

Post Exhibition – Planning Proposal – 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe – Sydney Local Environmental Plan Amendment and Draft Sydney Development Control Plan

File No: X031277

Summary

At a time when the wait list for social housing in NSW is almost 60,000 people, demand has never been greater. Combined with a five to 10 year waiting period for social housing, and the extra demand that will be created by the health, social and economic impacts of Covid-19, there is a critical need to deliver more quality social housing in the city.

This planning proposal presents an opportunity to optimise NSW Government owned land to deliver new social housing on a site accessible to a range of public transport, open space, jobs and services. The site is known as 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe and currently provides 19 social housing dwellings in two storey townhouses.

The planning proposal is consistent with the Greater Sydney Region Plan, Eastern City District Plan and the City's Local Strategic Planning Statement, which all identify the need to deliver more social and affordable housing. In particular, the City's Planning Statement identifies the need for an additional 14,000 affordable and social housing dwellings by 2036.

The proposal provides for an increase to the maximum building height and floor space ratio (FSR) which will allow for the future redevelopment of the site delivering the following key benefits:

- Development of the site for substantially more social housing;
- A high-quality, predominately residential development, supported by small-scale neighbourhood uses, that will renew the site and contribute to an established local character;
- Floor space for ground floor non-residential use with a social purpose; and
- Development that responds to its context and achieves a high level of amenity to neighbouring properties.

The proposal was granted Gateway determination on 31 August 2020 with Council being delegated the plan-making authority, subject to no outstanding objections from public authorities. A revised Gateway Determination was issued on 14 October 2020 to delete a condition which required the removal of the clause that secured 100 per cent social housing on the northern site. The planning proposal, draft DCP and other supporting documents were then publicly exhibited from 9 November to 14 December 2020.

In response, 89 submissions and a nine-person petition were received. Of the 89 submissions received, four were public agency submissions, one from Shelter NSW, one from the National Trust and 35 were form letter submissions.

The majority of public objections to the proposal related to the demolition of the existing buildings, the proposed height and floor space ratio, the impact on and removal of the site from the St Phillips Heritage Conservation Area, and amount of social housing is insufficient to justify the proposal. These issues are discussed in detail in this report with a summary of and responses to all matters raised in submissions provided at Attachment A.

The proposed height and floor space ratio are considered to be appropriate as they promote a three to eight storey scale which responds appropriately to the sites established context. Because the City's proposal delivers in excess of what NSW Government Policy requires, and satisfies the City's City Plan 2036 requirements, the 47 per cent minimum social housing required to be delivered and maintained on site is considered reasonable in this instance.

Land and Housing Corporation also objected to the proposal to restrict the northern site for the purposes of social housing, increased sustainability requirements and required public domain works. Because Land and Housing Corporation maintain these objections Council does not have plan-making authority as per the Gateway determination.

The draft DCP has been amended in relation to minimum areas for non-residential use, flood protection, sustainability targets and other minor clarifications, in response to suggestions from LAHC following design development. The amendments made are considered minor changes that reflect design development and do not derogate the original intention of the provisions.

This report recommends approving the planning proposal as shown at Attachment B so that it may be forwarded to the Department of Planning Industry and Environment for making as a local environmental plan. It also recommends Council approve the draft DCP as amended at Attachment C. The site-specific DCP will come into effect at the same time as the LEP is published.

Recommendation

It is resolved that:

- (A) Council note matters raised in response to the public exhibition of the Planning Proposal – 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe and draft Sydney Development Control Plan 2012 – 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe, as detailed in this report and as shown in Attachment A to the subject report;
- (B) Council approve the Planning Proposal – 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe, as shown at Attachment B to the subject report, to be made as a local environmental plan under S3.36 of the Environmental Planning and Assessment Act 1979;
- (C) Council approve the draft Sydney Development Control Plan 2012 – 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe, with amendments in response to submissions, as shown at Attachment C to the subject report, noting that it will come into effect on the date of publication of the subject local environmental plan, in accordance with Clause 21 of the Environmental Planning and Assessment Regulation 2000; and
- (D) authority be delegated to the Chief Executive Officer to make any minor amendments to Planning Proposal – 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe and draft Sydney Development Control Plan 2012 – 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe to correct any minor errors or omissions prior to finalisation.

Attachments

- Attachment A.** Summary of and Responses to Matters raised in Submissions
- Attachment B.** Planning Proposal – 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe
- Attachment C.** Draft Sydney Development Control Plan 2012 – 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe
- Attachment D.** Resolution of Council and Central Sydney Planning Committee
- Attachment E.** Gateway Determination

Background

1. This report seeks Council approval of the planning proposal at Attachment B. The planning proposal is to amend Sydney Local Environmental Plan 2012 (LEP) as it relates to 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe (the site).
2. This report also seeks Council approval of the draft Sydney Development Control Plan for 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe (DCP) at Attachment C. The DCP includes minor amendments in response to submissions.
3. In July 2020, the planning proposal was endorsed by Council and the Central Sydney Planning Committee (CSPC), as shown at Attachment D, for submission to the Department of Planning, Infrastructure and Environment (DPIE) with a request for Gateway determination, and for public exhibition in accordance with any conditions imposed under the Gateway determination, and to seek delegation of plan-making functions.
4. The DPIE granted Gateway determination on 31 August 2020. The original Gateway determination requested deletion of a proposed clause requiring the northern site to be used for the purposes of social housing. This request was deleted 14 October 2020 following representations from the City that this request undermined the strategic merit of the proposal. Gateway determination and alteration is shown at Attachment E.
5. The planning proposal and DCP were publicly exhibited from 9 November to 14 December 2020. In response, 89 submissions and a nine-person petition were received. Of the 89 submissions received, four were public agency submissions, one from Shelter NSW, one from the National Trust and 35 were form letter submissions.
6. This report describes the outcomes of public exhibition, and the changes made to the DCP in response to submissions and further internal consideration. No changes are made to the planning proposal as exhibited.

Site details and context

7. The planning proposal relates to 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe and is under the single ownership of the NSW Land and Housing Corporation (LAHC).
8. The legal description of the land affected by this planning proposal is Lots 17 and 18 DP 244897.
9. 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe has frontage to Wentworth Park Road to the north, Cowper Street to the east and Wentworth Street to the south and Mitchell Lane East to the west. The site is dissected by Park Lane.
10. The sites are irregular in shape. The north site is approximately 626 square metres and the south site is approximately 1,163 square metres.
11. Existing development on site consists of 19 social housing dwellings in a two-storey townhouse villa style development.
12. The land to the east of the site has undergone significant redevelopment in recent years through LAHC affordable housing projects and the Mezzo development fronting Wentworth Park Road. These redevelopments have resulted in a mix of commercial uses, social, affordable and market dwellings in mixed use buildings up to 10 storeys with ground floor commercial uses.

13. The land to the south and west of the site is typical of Glebe's fine-grain network of streets and lanes that is characterised by single storey terraces in relatively narrow streets with many street trees.
14. Open space facilities in the area include Wentworth Park immediately north of the site, MJ Doherty Reserve immediately west of the site.



Figure 1: The subject site and surrounding area

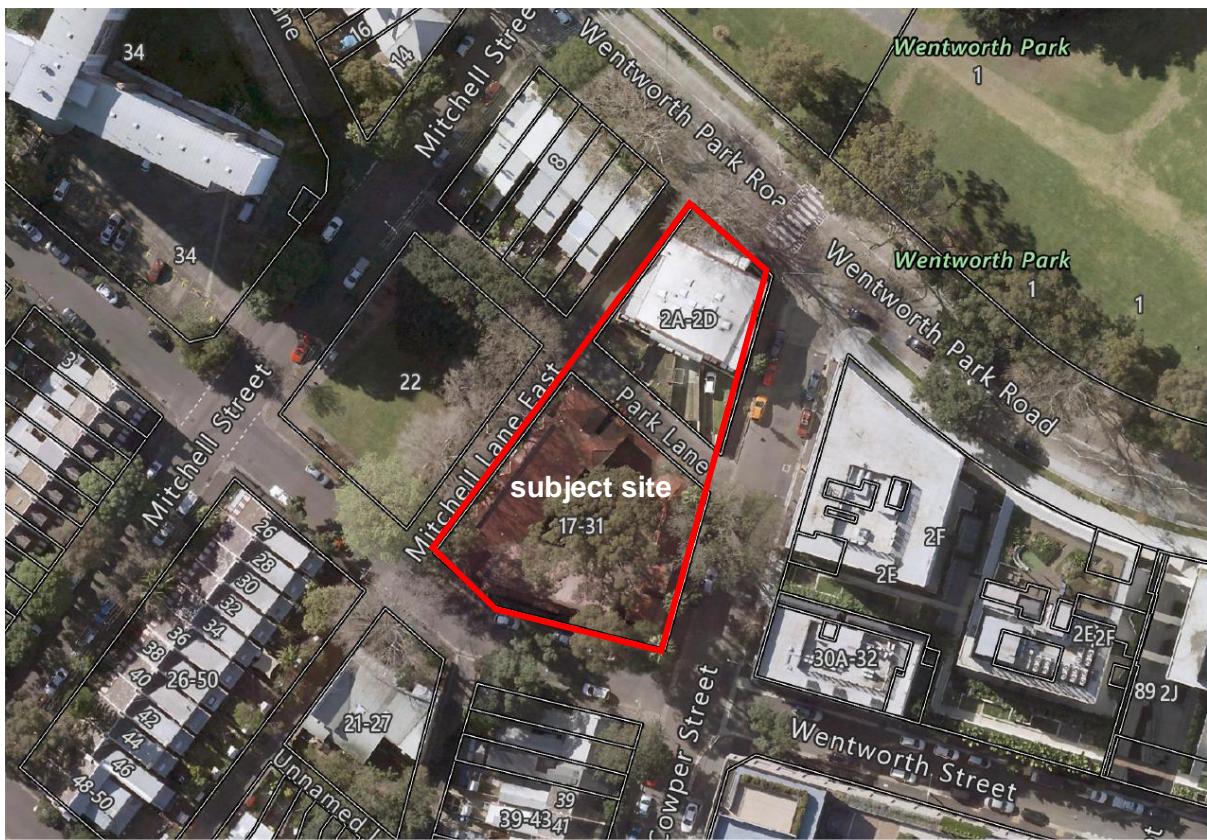


Figure 2: The subject site and surrounding area (aerial)



Figure 3: 17 - 31 Cowper Street (corner of Wentworth and Cowper Street)



Figure 4: 2A - 2D Wentworth Park Road (looking south)



Figure 5: Development to the east of the site (looking south down Cowper Street)

Planning history

15. In November 2019, the current Minister for Planning and Public Spaces announced a new approach to precinct planning. As a result, LAHC sites, some previously announced as State Significant, will now be considered through a local council planning process with a request to amend the Sydney Local Environmental Plan 2012.
16. In late 2019 and early 2020, LAHC met with the City to discuss potential amendments to the planning controls for the site. The City has worked constructively with the landowner and their consultant team to explore potential built-form outcomes. The pre-lodgement consultation resulted in a number of changes to the proposal including:
 - (a) Increased setbacks along Cowper Street to ensure retention of street trees;
 - (b) Deletion of warehouse style building at the south west corner of the southern site to enable retention of the Spotted Gum;
 - (c) Reduced floor plate area, as a result of the increased setbacks, to reduce the overall building bulk and reduce overshadowing of adjacent dwellings;
 - (d) Additional storey added to offset reduced floor plate;
 - (e) Relocation of the non-residential use from the south site to the north site to provide a more prominent street address to Wentworth Park Road and allow co-location with the social housing; and
 - (f) Increase in number of potential social housing dwellings.
17. On 22 May 2020, the landowner submitted a planning proposal request to the City. The request included a Design Report and a number of technical studies. The City has prepared this planning proposal following consideration of the request.
18. The amended planning controls will enable redevelopment of 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe, consisting of the following key concepts:
 - (a) Development of the site for substantially more social housing;
 - (b) A high-quality, predominately residential development, supported by small-scale neighbourhood uses, that will renew the site and contribute to an established local character;
 - (c) Floor space for ground floor non-residential use with a social purpose; and
 - (d) Development that responds to its context and achieves a high level of amenity to neighbouring properties.
19. In preparation of their request, LAHC consulted with City staff and commissioned a range of studies to support the proposed changes to the planning controls.
20. The submitted reference scheme prepared by the landowner for 17-31 Cowper Street and 2A-2D Wentworth Park Road, Glebe includes redevelopment of the site to accommodate new residential apartment buildings, terrace houses and non-residential uses fronting Wentworth Park Road.

21. The landowner's scheme would facilitate the delivery of two new residential buildings with building heights of eight storeys plus five terraces fronting Mitchell Lane East and MJ Doherty Reserve.
22. This scheme provides for approximately 5,800 square metres of residential Gross Floor Area (GFA) and approximately 165 square metres of non-residential GFA for social purposes and up to 35 square metres of GFA for commercial or retail purposes. This building layout would achieve around 74 apartments and will not be eligible for additional bonus floor space awarded for a further design excellence competition.
24. The northern smaller building will accommodate social housing in approximately 2,300 square metres of residential floor space. The southern building will accommodate housing in approximately 3,500 square metres. The southern site could be used for the purposes of social, affordable or market housing.



Figure 6: Indicative reference scheme - looking south down Cowper Street from Wentworth Park



Figure 7: Indicative reference scheme - looking east from MJ Doherty Reserve

23. The scheme was presented to the City's Design Advisory Panel who supported higher environmental standards for the development, the approach to retaining trees and the provision of non-residential GFA for a social purpose. Items they sought to be addressed included minimising overshadowing to neighbouring residential properties, ensuring an appropriate transition in form to the surrounding conservation area and careful consideration of flooding issues. These issues have all been addressed in the City's assessment and proposed DCP.
24. Compliance testing against the objectives of the Apartment Design Guide (ADG) standards suggests 80 per cent of apartments achieve natural cross ventilation requirements and 80 per cent (north site) and 82 per cent (south site) of apartments achieve solar compliance. Ultimately, the final apartment layout and mix would be determined at development application stage.
25. At the meetings of 23 July 2020 and 27 July 2020, the prepared planning proposal and draft DCP were endorsed by the CSPC and Council for submission to the DPIE with a request for Gateway determination, and for public exhibition in accordance with any conditions imposed under the Gateway determination, and to seek delegation of plan making functions.
26. The DPIE granted Gateway determination on 31 August 2020. The original Gateway determination required deletion of the clause requiring the northern site to be used for the purposes of social housing. This request was deleted 14 October 2020 following representations from the City that this request undermined the strategic merit of the proposal. The Gateway determination and alteration is shown at Attachment E.

27. The Gateway determination required public exhibition for a minimum of 28 days and consultation with four NSW Government agencies, giving them a minimum of 21 days to comment. The Gateway determination set the completion date for the planning proposal as 31 August 2021. The DPIE also granted delegation to Council to make the local plan subject to their being no outstanding written objections from public authorities.

Current planning controls

28. The current planning controls applying to the site under the LEP are:
- (a) Land zoning: R1 General Residential, which permits the proposed uses
 - (b) Height of Buildings: maximum of 9 metres
 - (c) Floor Space Ratio (FSR): maximum of 1.25:1
29. The site is not listed as a heritage item but is within the St Phillips Heritage Conservation Area and is located adjacent to heritage listed (I670) street trees on Cowper Street.

Exhibited LEP controls

30. The exhibited planning proposal seeks to amend the LEP, adding a new site-specific clause to:
- (a) Amend the Height of Building Map to increase the maximum building height to RL 36 (8 storeys)
 - (b) Amend the Heritage Map to remove both sites from the St Phillips Heritage Conservation Area, and
 - (c) Insert a site-specific local clause for additional floor space, affordable and social housing, BASIX and design excellence. The proposed site-specific provision will:
 - (i) facilitate additional FSR if development includes:
 - a. 100 per cent of residential floor area of the north site to be for the purposes of social housing as a minimum; and
 - b. if the development exceeds BASIX commitments for energy; and
 - (ii) remove the award of additional bonus building height or floor space through a design excellence competition.

Exhibited DCP controls

31. The exhibited draft DCP provides further guidance for development of the site consistent with the proposed amendments to the LEP. The indicative reference design represents a highly resolved design. The draft DCP controls will help to ensure the benefits of the increased maximum building height and FSR are realised and impacts are appropriately managed. The draft DCP addresses the following key design considerations to:
- (a) Improve visual privacy between apartments across Park Lane
 - (b) Manage visual privacy between apartments and terraces

- (c) Provide ramp access to both lobbies
- (d) Dedicate land for footpath widening and improve pedestrian facilities on surrounding streets
- (e) Increase the quantum of landscape and deep soil
- (f) Manage overshadowing to the adjacent buildings by modifying the south-east roof of the north lot
- (g) Provide external sun shading to east and west elevations
- (h) Improve ground level interfaces by including windows to all ground level spaces
- (i) Improve solar access to living spaces of west facing apartments
- (j) Modify windows to maximise effectiveness of cross ventilation, and
- (k) Improve the design quality and detail of the terrace houses.

Outcomes of public exhibition and public authority consultation

- 32. The planning proposal, draft DCP and other supporting documents were publicly exhibited from 9 November 2020 to 14 December 2020.
- 33. Letters were sent to owners and occupiers within approximately a 100 metre radius of the subject site. Four public agencies were also consulted as required by the Gateway determination.
- 34. Notification of the public exhibition was advertised on the Sydney Your Say website. Hard copies of the planning proposal, draft DCP, a physical model and other supporting documents were also made available at the Town Hall Customer Service Centre.
- 35. In response, 85 submissions were received from nearby residents, a local society, the New South Wales Legislative Assembly local member for Balmain, Shelter NSW, and the National Trust. A nine-person petition in objection to the proposal was also lodged. Four submissions were received from public authorities, including one in objection from LAHC.
- 36. A detailed summary of and responses to matters raised in submissions is provided at Attachment A. LAHC's primary objection and the key public issues raised in objection to the proposal are also addressed below.

Restricting built form tenure to social housing by local Councils is not a valid planning consideration and doesn't reflect any policy basis.

- 37. LAHC in their submission have objected to the City's proposal to have an LEP clause that provides an incentive for the provision of social housing by allowing additional floor space on the condition that 100 per cent of the gross floor area of the northern lot is used for the purposes of social housing as a minimum.

38. The reasons provided for this objection are that it:
 - (a) is not a valid planning consideration;
 - (b) doesn't reflect any policy basis; and
 - (c) represents an unacceptable operating constraint.
39. LAHC are of the view that the Housing Act 2001 (the Housing Act) deals with LAHC's ability to manage tenure and vest land and that accordingly it is the appropriate legislative instrument to manage tenure mix on the site.

A valid planning consideration

40. Promoting the delivery and maintenance of affordable housing is an object of the Environmental Planning and Assessment Act 1979 (the Act) under Section 1.3(d).
41. Section 3.14(1)(d) of the Act details that an LEP may make provision for or with respect to providing, maintaining and retaining, and regulating any matter relating to affordable housing.
42. Affordable housing under the Act includes social housing. Promoting the delivery and maintenance of affordable housing is therefore a first principle planning consideration.
43. The City's proposal as structured promotes:
 - (a) the delivery of social housing, by providing an FSR incentive contingent on the delivery of social housing, and
 - (b) the maintenance of social housing by securing the northern site, at a minimum, for the purposes of social housing.
44. The City's proposal gives effect to Section 1.3(d) and 3.14(1)(d) of the Act and promotes the social welfare of the community through, in the City's view, a necessary and demonstrably appropriate planning provision that promotes the orderly use and development of land.
45. The City's proposal is necessary and appropriate because LAHC have demonstrated that their management of public land and property under the Housing Act in recent times has led to a reduction in social housing dwellings in the city, primarily through the sale of social housing properties in Walsh Bay and the Rocks.
46. The removal of the incentive provision would mean the City's proposal would be a substantial increase in height and FSR, and removal of the site from a Heritage Conservation Area, without securing the social housing and strategic merit of the proposal.
47. Without the incentive provision the site could be developed entirely for market residential accommodation now or in the future. The City's Local Strategic Planning Statement and Local Housing Strategy make it clear that there is sufficient capacity under the City's existing controls to meet our private market housing dwelling targets. A planning proposal that facilitates only private market housing therefore has no strategic merit when assessed relative to the City's Local Strategic Planning Statement and Local Housing Strategy.

The policy basis – delivering on dwelling targets

48. Section 3.33 of the Act requires the planning proposal authority to provide justification for making an LEP including whether the proposed instrument will give effect to council's local strategic planning statement.
49. The City's Local Strategic Planning Statement - City Plan 2036 and Local Housing Strategy - Housing for All, present in thorough detail the policy basis for increasing the supply of affordable housing in the City of Sydney. It establishes a total private dwelling target of 50,000 additional dwellings required in the City of Sydney by 2036, from a 2016 baseline.
50. The 50,000 dwelling target includes:
 - (a) 10,856 additional affordable rental housing dwellings, and
 - (b) 1,975 additional social housing dwellings.
51. As of June 2020, an additional 183 affordable rental housing dwellings have been built and 86 social housing dwellings lost in the City of Sydney since 2016. This leaves a gap of 10,673 affordable rental housing dwellings and a growing gap of 2,061 social housing dwellings to be built in the next 16 years.
52. The gaps are significant for both affordable rental housing and social housing, and their supply challenges are different.
53. The City uses a range of approaches to facilitate affordable rental housing supply in the our LGA, including through affordable rental housing schemes, site-specific and zone related planning incentives and through material support, contributing \$24 million over the last 10 years. This has included grants to non-government organisations, as well as granting or selling land below cost to community housing providers.
54. For social housing, since the City's target for social housing was established in 2008, the proportion of social housing has decreased from almost 11.7 per cent in 2006 to about 8.5 per cent in 2016. This proportion will continue to decline as the number of homes in the city increases to over 160,000 dwellings.
55. Although a gap of 2,061 social housing dwellings may seem small, in a climate where we are seeing a net reduction in social housing stock and a proportionate decrease overall, and an increase in demand, the City and the NSW Government should be significantly increasing the proportion of social housing on NSW Government renewal sites.

The policy basis – giving effect to the local strategic planning statement

56. To give effect to the planning statement, Action L3.4 and L3.5 requires the planning proposal authority to:
 - (a) to deliver a minimum 25 per cent of floor space as affordable rental housing in perpetuity on all NSW Government sites, including on social housing sites, and
 - (b) significantly increase the proportion of social housing on NSW Government sites that are being renewed.

57. For the subject site this means the benchmark for giving effect to the planning statement is delivering significantly more than the 19 social housing dwellings on site and 25 per cent of floor space as affordable rental housing. Any additional social housing achieved can be counted towards the achievement of the 25per cent affordable rental housing target.
58. 25 per cent of the residential floor space facilitated by the planning proposal equates to around 1,574sqm. To give effect to City Plan 2036, the planning proposal is to ensure the delivery and maintenance of more than 19 social housing dwellings on site and an additional 1,574sqm of social housing.
59. The City's proposed incentive provision delivers 2,691sqm of social housing floor space, 1,117sqm in excess of the 25 per cent target, as a minimum. This equates to 35 affordable housing dwellings, a significant increase in the 19 social housing dwellings on site. Given the NSW Government policy considerations below, the delivery of 2,691sqm of social housing floor space as a minimum for this site is considered to give effect to City Plan 2036.

The policy basis – the Premier's Priorities

60. The Premier's Priorities represent a commitment by the NSW Government to making a significant difference to enhance the quality of life of the people of NSW. They aim to tackle many of the issues that have been put in the too hard basket, for too long. Each priority has an ambitious target.
61. The Reducing Homelessness target is to reduce street homelessness across NSW by 50 per cent by 2025. The provision of social housing is an initiative to help achieve the target.
62. Communities Plus, via the NSW Government's Future Directions of Social Housing in NSW, is the policy for the delivery of new and replacement social housing in NSW. Communities Plus commits the NSW Government to the delivery of up to 23,000 new and replacement social housing dwellings, 500 affordable housing dwellings, and up to 40,000 private dwellings on public land sites. This commitment is made via the NSW National Housing and Homeless Agreement.
63. Any removal or amendment to the City's proposed incentive provision fails to secure the delivery and maintenance of social housing on site, contrary to the NSW Premier's Priority.
64. In absence of a holistic LAHC strategy for the delivery of new and replacement social and affordable housing across the City of Sydney Local Government Area, the City and the NSW Government is to take every opportunity to increase the provision of affordable housing in order to contribute to the NSW Premier's Priority, 2025 target and the Communities Plus commitment. In absence of a holistic LAHC strategy for the redevelopment of their sites, the City and the NSW Government don't know whether there will be other opportunities to increase affordable housing by 2025 and achieve targets and program objectives.

The policy basis – Communities Plus

65. Communities Plus is NSW Land and Housing Corporation's 10-year redevelopment program for the delivery of:
 - (a) 23,000 new and replacement social housing dwellings, 500 affordable housing dwellings and 40,000 private dwellings in NSW, and

- (b) a targeted mix of 70 per cent private and affordable and 30 per cent social housing dwellings per site.
66. As NSW Government Policy, and as per the NSW National Housing and Homeless Agreement, the delivery and maintenance of 30 per cent social housing on any Land and Housing Corporation site needs to be secured. Planning is the appropriate tool to secure the supply given the change to planning controls increases land value and creates the opportunity.
67. The proportion of affordable rental housing delivered and maintained on site is to be in accordance with the Greater Sydney Region Plan, the Eastern City District Plan and the City's planning statement.

The policy basis - Greater Sydney Region Plan and Eastern City District Plan

68. The Greater Sydney Region Plan and the Eastern City District Plan includes a target range of 5-10 per cent of new residential floor space to be delivered and maintained as affordable rental housing.
69. Again, in absence of a holistic NSW Land and Housing Corporation strategy for the delivery of new and replacement affordable rental housing across the City of Sydney Local Government Area, the City and the NSW Government is to take every opportunity to increase the provision of affordable housing and the maximum 10 per cent target of new residential floorspace to be delivered and maintained as affordable rental housing should be applied.
70. Any removal or reduction to the City's proposed affordable housing requirement will fail to deliver and maintain affordable housing on site.

Operational effect

71. The City has long promoted the delivery and maintenance of affordable housing through affordable rental housing schemes in Ultimo and Pyrmont, Green Square and in the Southern Employment Lands and through site-specific planning incentives, including at 87 Bay Street, Glebe (private site), and the Glebe Affordable Housing Project (LAHC site).
72. The use of planning incentives to deliver and maintain affordable housing is used across Metropolitan Sydney in other council areas, including through the Affordable Rental Housing SEPP, in the Hills Shire, at 1-56 Pennant Way, Castle Hill (LAHC site).
73. The above examples demonstrate that the City's proposed planning incentive is an appropriate provision that does not impose an unacceptable operating constraint on the landowner for the day to day management and operation of the land.
74. For the long-term operation of the land, the City's proposed planning incentive promotes the maintenance of social housing on site in accordance with Act, whilst allowing redevelopment or disposal under the site's substantive mapped FSR control, which remains unchanged by the planning proposal.
75. The City has attempted to resolve outstanding objections with LAHC, but LAHC's objections to the proposal still stand. LAHC's objections therefore represent an outstanding written objection from a public authority contrary to Gateway determination. As such Council does not have delegation to make the LEP. The recommendation is for Council to approve the final planning proposal for sending to DPIE for making.

Sustainability targets

76. The Ecological Sustainable Development section of the draft DCP has been amended in consultation with LAHC following further design development of their scheme. This includes deletion of minimum NABERS requirements, due to the lack of commercial floor area in the scheme, clarification in external shading requirements and a shift to promote development powered by electricity instead of gas.
77. LAHC are supportive of revised draft DCP sustainability requirements, with the exception of the BASIX targets. This objection extends to the proposed LEP BASIX targets. LAHC are of a view that BASIX targets are not considered the most appropriate means to drive the development's overall sustainability outcome.
78. The NSW Government's BASIX SEPP mandates provisions that aim to reduce consumption of mains-supplied potable water, reduce emissions of greenhouse gases and improve thermal comfort in all residential development. The BASIX SEPP sets the minimum standards that a development is to achieve. As such, the BASIX SEPP is what Council's must rely upon to drive energy efficient outcomes.
79. The City's has reviewed the proposed LEP requirement for development to exceed BASIX commitments for energy by not less than 5 points and considers it to be reasonable. The requirement to exceed BASIX commitments by 5 points is now standard practice for residential planning proposals in the city and achieving it does not require a gas heated solution.
80. The City's has reviewed the proposed DCP requirement for development to exceed BASIX commitments in line with LAHC's objection. The proposed BASIX Energy targets in the DCP have been replaced by a minimum solar PV requirement as agreed by LAHC. This is considered to promote a positive sustainability outcome in terms of the amount of PV proportionate to each dwelling and maintains consistency with the LEP BASIX requirement, which is retained.
81. A target to exceed BASIX Water 40 across the development is maintained. As BASIX Water 40 is currently the minimum standard exceeding this target by any amount is considered to be reasonable. The DCP also strongly encourages the use of recycled water beyond irrigation. It is accepted that at development application stage that achieving this may not be possible without ready access to areas in the locality to harvest recycled water.

Footpath upgrade and widening

82. The local Infrastructure section of the draft DCP has been amended in consultation with LAHC following further design development of their scheme. This includes a reference to ensure footpath widths meet the requirements of the NSW Government's Walking Space Guide.
83. LAHC are supportive of revised draft DCP local infrastructure requirements, with the exception of the requirement to convert Mitchell Lane East to a pedestrian priority shared surface and continuation of a footpath continuation along Wentworth Park Road across Cowper Street. LAHC's reason for this is cost.
84. The City believes these works are essential and reflect the level of uplift in density facilitated by the proposal. These upgrades will service current and future populations with a safe pedestrian environment to access neighbouring parks.

85. LAHC may make the case at development application stage that the cost of these required works is offset against any required developer contributions.

Demolishing the existing buildings will have an unacceptable impact on the heritage values of the St Phillips Heritage Conservation Area.

86. The existing buildings were constructed in 1989. They are not individually heritage listed but are within the St Phillips Heritage Conservation Area. They are listed as having a neutral contribution to the conservation area, meaning they do not contribute to or detract from the significance of the conservation area.
87. The architectural merit of the existing buildings on site is not considered to be significant enough to warrant their retention when weighed against the overall strategic merit of the proposal. NSW Heritage have not objected to the demolition of the existing buildings.
88. The draft DCP requires an archival photographic recording of the existing buildings on site prior to their demolition. It also requires an Interpretation Strategy to be prepared regarding the historic development of the area.

The proposed height and FSR will have an unacceptable impact on the heritage values of the St Phillips Heritage Conservation Area.

89. The existing buildings on site are considered to be a sympathetic infill for their time. In 1989, the built character of the area was very different to what it is presented today. It was a predominantly one to two storey streetscapes with a residential terrace, light industrial, commercial warehouse character.
90. The character of the area has evolved since 1989. The area is now characterised by one and two storey residential terraces sitting adjacent to 5-10 storey residential mixed-use developments, particularly at the eastern edge of the conservation area, along Cowper Street. It is appropriate therefore that the scale of the proposed controls responds to this contemporary context.
91. The subject proposal introduces a three to eight storey scale to the subject site, which is considered to respond appropriately to the established context.
92. The loss of the existing buildings and the construction of new development at a scale of three to eight storeys is not considered to detract from character of the conservation area. This is because this transition in scale already exists and therefore it will not be a new characteristic.
93. Because of the detailed consideration given to the demolition of the existing buildings, it is considered appropriate to amend the boundary of the conservation area to excise the subject site. This provides certainty on the issue for future development application assessment. This is not considered to set a precedent, with any future proposal to demolish any other structure elsewhere within the conservation area being subject to its own assessment and assessed on its individual merits.

The existing low-rise buildings and are better suited to social housing. They should be retained and renovated. The proposed buildings will result in loss of amenity for social housing tenants.

94. The proposal facilitates the delivery of a contemporary residential apartment development that will need to demonstrate compliance with the amenity requirements of State Environmental Planning Policy 65 and the Apartment Design Guide. The future residential apartments therefore will have a level of residential amenity commensurate with any other contemporary residential apartment built in the City of Sydney.
95. The provision of social housing is the responsibility of the NSW Government. This includes a responsibility to plan for, deliver and maintain housing appropriate to current and future tenants.
96. The design of the new social dwellings will greatly improve the quality and amenity for future social residents. In particular, level access will be provided to every social dwelling, sustainability measures aim to reduce utility costs, the orientation of units and entrances from the street which will improve safety for residents and the wider community.
97. Future residents of the site will have excellent access to a wide range of jobs within the area, to local and regional level retail services and facilities at Glebe Point Road village and Broadway Shopping Centre, to community services and facilities within the surrounding area, and to extensive open space and recreation facilities.

Insufficient social housing to justify the proposal.

98. The amount of social housing has been discussed in response to LAHC's objection to provide any social housing and the City's Local Strategic Planning Strategy - City Plan 2036 and the NSW Government Policies as described in paragraphs 46 to 70. Consideration needs to be given to both in order for a reasonable and defensible policy position to be reached.
99. Because the City's proposal delivers in excess of what NSW Government Policy requires, and satisfies the City's City Plan 2036 requirements, the 47 per cent minimum social housing required to be delivered and maintained on site is considered reasonable in this instance.
100. There is nothing in the City's proposal that prevents the south site from being used for additional social or affordable rental housing.

The proposal will privatise public land

101. The City's planning controls cannot restrict the sale of land by any landowner. The proposal does not restrict the redevelopment of the southern site for private market housing. The southern site could be sold to fund and facilitate the delivery of social housing on the northern site or it could also be used for the purposes of social housing and remain in public ownership. The sale of the southern site would facilitate the delivery of much needed social housing on the northern site and the orderly and economic use of the southern site.
102. This mixed ownership model is in line with the NSW Government's Future Directions for Social Housing policy which aims to deliver a new integrated housing developments in partnership with the private and community housing sectors.

Objection to segregated households according to income with separate buildings for social housing residents and private owners.

103. Evidence suggests that community housing providers and the NSW Government prefer single tenure buildings because these are easier and more cost effective to manage. Unlike mixed tenure buildings, single tenure buildings are generally less expensive to build and costs can be reduced because strata fees may not be required. Single tenure social housing can be managed more efficiently as providers do not have to consider private landowner matters.
104. The social benefits of a mixed tenure community are achieved in this project due to the mix of private and social housing across the whole development site and the surrounding neighbourhood. In absence of a policy that requires mixed tenure buildings, there are no grounds to amend the proposal.

Strategic Alignment - Eastern City District Plan

105. The Eastern City District Plan sets the planning context for the City of Sydney local government area. It provides a 20-year plan to manage growth and achieve the 40-year vision of the Greater Sydney Region Plan at a district level and is a bridge between regional and local planning.
106. This planning proposal gives effect to these planning priorities and actions:
 - (a) Planning Priority E1 – Planning for a city supported by infrastructure
 - (b) Planning Priority E4 – Fostering healthy, creative, culturally rich and socially connected communities
 - (c) Planning Priority E5 – Providing housing supply, choice and affordability, with access to jobs, services and public transport
 - (d) Planning Priority E6 – Creating and renewing great places and local centres, and respecting the District's heritage
 - (e) Planning Priority E7 – Growing a stronger and more competitive Harbour CBD
 - (f) Planning Priority E10 – Delivering integrated land use and transport planning and a 30-minute city
 - (g) Planning Priority E17 – Increasing urban tree canopy cover and delivering green grid connections
 - (h) Planning Priority E19 – Reducing carbon emissions and managing energy, water and waste efficiently
 - (i) Planning Priority S20 – Adapting to the impacts of urban and natural hazards and climate change

Strategic Alignment - Sustainable Sydney 2030

107. Sustainable Sydney 2030 is a vision for the sustainable development of the City to 2030 and beyond. It includes 10 strategic directions to guide the future of the City, as well as 10 targets against which to measure progress. This proposal is aligned with the following strategic directions and objectives:
- (a) Direction 1 – A Globally Competitive and Innovative City: The planning proposal will support Sydney's role as an important centre of business and investment by providing additional housing options for workers in a high amenity area located within 30 minutes of the city.
 - (b) Direction 2 provides a road map for the City to become A Leading Environmental Performer: Redevelopment of the site, facilitated by this planning proposal and through the design excellence process, will deliver new building stock with significantly better environmental performance through incentives for higher BASIX performance.
 - (c) Direction 3 – Integrated Transport for a Connected City: The site is close light rail and high frequency buses along Parramatta Road providing access to the Central Station and the wider heavy rail network.
 - (d) Direction 4 – A City for Walking and Cycling: The proposal will support active transport use in accordance with this Direction. The proposed built form also provides for enhanced activation of the public domain, which will enhance safety and amenity for pedestrians in the surrounding area.
 - (e) Direction 5 – A Lively and Engaging City Centre: The proposal includes a ground floor non-residential use facing Wentworth Park which will provide greater activation of the surrounding area.
 - (f) Direction 6 – Vibrant Local Communities and Economies: The proposal seeks to renew existing social housing and deliver an integrated outcome enhancing the sense of inclusion for all residents.
 - (g) Direction 7 – A Cultural and Creative City: Further opportunities for cultural and collaborative expression will be enabled within public and communal spaces.
 - (h) Direction 8 – Housing for a Diverse Population: The planning proposal promotes a diverse supply of housing that supports social and economic diversity. The proposal will provide for people of all household types, ages and abilities in housing they can live in through all stages of their lives. The planning proposal will contribute to a thriving, diverse and liveable community in the Glebe area.
 - (i) Direction 9 – Sustainable Development, Renewal and Design: The development will provide a sustainable approach to urban density, by providing a range of housing types within a dense inner-city suburb. Future apartments will be of a high quality with good solar access and in close proximity to parks.

Strategic Alignment - Local Strategic Planning Statement

108. The City of Sydney's Local Strategic Planning Statement sets out the land use planning context, 20 year vision and planning priorities to positively guide change towards the City's vision for a green, global and connected city.

109. This planning proposal gives effect to the following planning priorities of the Statement:

(a) Infrastructure

I3 – Supporting community wellbeing with social infrastructure

(b) Liveability

L1 – A creative and socially connected city

L2 – Creating great places

L3 – New homes for a diverse community

(c) Sustainability

S2 – Creating better buildings and places to reduce emissions and waste and use water efficiently

S3 – Increasing resilience of people and infrastructure against natural and urban hazards

(d) Governance

G1 – Open, Accountable and collaborative planning

Relevant Legislation

110. Environmental Planning and Assessment Act 1979.

111. Environmental Planning and Assessment Regulation 2000.

Critical Dates / Time Frames

112. The Gateway determination requires the amendment to Sydney LEP 2012 be completed by 31 August 2021.

113. The Gateway determination does not authorise Council to exercise plan-making delegation where there is an outstanding written objection from a public authority.

114. If approved by Council and the CSPC, the City will submit the planning proposal to DPIE to commence the drafting and plan making process. Once completed, the amendment to Sydney LEP 2012 will come into effect when published on the NSW legislation website.

115. If approved by Council, the amendment to the Sydney DCP 2012 will come into effect on the same day as the LEP.

GRAHAM JAHN, AM

Director City Planning, Development and Transport

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