site should:

- O1 Achieve architectural design excellence using appropriate building composition which enhances the site and is also sympathetic to the local density residential character of Lonsdale Street and Russell Street.
- O2 Protect and enhance the residential amenity of neighbouring dwellings and ensure the amenity of residents within the development.
- O3 Enhance and activate the surrounding public domain.
- O4 Provide a landscaped setting to the foreground of buildings within the site and enhance the streetscape.

XX1.5 BUILT FORM, HEIGHT AND DESIGN

Objectives

- O1 Achieve appropriate amenity for occupants, a landscape setting for the site, landscaped buffer to adjacent houses.
- O2 To integrate new high quality buildings with neighbouring buildings by having an appropriate transition of building height and scale.
- O3 To provide appropriate building form, height and articulation to reduce apparent bulk and minimises impacts on the surrounding area including adjacent dwellings and their open space.
- O4 To minimise overlooking and overshadowing of neighbouring properties.

Controls

- C1 All roof structures, such a plant and lift overruns shall be integrated into the design of the development, are not to exceed the building heights contained within LLEP 2013 and are to be fully screened when viewed from street. The maximum height of buildings is RL 33.2 with a maximum of 5 storeys at City West Link Road and a transition to 2 storeys adjacent to the houses at Lonsdale Street and Russell Street.
- C2 The built form height envelopes are to comply with **Figures 3 and 4** with buildings having a transition in height to a maximum of 5 storeys at City West Link Road as follows:
 - buildings have a maximum ceiling height of RL 24.7 being an equivalent of a two storey scale relative to the adjacent house in Lonsdale Street
 - buildings have a maximum ceiling height of RL 27.8 an equivalent of a two storey scale relative to the adjacent house at Russell street
- C3 No residential uses are to be contained at ground level storey along City West Link Road
- C4 Top of building roof structure slab for the five storey building component in **Figures 3 and 4** should be a maximum at approximately RL 30.7 to accommodate a lift overrun.
- C5 Subject to approval from the relevant consent authority (Transport for NSW) the overhead power cables along City West Link Road must be relocated underground and replaced with appropriate street lighting in accordance with Council's relevant public domain guidelines given the scale of the development and the significant aesthetic benefit resulting from undergrounding, including allowing for viable street tree planting.

If approval from the consent authority (Transport for NSW) is not obtained then buildings are to be setback along City West Link Road at a sufficient distance of at least 3m to maintain safety and maintenance of high voltage cables.
- C6 The proposed building locations and site layout should be consistent with that shown in **Figure 2** to achieve buildings oriented predominantly to Lonsdale Street and Russell Street for appropriate amenity for occupants, a landscape setting and tree canopy, middle ground level communal open space area, landscaped buffer to adjacent houses and to comply with other parts of this Development Control Plan.
- C7 For part of the site area along City West Link Road beginning at the Lonsdale Street corner, there may be employment floor space storey provided used as part of an apartment above or as employment floor space permitted in the LLEP 2013. The employment floor space along with any basement below may have a zero setback from City West Link Road provided this is approved by Transport NSW and be in accordance with location in **Figure 2**.
- C8 A minimum 3m building setback from City West Link Road is to be provided to all residential storeys above the ground level storey used for employment uses in accordance with XX 1.6, Controls, clause C1 and **Figures 3 and 4**.



LEGEND

- Deep Soil
- Communal Open Space

North Point

Figure 2: Indicative site plan

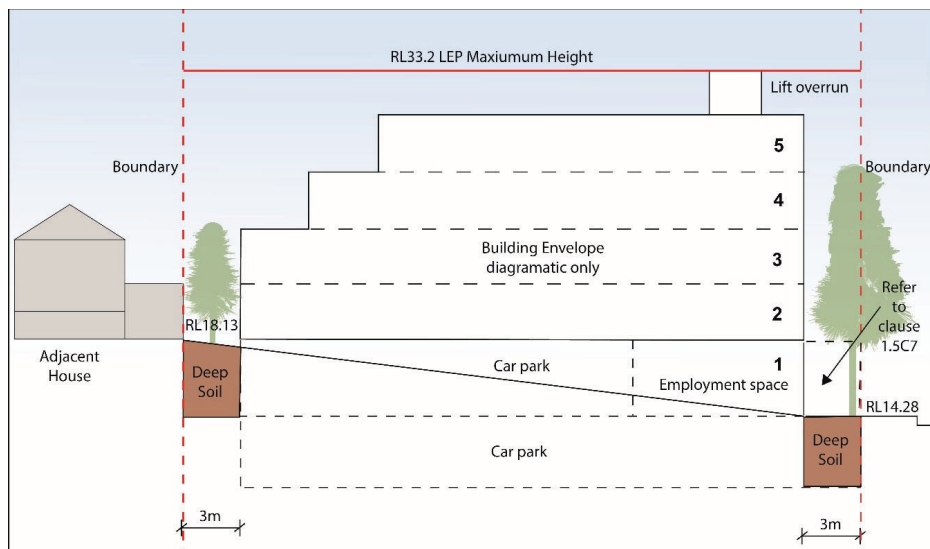


Figure 3: Indicative elevation envelope along Lonsdale Street

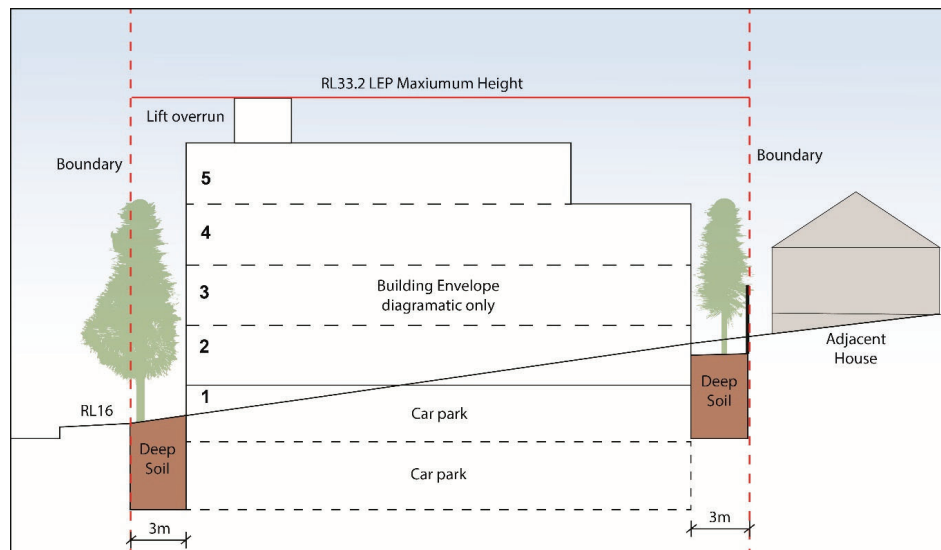


Figure 4: Indicative elevation envelope along Russell Street

XX1.6 SETBACK AND SEPARATION

Objectives

- O1 Achieve adequate building separation including privacy between buildings.
- O2 To accommodate deep soil planting and landscaping to enhance the streetscape and provide for tree canopy.
- O3 Achieve adequate building separation between buildings and adjoining houses.
- O4 Achieve adequate separation from high voltage powerlines along City West Link Road.

Controls

- C1 Buildings are to be setback a minimum of 3m inclusive of below ground carpark levels from City West Link Road, Lonsdale Street and Russell Street. Any ground floor employment uses along City West Link Road may have a smaller setback subject to compliance with XX 1.5, Controls, Clause C7.
- C2 Buildings are to be setback by a minimum of 3m from house lot boundaries of the dwelling houses fronting Lonsdale Street and Russell Street inclusive of below ground basement levels.
- C3 Within the site Building Separation is to comply with the Apartment Design Part 2F and be generally in accordance with **Figure 2**.

XX1.7 DESIGN, FINISHES AND MATERIALS

Objectives

- O1 To ensure that buildings have a high quality appearance and enhance and activate the public domain.
- O2 To ensure that buildings respond to the residential character of Lonsdale Street and Russell Street.
- O3 To provide high quality and durable finishes and materials.

Controls

- C1 Building design is to be well considered and demonstrate that architectural canons for providing well considered composition and proportions and a dialogue between parts of the building have been achieved.
- C2 Building design is to provide architectural cues to complement adjacent and nearby houses.
- C3 Exterior building finishes should use a variety of materials, including the use of face brickwork.
- C4 The lower ground floor along City West Link Road and surrounds is to be differentiated from the upper parts of the building and conceal any internal carpark use. Use of a tripartite base middle top composition is encouraged.
- C5 Buildings are to be setback along City West Link Road at a sufficient distance to maintain safety and maintenance of high voltage cables from City West Link Road as required by Transport NSW.

XX 1.8 VISUAL AND ACOUSTIC AMENITY

Objectives

- O1 To minimise the noise impacts of City West Link Road for residents.
- O2 To minimise direct overlooking and maximise visual privacy of adjacent dwelling houses in Lonsdale and Russell Streets and within the precinct itself.

Controls

- C1 The majority of dwellings should be oriented toward Lonsdale and Russell Street.
- C2 A noise screen, or slim building wing no higher than 3 storeys off City West Link Road, shall be provided between buildings along City West Link Road to reduce noise in the middle communal open space area for the amenity of residents, as shown in figure 2.
- C3 Dwellings should have "winter garden balconies" as defined in Apartment Design Guide Part 4J/Glossary.
- C4 Dwellings adjacent or in close proximity to houses on Lonsdale Street and Russell Street shall not have windows which directly face those houses, except for rooms containing highlight windows with a minimum sill height of 1.7m.

- C5 Any development application is to be accompanied by a report prepared by an appropriately qualified acoustic consultant verifying the adequacy of the proposed design and the construction methods and materials to achieve appropriate noise levels within the proposed residential accommodation as well as the communal open space.
- C6 A tree buffer with deep soil planting shall be provided along boundaries with Lonsdale Street and Russell Street in accordance with **Figure 2**.

XX1.9 COMMUNAL OPEN SPACE, DEEP SOIL AREA AND LANDSCAPING

Objectives

- O1 To ensure occupants are provided with usable communal open space in a location onsite which has adequate amenity.
- O2 To provide deep soil planting, green walls and landscaping to enhance the streetscape and provide for tree canopy.
- O3 To provide for amenity and a visual buffer for adjacent houses in Lonsdale Street and Russell Street.

Controls

- C1 Landscaping is to comply with the provisions contained within the LDCP 2013, part C1.12 Tree Management and 40% tree canopy target for an R1 General Residential land use zoning.
- C2 Deep soil areas and gardens are to be provided along Lonsdale Street, Russell Street, City West Link Road and the southern boundary of the site adjacent to neighbouring low density dwellings with building setbacks in accordance with XX 1.6 , Controls, clause C 1 and **Figure 2**. Except for any ground level employment uses along City West Link Road in accordance with XX 1.5, Controls, Clause C7.
- C3 A ground level communal open space area is to be located generally in accordance with **Figure 2**, this should include topsoil above the carpark podium area sufficient to accommodate small trees and a grass area.
- C4 Communal Open Space areas are to be provided in accordance with the requirements of the Apartment Design Guide part 3D .
- C5 Any rooftop open space is to provide adequate screening for the privacy of neighbouring dwelling houses.
- C6 Provide minimum 35 percent area of green walls being trellises and plantings to the upper building levels facades facing City West Link Road.
- C7 The top of any ground floor employment uses podium along City West Link permitted in XX1.5, Controls, C7 and shown in location in **Figure 2**, shall provide a green roof being topsoil with adequate depth and soil volume to accommodate trees up to 8m high.

XX1.10 DISABLED ACCESS

Objectives

- O1 To provide for equitable access.

Controls

- C1 Compliance shall be demonstrated on the Development Application for provision of access from surrounding streets to areas within the site and up to the point of entry into dwellings, for people with disabilities.
- C2 A legible pathway should be provided within the site to shared areas including the communal open space and carpark areas.
- C3 Use of platinum level standard Universal Design is encouraged for dwellings.

XX1.11 PARKING ACCESS AND WASTE

Objectives

- O1 To ensure safe, efficient and equitable vehicular access to and from the site.
- O2 To minimise car parking, bike parking and motorcycle parking to encourage active transport and car share.
- O3 Ensure that carparking access from Lonsdale Street is available to all potential parts which are to be developed.
- O4 Basement parking contains required servicing areas including waste storage and deliveries.
- O5 Address matters unique to the site pertaining to local roads.

Controls

- C1 All car parking and bicycle parking shall comply with the provisions contained in the LDCP 2013, Part C, Parking C1.11.
- C2 All vehicular access must be from Lonsdale Street only (in and out). All vehicles need to enter and exit the site in a forward direction. Swept paths should be provided as part of Transport Impact Assessment (TIA).
- C3 An easement for vehicular access must be created over any undeveloped parts in the site to allow for future basement access to the properties 64 to 70 Brennan Street for access off Lonsdale Street.
- C4 A schematic design is to be provided for any remaining undeveloped properties within the site to show how carparking access with any Development Application.
- C5 Basement areas must accommodate waste storage rooms and servicing areas and not be visible from the street. Waste management facilities are to comply with the Resource Recovery and Waste Management provisions contained in D2.5 Mixed Use Development of this Plan.

- C6 A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hour of operation, access arrangements, locations of the crane(s) and traffic control shall be submitted with the development application.
- C7 Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is the earlier, the following documentation in relation to rail safety shall be provided for the review and endorsement of TfNSW:
- Final geo-technical and structural report / drawings. Geotechnical reports should include and potential impact on the Inner West Light rail corridor;
 - Final construction methodology pertaining to structural support during excavation or ground penetration;
 - If required by TfNSW, details of the vibration and movement monitoring system that will be in place before excavation commences;
 - Detailed survey plan with location of light rail and associated services; and
 - Plans regarding proposed crane and other aerial operations.
- C8 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on City-West Link Road.
- C9 No direct vehicular access will be provided to / from the site to / from City West Link (Brenan Street).
- C10 Vehicular entries are to be designed to minimise the visibility of garage doors on the street.

XX 1.12 ENVIRONMENTAL MANAGEMENT

Objectives

- O1 To ensure that the new development maximises the principles of ecologically sustainable development.
- O2 To reduce the cause and impact of the urban island heat effect.

Controls

- C1 Dwellings are required to comply with the BASIX State Environmental Planning Policy. In addition, consideration is to be given to maximizing dwellings with “cross through” apartment layouts to achieve increased cross ventilation and solar access.
- C2 Deep soil areas for dense Tree Canopy are to be provided in accordance with XX 1.6, Controls, clauses C1 and C2 and **Figure 2**.
- C3 Landscaping is to be provided to the communal open space area in accordance with Clause XX 1.9, Controls, clause C3.
- C4 The development is encouraged to achieve an additional minimum 4-star Green Building Council rating and incorporate Water Sensitive Urban Design to its communal open space areas.



New South Wales

Leichhardt Local Environmental Plan 2013 (Amendment No 20)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

MALCOLM McDONALD

As delegate for the Minister for Planning and Public Spaces

Leichhardt Local Environmental Plan 2013 (Amendment No 20) [NSW]

Leichhardt Local Environmental Plan 2013 (Amendment No 20)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Leichhardt Local Environmental Plan 2013 (Amendment No 20)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to the following land in Lilyfield—

- (a) Lots 2–4, DP 1257743, 36 Lonsdale Street,
- (b) Lots 1 and 2, DP 529451, Lot 22 DP 977323 and Lot 1 DP 1057904, 64–70 Brennan Street.

Leichhardt Local Environmental Plan 2013 (Amendment No 20) [NSW]
Schedule 1 Amendment of Leichhardt Local Environmental Plan 2013

Schedule 1 Amendment of Leichhardt Local Environmental Plan 2013

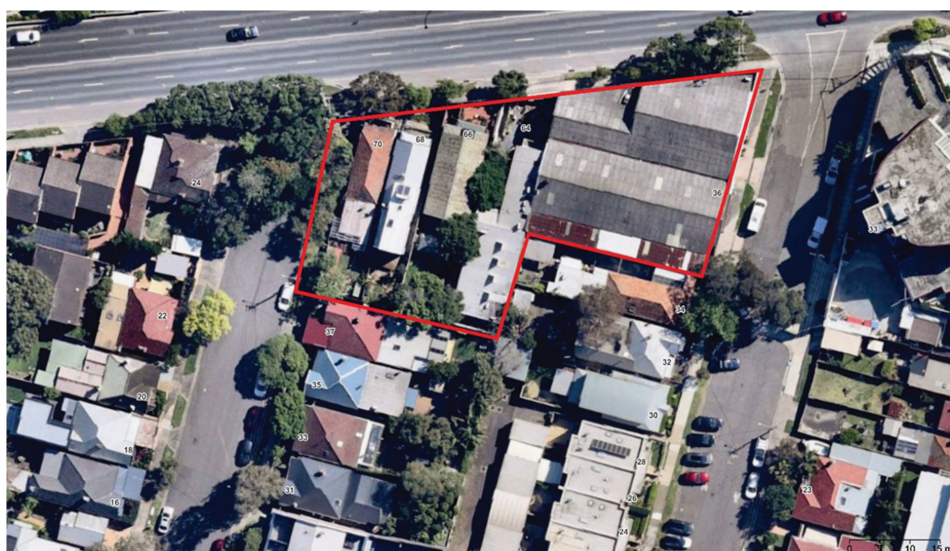
Part 6 Additional local provisions

Insert at the end of the Part, with appropriate clause numbering—

Development of land at 36 Lonsdale Street and 64–70 Brenan Street, Lilyfield

- (1) This clause applies to the following land in Lilyfield—
 - (a) Lots 2–4, DP 1257743, 36 Lonsdale Street,
 - (b) Lots 1 and 2, DP 529451, Lot 22 DP 977323 and Lot 1 DP 1057904, 64–70 Brenan Street.
- (2) If a development control plan that complies with subclause (3) has been prepared for the land—
 - (a) the maximum height of a building is RL 33.2, and
 - (b) the maximum floor space ratio for a building is 1.5:1.
- (3) The development control plan must provide for the following—
 - (a) the objectives for development on the land,
 - (b) building envelopes and built form controls, including the following—
 - (i) the bulk, massing and modulation of buildings,
 - (ii) set backs, both to the ground floor and upper storeys of buildings,
 - (iii) specified building storeys,
 - (c) the heights of buildings that will provide an appropriate transition in built form to the surrounding low density development,
 - (d) encouraging sustainable transport, including increased use of public transport, walking and cycling, and appropriate car parking provision,
 - (e) environmental impacts, for example, overshadowing and solar access and visual and acoustic privacy,
 - (f) the application of the principles of ecologically sustainable development.
- (4) Development consent must not be granted to development that will result in a dwelling on the ground floor of a building if a wall of the dwelling faces the City West Link.

INNER WEST



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

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Summary

The Development Control Plan (DCP) were publicly exhibited separately for 28 days from 19 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 28 days of public exhibition, 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
- By mail
- By email

Promotion

The engagement was promoted via:

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

Engagement outcomes

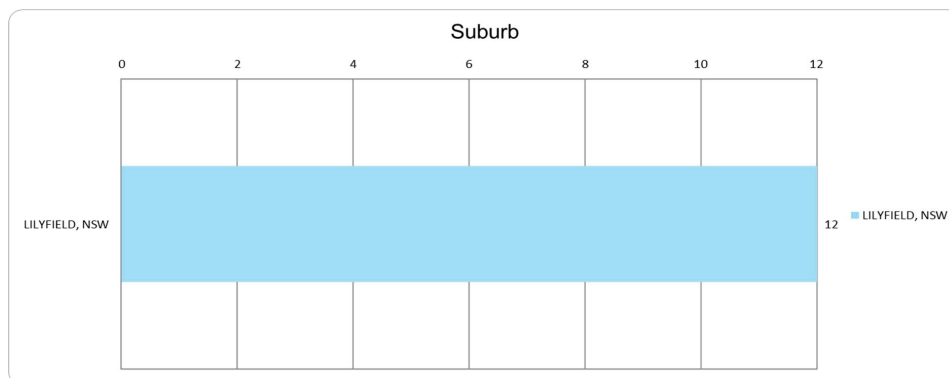
How did people respond?

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.

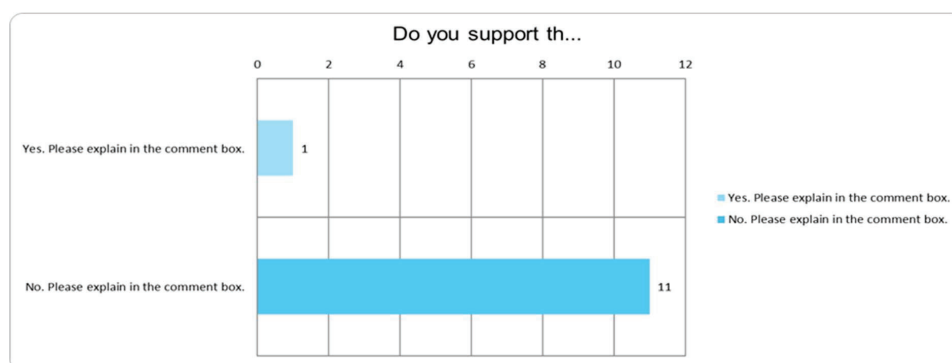
The following key themes emerged from the community feedback:

- 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"> 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. A 3m deep soil setback for trees will not offer adequate noise attenuation and a so nil setback is required. Employment floor space has a much higher noise threshold, therefore not requiring a 3m setback. 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. The DCP seeks to have the Transmission Lines relocated underground which enables a nil setback to the lower level on City West Link. 	<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 LDGP 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"> • lack of basement carparking capacity • unnecessary vehicular access of Lonsdale Street • unnecessary setbacks from City West Link Road for deep soil tree landscaping • unnecessary acoustic protection for communal open space • seeking a child care centre on the ground level storey on a design concept. 	<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"> Significant increase in traffic on Russell Street. 	<p>In summary:</p> <ul style="list-style-type: none"> The draft DCP requires access from Lonsdale Street. Transport for NSW will not permit any entry/exit off City West Link.

<ul style="list-style-type: none"> • Piper Street cannot handle additional traffic off Russell Street. • Loss of existing street parking. • Safety and amenity impacts from the location of underground car park off Russell Street. • Emergency vehicles cannot move along Piper Street. • Traffic should be in/out of West Connex. • Overflow parking from the Bowling Club impacts Russell Street parking demands. • Increase of traffic noise. 	<ul style="list-style-type: none"> • 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. • Council's engineers confirmed the entrance/exit to the underground carpark should be off Lonsdale Street to avoid traffic impacts on Russell Street.
<p><i>Built Form</i></p> <ul style="list-style-type: none"> • 5 storeys is too big and out of character with the local area. • The development will create overshadowing. • Creates privacy and overlooking concerns. • Out of character. • Loss of views. • Poor architectural design. • Excessive Floor Space Ratio. 	<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>

	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.
My property will be devalued because of this development.	Matters that affect property value such as amenity impacts have been assessed and the proposed planning controls are appropriate.
Tenants regularly leave broken furniture and rubbish on Lonsdale Street at the IGA site.	This issue will be referred to Council's Waste Services Team for further attention.
<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>
Adverse impact on the community feel of Russell Street.	<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>



Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations

Site Address:	36 Lonsdale Street and 64-71 Brenan Street, Lilyfield
Proposal:	Draft Development Control Plan
Meeting Date:	4 October 2022
Previous Meeting Date:	21 September 2022 – Briefing on Draft DCP
Panel Members:	Matthew Pullinger (Chair) Jon Johanssen Jocelyn Jackson
Apologies:	Nicola Viselli Adele Cowie Rachel Josey
Council staff:	Daniel East Gunika Singh Con Colot Sarah Guan Vishal Lakhia Katerina Lianos Niall Macken
Declaration of Interests	None

INNER WEST

Background:

On 26 November 2021, the former Leichhardt Local Environmental Plan (LEP) 2013 Amendment 20 (now Inner West LEP 2022) was gazetted for 36 Lonsdale Street and 64-71 Brenan Street, Lilyfield (the site). This amendment increases the maximum Floor Space Ratio (FSR) of the site to 1.5 :1 and introduces a maximum Height of Building (HOB) of RL 33.2 equivalent to 5 storeys. The LEP amendment stipulates that these incentives can only be achieved if a Development Control Plan (DCP) has been prepared for the site which provides objectives and controls relating to built form, height transition, sustainable transport, environmental impacts and ecological sustainable development.

The draft site-specific DCP was exhibited by Council between 19 April and 4 May 2021 and post-exhibition outcomes were reported to Council on 3 August 2021. However, adoption of the DCP was sought to be deferred to allow the Architectural Excellence & Design Review Panel (AEDRP or "the Panel") to provide advice on the merits of site-specific DCP.

The SEPP 65 AEDRP was formally constituted for Inner West Council on 1 July 2021. This triggered the Environmental Planning and Assessment Regulation 2021 requirement for referring the DCPs which include residential flat buildings to the Panel prior to its adoption by Council. The Regulation requires the Panel to provide advice on the draft DCP that it has addressed the matters in Parts 1 and 2 of the Apartment Design Guide.

An AEDRP briefing was organised on 21 September 2022 to allow an informal discussion between the Panel members and Council officers to receive preliminary feedback with respect to the draft DCP provisions. Following this briefing, Council officers made minor amendments to the draft DCP which was then presented to AEDRP for formal consideration in its meeting on 4 October 2022.

INNER WEST

Recommendations:

The Architectural Excellence & Design Review Panel has reviewed the draft site-specific development control plan (DCP) for 36 Lonsdale Street, 64-70 Brennan Street, Lilyfield prepared by Council officers noting the following:

- The draft DCP gives appropriate consideration to matters set out in Parts 1 and 2 of the Apartment Design Guide, which deal with setting development controls for residential apartment development;
- The site-specific provisions provide the appropriate guidance to a proponent and their architect, which is necessary to achieve good quality design outcomes during the detailed design stage;
- The draft DCP strikes an appropriate balance between prescriptive controls and design flexibility for development options on this site;
- The DCP is consistent with the principal development standards for height of building and floor space ratio which have been established by the recent LEP amendment. The draft DCP does not seek to re-visit these development standards.

The Panel supports the draft DCP and recommends its formal adoption by Council.

INNER WEST

Meeting Minutes:

In providing the above recommendation, the Panel considered the following matters:

1. The Panel acknowledges the sound work undertaken by Council officers in response to comments raised by the Panel in its briefing on 21 September 2022 including making the following refinements to the draft DCP:
 - Amendments to site plan, sections and elevation diagrams to improve their intent and clarity on the limits of built form envelopes
 - New section along the middle of the site to City West Link to illustrate 'slim' building principle
 - New controls requiring lot amalgamation necessary to access development incentives
 - New controls clarifying the anticipated interface with the City West Link frontage (built form and public domain)
 - New controls relating to Lonsdale Street and City West Link corner interface anticipating non-residential ground floor uses and improved pedestrian amenity
 - New control requiring pedestrian residential entry locations located on more amenable side streets and away from the city West Link
2. Council officers presented evidence to demonstrate that solar access requirement set out in the ADG for two hours at the winter solstice to the central communal open space (COS) can be achieved. It was also noted the roof top could potentially be used for COS. The exact location of the COS will be determined by the architect during the DA stage when a detailed design proposal will also need to demonstrate that solar access requirements for apartments can be satisfied as per the Apartment Design Guide.
3. The Panel discussed the streetscape and public domain treatment along the City West Link. Council officers have made minor amendments to the DCP including addition of a new diagram and controls to enhance delivery of better public domain outcomes along Lonsdale Street and the City West Link. Any detailed design proposal will have to be considered and assessed at the DA stage after resolution of various technical issues together with inputs from TNSW as the City West Link is a State Classified Road.
4. The Panel discussed Building Articulation, safety and security, and street level activation along the City West Link Road and considers that these matters are satisfactorily addressed in the draft DCP provisions.
5. The Panel noted that the LEP amendment has established principal development standards for FSR of 1.5 :1 and HOB of RL 33.2. The DCP provides design guidance consistent within these parameters and affords an appropriate degree of flexibility. Council officers advised the Panel that the draft DCP provides indicative building envelopes. Detailed design modelling within this indicative building envelope is anticipated during the DA stage.
6. The Panel recommended minor changes to the DCP including:
 - a. additional annotation to the diagrams to clarify the intent of 'maximum' dimensions for the depth of building envelopes,
 - b. correcting the north point on Site Plan Figure 3 to be within the diagram, and property boundary at 24 Russell Street to be redrawn with building envelopes at scale,
 - c. sections and site plan to differentiate between upper residential storeys and lower non-residential/carparking levels.

INNER WEST

In-principle support was given to the draft DCP subject to the above amendments being completed.

The Panel recommendation was unanimous.

SECTION XX – 36 LONSDALE STREET AND 64–70 BRENNAN STREET, LILYFIELD

XX1.0 LAND TO WHICH THIS SECTION APPLIES

This section applies to 36 Lonsdale Street and 64-70 Brennan Street, Lilyfield, being Lots 2–4, DP 1257743, Lots 1 and 2, DP 529451, Lot 22, DP 977323 and Lot 1, DP 1057904.

The site has an area of 2,145m² and is located on the southern side of City West Link Road/Brennan Road between Russell Street and Lonsdale Street.

Map Reference

Refer to Area X on the map in *Figure G1 – Site Specific Areas*.

XX1.1 BACKGROUND

This site-specific section of Leichhardt Development Control Plan 2013 (LDCP) has been developed to support appropriate built form outcomes as per the site-specific provisions contained in Inner West Local Environmental Plan 2022 (IWLEP) Part 6 Additional Local Provisions which allow increased height of building (HOB) and floor space ratio (FSR) for the site.

XX1.2 RELATIONSHIP TO OTHER SECTIONS OF THIS DCP

Unless otherwise stated, development on the site should be designed and constructed in accordance with the controls in this section and the provisions of this plan.

In the event of an inconsistency between this site-specific section and the remaining provisions of the LDCP, the controls in this section will prevail in relation to development on the site to the extent of the inconsistency.

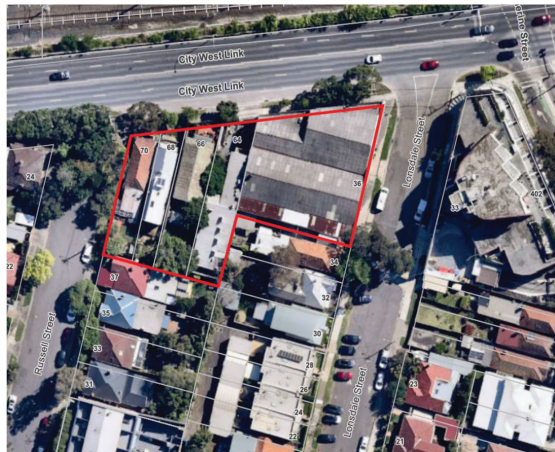


Figure 1: Location Plan

XX 1.3 GENERAL OBJECTIVES

- O1 Apply site specific controls/guidelines which take into account the site's unique conditions to ensure an acceptable development outcome.
- O2 To respond to the existing and future context and character of the area.
- O3 To achieve architectural and urban design excellence.
- O4 To enhance and activate the public domain.
- O5 To maintain adequate solar access and amenity to adjacent residences in Lonsdale Street and Russell Street.
- O6 To ensure good amenity for future residents of the development.
- O7 To encourage active transport and public transport mode share.
- O8 To ensure an ecologically sustainable development outcome.

XX1.4 DESIRED FUTURE CHARACTER STATEMENT

The site is located in the 'Peripheral Sub Area' of the Catherine Street Distinctive Neighbourhood in Lilyfield (Section C2.2.4.1 of the LDCP 2013).

The new development should:

- O1 Achieve architectural design excellence using appropriate building composition which enhances the site and is also sympathetic to the local density residential character of Lonsdale Street and Russell Street.
- O2 Protect and enhance the residential amenity of neighbouring dwellings and ensure the amenity of residents within the development.
- O3 Enhance and activate the surrounding public domain.
- O4 Provide a landscaped setting to the foreground of buildings within the site and enhance the streetscape.

XX1.5 LOT AMALGAMATION

Objectives

- O1 To ensure lot amalgamation promotes the orderly redevelopment of site for intended uses and identified built form.

Controls

- C1 New development on the site is to follow the lot amalgamation pattern identified in Figure 2.

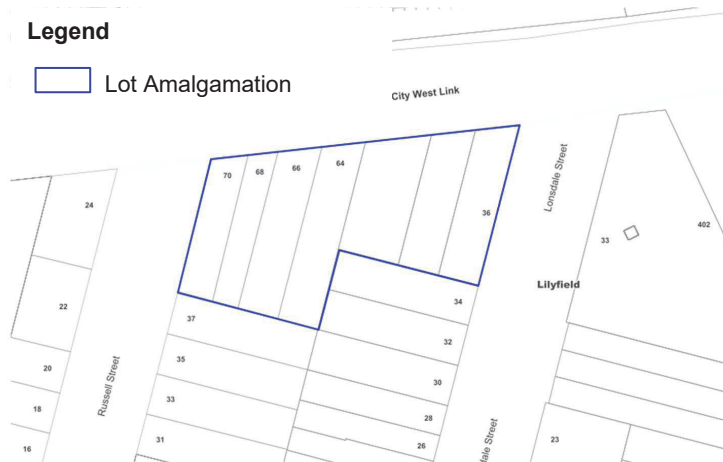


Figure 2: Lot Amalgamation Pattern

XX1.6 BUILT FORM, HEIGHT AND DESIGN

Objectives

- O1 Achieve architectural design excellence using appropriate building composition which enhances the site and is also sympathetic to the local density residential character of Lonsdale Street and Russell Street.
- O2 To integrate new high-quality buildings with neighbouring buildings by having an appropriate transition of building height and scale.
- O3 To provide appropriate building form, height and articulation to reduce apparent bulk and minimise impacts on the surrounding area including adjacent dwellings and their open space.
- O4 To minimise overlooking and overshadowing of neighbouring properties.

Controls

- C1 All roof structures, such as plant and lift overruns shall be integrated into the design of the development, are not to exceed the building heights contained within IWLEP 2022 and are to be fully screened when viewed from street. The maximum height of building is RL 33.2 with a maximum of 5 storeys at City West Link Road and a transition to 2 storeys adjacent to the houses at Lonsdale Street and Russell Street.
- C2 The built form height envelopes are to comply with **Figures 4 and 5** with buildings having a transition in height to a maximum of 5 storeys at City West Link Road as follows:
 - buildings have a maximum ceiling height of RL 24.7 being an equivalent of a two storey scale relative to the adjacent houses in Lonsdale Street
 - buildings have a maximum ceiling height of RL 27.8 an equivalent of a two storey scale relative to the adjacent houses at Russell Street.

- C3 No residential uses are to be contained at ground level along City West Link Road.
- C4 Minimise blank walls along City West Link Road to provide appropriate streetscape treatment and passive surveillance of the public domain.
- C5 Top of building roof structure slab for the five storey building component in **Figure 4 and 5** should be a maximum at approximately RL 30.7 to accommodate roof structures such as lift overrun.
- C6 Subject to approval from the relevant consent authority (Transport for NSW), the overhead power cables along City West Link Road must be relocated underground and replaced with appropriate street lighting in accordance with Council's relevant public domain guidelines given the scale of the development and the significant aesthetic benefit resulting from undergrounding, including allowing for viable street tree planting.

If approval from the consent authority (Transport for NSW) is not obtained, then buildings are to be setback along City West Link Road at a sufficient distance to maintain safety and maintenance of high voltage cables.
- C7 The proposed building location and site layout should be consistent with that shown in **Figure 3** to achieve buildings oriented predominantly to Lonsdale Street and Russell Street with appropriate amenity for occupants, a landscape setting and tree canopy, middle ground/ podium level communal open space area, landscaped buffer to adjacent houses and to comply with other parts of this DCP.
- C8 For part of the site area along City West Link Road beginning at the Lonsdale Street corner, consider provision of employment floorspace as part of an apartment above (live-work units) or as non-residential/ employment floor space permitted in the relevant Zoning under IWLEP 2022. The employment floor space must be setback by at least 3m from City West Link Road with appropriate public domain treatment (including new landscaping, awning at the intersection of Lonsdale Street/ City West Link) and be in accordance with **Figures 3, 4 and 6**.
- C9 A minimum of 3m building setback from City West Link is to be provided along ground floor and to all upper level residential storeys in accordance with Section XX 1.7 Controls and **Figures 3 and 4**.



Figure 3: Indicative site plan

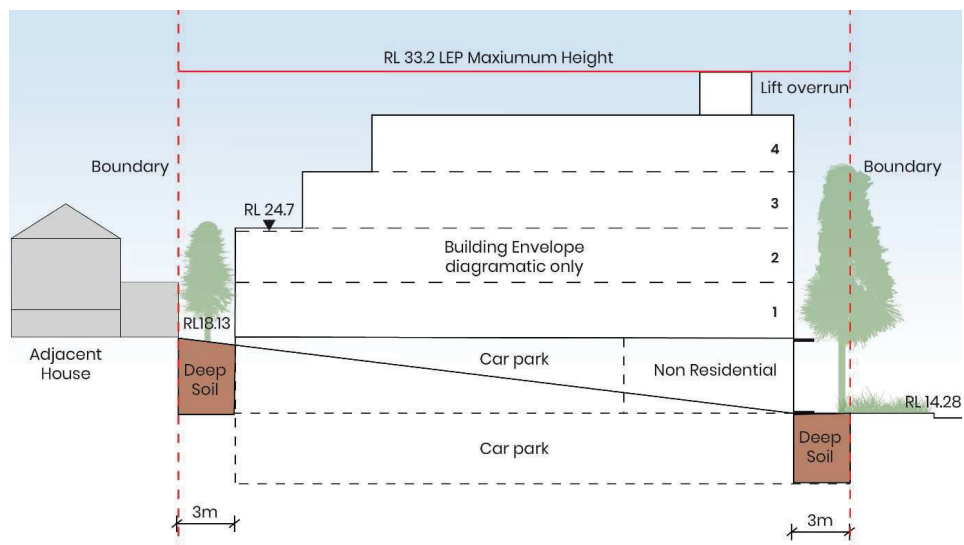


Figure 4: Indicative elevation envelope along Lonsdale Street

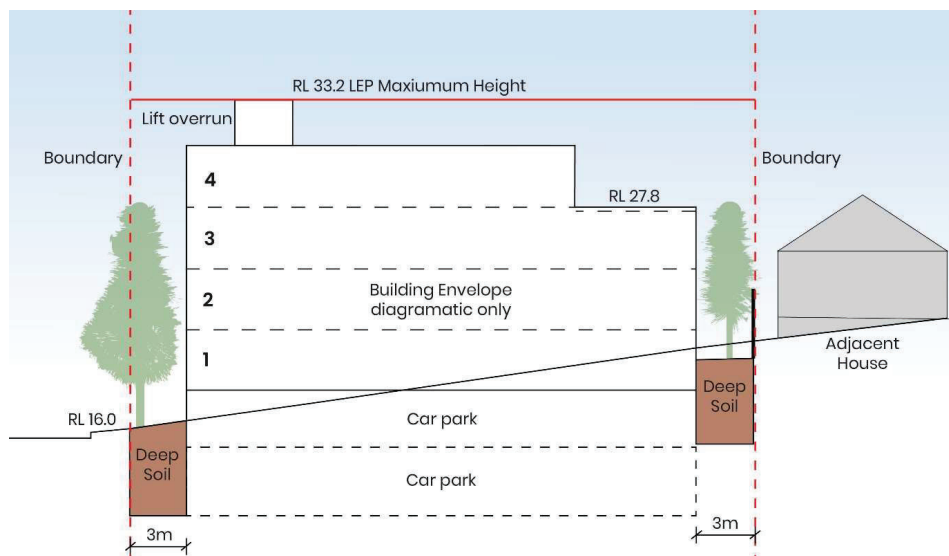


Figure 5: Indicative elevation envelope along Russell Street

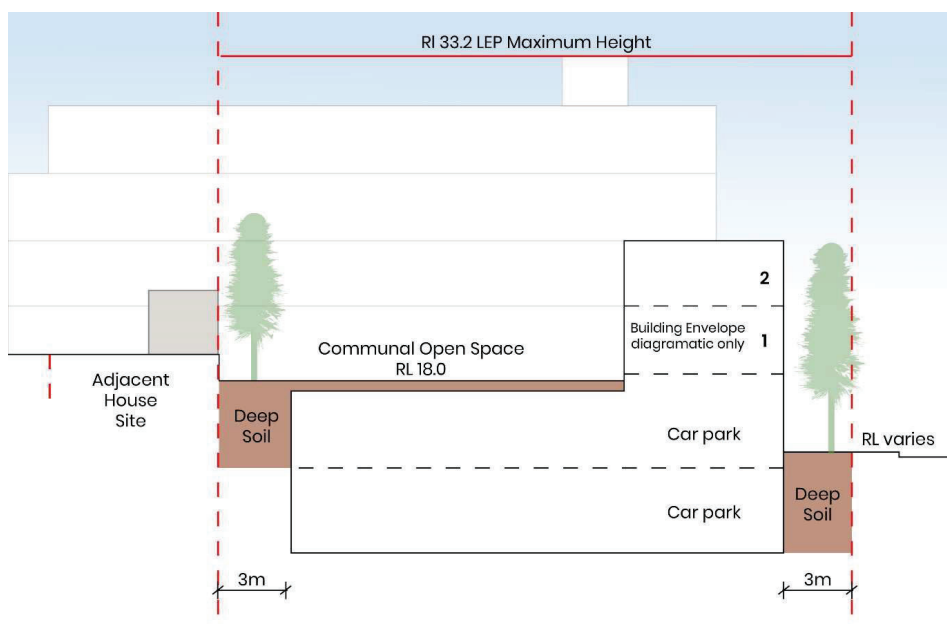


Figure 6: Indicative section diagram through the middle of the site to City West Link

XX1.7 SETBACKS AND SEPARATION

Objectives

- O1 Achieve adequate building separation to maintain privacy between buildings.
- O2 To accommodate deep soil planting and landscaping to enhance the streetscape and provide for tree canopy.
- O3 Achieve adequate building separation between buildings and adjoining houses.
- O4 Achieve adequate separation from high voltage powerlines along City West Link Road.
- O5 To provide appropriate public domain treatment along City West Link which enhances the streetscape.

Controls

- C1 Buildings are to be setback a minimum of 3m inclusive of below ground carpark levels from City West Link Road, Lonsdale Street and Russell Street.
- C2 Buildings are to be setback by a minimum of 3m from lot boundaries of the dwelling houses fronting Lonsdale Street and Russell Street inclusive of car parking/ basement levels.
- C3 Within the site, Building Separation is to comply with the State Environmental Planning Policy 65 Apartment Design Part 2F and be generally in accordance with **Figure 3**.
- C4 Building design at the intersection of streets including Lonsdale Street and City West Link is to:
 - a. be splayed at the corner to reinforce the corner location as appropriate
 - b. incorporate awning where possible to complement the desired employment use
 - c. include a 3m wide setback along City West Link frontage which should:
 - provide new landscaping and kerbside treatment as per Figure 6;
 - be made available to public 24 X 7 for walking and cycling; and
 - be registered on title as easement or public right of way.

XX1.8 DESIGN, FINISHES AND MATERIALS

Objectives

- O1 To ensure that buildings have a high quality appearance and enhance and activate the public domain.
- O2 To ensure that buildings respond to the residential character of Lonsdale Street and Russell Street.
- O3 To provide high quality and durable finishes and materials.

Controls

- C1 Building design is to be well considered and demonstrate that architectural canons for providing well considered composition and proportions and a dialogue between parts of the building have been achieved.
- C2 Building design is to provide architectural cues to complement adjacent and nearby houses.
- C3 Exterior building finishes should use a variety of materials, including the use of face brickwork.
- C4 The ground floor treatment along City West Link Road and surrounds is to be differentiated from the upper parts of the building and conceal any internal carpark use through appropriate use of architectural details and finishes including considering provision of green walls. Use of a tripartite base middle top composition is encouraged.
- C5 Relocate existing overhead cables underground, and where possible, co-locate with other underground services. Buildings are to be setback along City West Link Road at a sufficient distance to maintain safety and maintenance of high voltage cables from City West Link Road as required by Transport NSW, where services can't be located underground.

XX 1.9 VISUAL AND ACOUSTIC AMENITY

Objectives

- O1 To minimise the noise impacts of City West Link Road for residents.
- O2 To minimise direct overlooking and maximise visual privacy of adjacent dwelling houses in Lonsdale and Russell Streets and within the precinct itself.

Controls

- C1 The majority of dwellings should be oriented toward Lonsdale and Russell Street.
- C2 A slim building wing no higher than 3 storeys off City West Link Road, or noise screen, shall be provided to the building frontage along City West Link Road to reduce noise in the middle communal open space area for the amenity of residents, as shown in **Figure 3**.
- C3 Dwellings should have "winter garden balconies" as defined in Apartment Design Guide Part 4J/Glossary.
- C4 Dwellings adjacent or in close proximity to houses on Lonsdale Street and Russell Street shall not have windows which directly face those houses, except for rooms containing highlight windows with a minimum sill height of 1.7m.
- C5 Any development application is to be accompanied by a report prepared by an appropriately qualified acoustic consultant verifying the adequacy of the proposed design and the construction methods and materials to achieve appropriate noise levels within the proposed residential accommodation as well as the communal open space.
- C6 A tree buffer with deep soil planting shall be provided along boundaries with Lonsdale Street and Russell Street in accordance with **Figure 3**.

XX1.10 COMMUNAL OPEN SPACE, DEEP SOIL AREA AND LANDSCAPING

Objectives

- O1 To ensure occupants are provided with usable communal open space in a location onsite which has adequate amenity.
- O2 To provide deep soil planting, green walls and landscaping to enhance the streetscape and provide for tree canopy.
- O3 To provide for amenity and a visual buffer for adjacent houses in Lonsdale Street and Russell Street.

Controls

- C1 Landscaping is to comply with the provisions contained within the LDCP 2013, part C1.12 Tree Management and 40% tree canopy target for an R1 General Residential land use zoning.
- C2 Deep soil areas and gardens are to be provided along Lonsdale Street, Russell Street, City West Link Road and the southern boundary of the site adjacent to neighbouring low density dwellings with building setbacks in accordance with Section XX-1.7, Control C1 and **Figure 3**.
- C3 A ground level communal open space area is to be located generally in accordance with **Figure 3**, this should include topsoil above the carpark area sufficient to accommodate small trees and a grass area.
- C4 Communal Open Space areas are to be provided in accordance with the requirements of the Apartment Design Guide part 3D.
- C5 Any rooftop open space is to provide adequate screening for the privacy of neighbouring dwelling houses.
- C6 Provide minimum 35 percent area of green walls being trellises and plantings to the upper building levels façades facing City West Link Road.

XX1.11 DISABLED ACCESS

Objectives

- O1 To provide for equitable access.

Controls

- C1 Compliance shall be demonstrated on the Development Application for provision of access from surrounding streets to areas within the site and up to the point of entry into dwellings, for people with disabilities.
- C2 A legible pathway should be provided within the site to shared areas including the communal open space and carpark areas.
- C3 Use of platinum level standard Universal Design is encouraged for dwellings.

XX1.12 PARKING ACCESS AND WASTE

Objectives

- O1 To ensure safe, efficient and equitable vehicular access to and from the site.
- O2 To minimise car parking to encourage active transport and public transport.
- O3 Ensure that carparking access is provided from Lonsdale Street for the new development.
- O4 Basement parking contains required servicing areas including waste storage and deliveries.
- O5 Address matters unique to the site pertaining to local roads.

Controls

- C1 All car parking and bicycle parking shall comply with the provisions contained in the LDCP 2013, Part C, Parking C1.11.
- C2 All vehicular access must be from Lonsdale Street only (in and out). All vehicles need to enter and exit the site in a forward direction. Swept paths should be provided as part of Transport Impact Assessment (TIA).
- C3 Basement areas must accommodate waste storage rooms and servicing areas and not be visible from the street. Waste management facilities are to comply with the Resource Recovery and Waste Management provisions contained in D2.5 Mixed Use Development of this plan.
- C4 A Construction Pedestrian Traffic Management Plan (CPTMP) detailing construction vehicle routes, number of trucks, hour of operation, access arrangements, locations of the crane(s) and traffic control shall be submitted with the Development Application.
- C5 Prior to the issue of any construction certificate or any preparatory, demolition or excavation works, whichever is earlier, the following documentation in relation to rail safety shall be provided for the review and endorsement of TfNSW:
 - Final geo-technical and structural report / drawings. Geotechnical reports should include and potential impact on the Inner West Light rail corridor;
 - Final construction methodology pertaining to structural support during excavation or ground penetration;
 - If required by TfNSW, details of the vibration and movement monitoring system that will be in place before excavation commences;
 - Detailed survey plan with location of light rail and associated services; and
 - Plans regarding proposed crane and other aerial operations.
- C6 All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on City-West Link Road.
- C7 No direct vehicular access will be provided to / from the site to / from City West Link (Brenan Street).
- C8 Vehicular entries are to be designed to minimise the visibility of garage doors on the street.

- C9 Pedestrian access to the new development for residential flat buildings is to be provided from Lonsdale Street and Russell Street.

XX1.13 ENVIRONMENTAL MANAGEMENT

Objectives

- O1 To ensure that the new development maximises the principles of ecologically sustainable development.
- O2 To reduce the cause and impact of the urban island heat effect.

Controls

- C1 Dwellings are required to comply with the BASIX State Environmental Planning Policy. In addition, consideration is to be given to maximizing dwellings with “cross through” apartment layouts to achieve increased cross ventilation and solar access.
- C2 Deep soil areas for dense Tree Canopy are to be provided in accordance with Section XX1.7, Controls, clauses C1 and C2 and **Figure 3**.
- C3 Landscaping is to be provided to the communal open space area in accordance with Section XX1.9, Controls, clause C3.
- C4 The development is to achieve a minimum 4-star Green Building Council rating and incorporate Water Sensitive Urban Design to its communal open space areas.