

## Planning Services

### Gateway determination report

<b>LGA</b>	Inner West Council
<b>PPA</b>	Sydney Eastern City Planning Panel
<b>NAME</b>	Proposal to amend the floor space ratio, introduce a maximum building height control, include residential accommodation under schedule 1 and include a local provision under the Leichhardt Local Environmental Plan 2013 at 469-483 Balmain Road, Lilyfield (an additional 140 dwellings and 105 jobs)
<b>NUMBER</b>	PP 2017 IWEST 018_00
<b>LEP TO BE AMENDED</b>	Leichhardt Local Environmental Plan 2013
<b>ADDRESS</b>	469-483 Balmain Road, Lilyfield
<b>DESCRIPTION</b>	Lot 2 DP 101583
<b>RECEIVED</b>	5 December 2017, additional material received 15 February and 6 March 2018
<b>FILE NO.</b>	IRF18/63
<b>POLITICAL DONATIONS</b>	There are no donations or gifts to disclose and a political donation disclosure is not required.
<b>LOBBYIST CODE OF CONDUCT</b>	There have been no meetings or communications with registered lobbyists with respect to this proposal.

## 1. INTRODUCTION

### Description of planning proposal

The planning proposal submitted for a Gateway determination seeks to amend the Leichhardt Local Environmental Plan (LEP) 2013 by:

- introducing a maximum building height of 23m (6-7 storeys) for the site;
- increasing the maximum floor space ratio (FSR) from 1:1 to 2.54:1;
- allowing residential accommodation as an additional permitted use; and
- including a local provision that requires:
  - a minimum non-residential/employment space of 6000m<sup>2</sup>;
  - no detrimental impact from development on the current or future uses of the adjoining IN2 Light Industrial-zoned land;
  - no additional adverse overshadowing impact on surrounding residential uses; and
  - provision be made for the retention of creative industries such as the artists' studios on the site.

## Background

A planning proposal was submitted to Inner West Council by Roche Group on 9 November 2016. Over the next seven months the proponent worked with Council staff to revise the maximum building height, zoning and urban design of the planning proposal. A revised proposal was submitted on 21 June 2017.

After Council failed to determine whether the planning proposal should proceed within 90 days, the proponent sought a rezoning review. In October 2017, the Sydney Eastern City Planning Panel determined that the proposal should be submitted for a Gateway determination as it demonstrated strategic and site-specific merit (**Attachment G**).

The panel recommended further consideration of the following matters:

- include a provision that retains the viability of industrial uses on the site and of the current and future industrial uses in the adjoining IN2-zoned land;
- exhibit a rationale for the height, FSR, building massing and modulation for the site with the planning proposal;
- ensure mechanisms are provided for creative employment space;
- retain two historically important buildings on the site; and
- prepare a site-specific development control plan in accordance with *Clause 6.14 Development control plans for certain development* under the Leichhardt LEP 2013.

As Council failed to respond to an invitation to be the planning proposal authority (PPA), the panel appointed itself to the role on 5 December 2017 (**Attachment F**).

## Site description

The site is located at 469-483 Balmain Road, Lilyfield and is identified in the former Leichhardt Council's Industrial Lands Study 2014 as part of the Balmain Road Industrial Precinct. The precinct comprises local service industrial trade supplies with small-scale manufacturing, retail and office functions. The economic impact assessment included with the planning proposal estimates that 26 employees occupy the site, with most people employed by:

- a furniture wholesaler employing 12 people that occupies half the non-residential floor space; and
- industrial uses comprising a carpentry business employing two people and an aluminium window manufacturer employing 10 people.

The site is 6824m<sup>2</sup> in area and is bound by Balmain Road, Alberto Street, Fred Street and Cecily Street (Figure 1, next page). Three buildings built between 1907 and 1960 characterise the site, namely Pilchers Bakery, the former ABBCO Pty Ltd office building, and a factory that has two residential apartments above. These buildings are 1-2 storeys and 7-14m high. They cover most of the site except for the hard-stand parking area at the south-west corner of the site. No trees or landscaping are on the site.

The Pilchers Bakery, the former ABBCO Pty Ltd office building and factory have been adapted to accommodate industrial and commercial uses. Tenants include artists' studios, an import business, a showroom and other industrial and commercial uses.

The Pilchers Bakery and the former ABBCO Pty Ltd office building have been identified as having heritage value in studies by Council and the proponent. Neither

study recommended the buildings be heritage listed. These buildings are shown as blue in Figure 1 below.

The two dwellings on the site are shaded in red. To the north is Callan Park, which contains Sydney College of the Arts, sporting grounds and parkland. To the south the predominant built form is single and attached dwelling houses. To the east along Balmain Road are shopfronts and a timber yard.

The 2-3-storey blank brick facades face Cecily and Fred Streets. The Balmain Road frontage of the site is shown in Figure 2 below. The buildings do not address either street and provide no activation on these frontages. On Alberto Street there is a garage, and an at-grade car park is in the southern corner of the site. Another garage is accessed from Fred Street. There are 15 car parking spaces on the site.



Figure 1: The site is located at 469-483 Balmain Road, Lilyfield (outlined in red).



Figure 2: 469-483 Balmain Road, Lilyfield.



### Surrounding area

The site is:

- 820m walking distance from the Lilyfield Light Rail Station;
- 500m from Balmain's high street commercial area along Victoria Road;
- 1.5km from Birkenhead Point regional shopping facility; and
- 5km from the Sydney CBD.

To the east and south of the site there is a mix of 1-2-storey medium-density and small-lot housing (Figure 3).

Callan Park, a state heritage Item, is located to the north-west of the site, across Balmain Road. The park is more than 60ha and is one of the largest and most regionally significant public facilities in Sydney's inner west. Originally built as a hospital for the mentally ill, it has several heritage buildings<sup>1</sup> and supports the Sydney College of the Arts, Callan Park Conservation Area and Balmain Road Sporting Ground.

A heritage-listed timber cottage is to the south-east of the site on Fred Street. Other conservation areas and heritage items are unlikely to be affected by the planning proposal but are shown in Figure 4 (next page).



Figure 3: Context map.

<sup>1</sup> Former Leichhardt City Council. Callan Park [leichhardt.nsw.gov.au/Community-Issues/Callan-Park](http://leichhardt.nsw.gov.au/Community-Issues/Callan-Park)



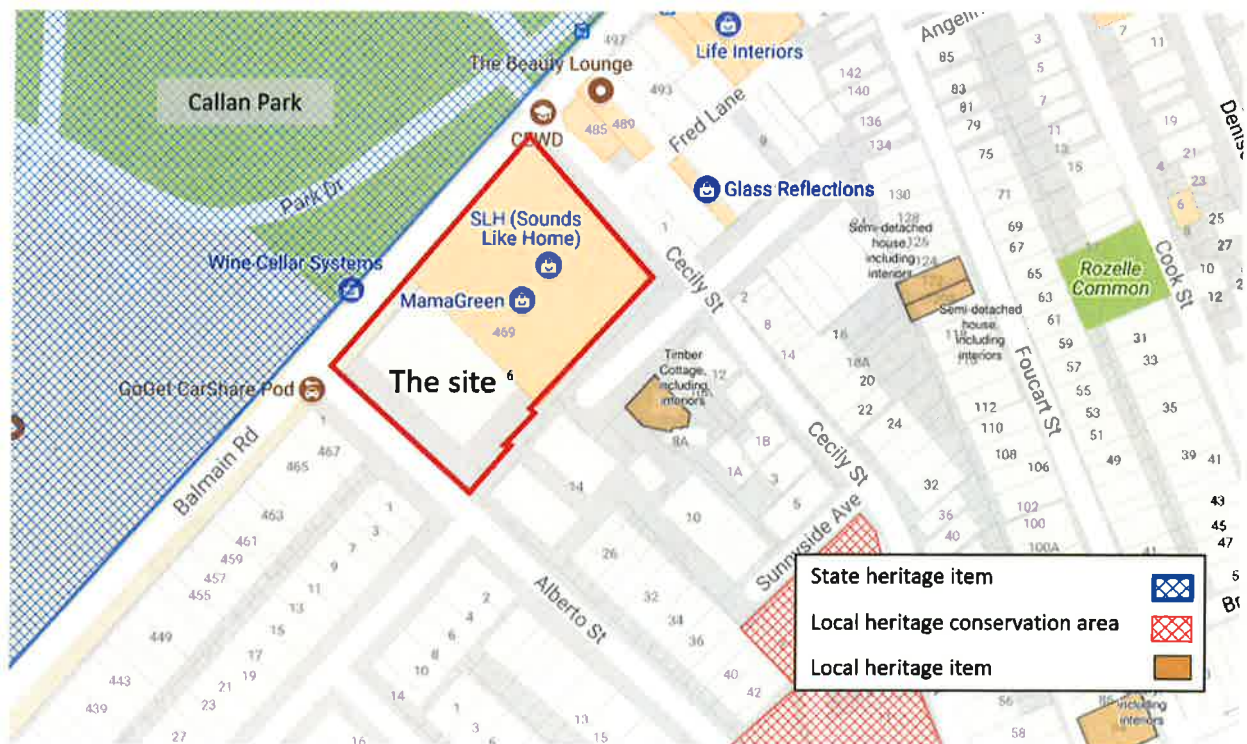


Figure 4: Heritage map.

### Existing planning controls

Under the Leichhardt LEP 2013, the site is zoned IN2 Light Industrial (Figure 5) and has an FSR of 1:1. There is no maximum building height applicable to the site. The same planning controls apply to the adjoining IN2-zoned land on Balmain Road. The surrounding area is predominantly zoned R1 General Residential with an FSR between 0.5:1 and 0.9:1 depending on lot size. To the north-east is the Rozelle centre zoned B2 Local Centre, which has an FSR of 1:1. No height limit applies to either zone.



Figure 5: Existing zoning.

### **Summary of recommendation**

The planning proposal is supported to proceed with conditions as:

- the Sydney Eastern City Planning Panel determined the proposal has strategic and site-specific merit to proceed to Gateway;
- on 10 October 2018 the Greater Sydney Commission (GSC) released an information note providing guidance on planning proposals that apply to industrial and urban services land (**Attachment E**). The information note states that proposals that were recommended to proceed to Gateway by a planning panel, and that were submitted prior to the release of the relevant district plan, can proceed;
- a minimum of 6000m<sup>2</sup> of floor space for industrial land uses will be retained on the site;
- will support an intensification of employment on the site by facilitating a development that allows for modern industrial and creative uses;
- will enable the development of an additional 142 dwellings in a location that is well serviced by public transport and is near shops, services and recreation areas;
- will enable an improved public domain by creating public through-site links and active street frontages; and

## **2. PROPOSAL**

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### **Objectives or intended outcomes**

The proposal's principle objective is to amend the Leichhardt LEP 2013 to facilitate a mixed-use industrial/residential development at 469-483 Balmain Road, Lilyfield.

According to the concept submitted with the planning proposal, the amendments seek to facilitate:

- the development of approximately 6000m<sup>2</sup> gross floor area (GFA) non-residential uses comprising:
  - 400m<sup>2</sup> to be dedicated to creative uses including studio spaces for artists, an art gallery and a common creative space;
  - 80m<sup>2</sup> for a convenience store; and
  - 5520m<sup>2</sup> of flexible industrial/office space;
- approximately 131 jobs (an increase of 105); and
- approximately 142 new dwellings (an increase of 140).

The objectives and intended outcomes are considered clear and adequate for the purposes of the planning proposal.

### **The concept submitted with the planning proposal**

The planning proposal is supported by a concept development for the site, which is the result of discussions with Council and an urban design exercise. The main components of the concept are shown in Figures 6-8 (pages 7 and 8) and include:

- a mix of building heights ranging from one to six storeys with a maximum height of 23m;
- setbacks at the second, third and fourth storeys of the development;

- transition in building height down to two storeys at the interface with the adjoining R1 General Residential zone;
- integration of the character buildings on the site by retaining part of the 1907 Pilchers Bakery Company building at the corner of Balmain Road and Cecily Street and the 1917 administrative building;
- a public plaza between these two buildings;
- a pedestrian link between Fred Street and Alberto Street;
- a modern multi-function industrial and creative space, which can be adapted for various uses; and
- a stepped envelope divided into a series of smaller buildings.

The concept is for employment uses on the ground floor and part of the second floor at the eastern end of the site, with residential above. The concept provides for 6000m<sup>2</sup> of employment floor space, including 400m<sup>2</sup> dedicated for local artists, and 11,325m<sup>2</sup> of residential development divided over 142 apartments. Indicative apartment layouts are provided, as is an assessment indicative of compliance with the *Apartment Design Guide*.

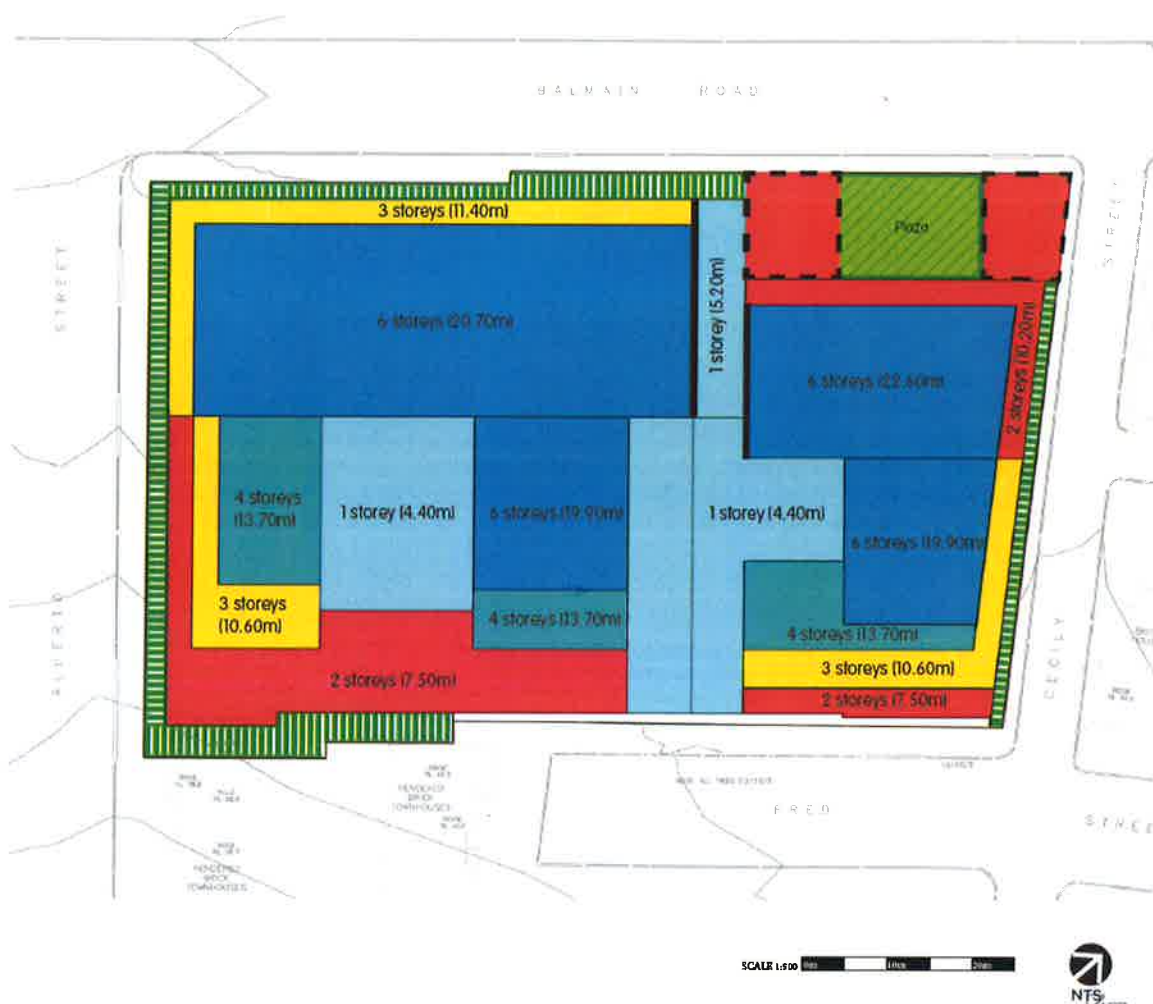


Figure 6: Concept plan.



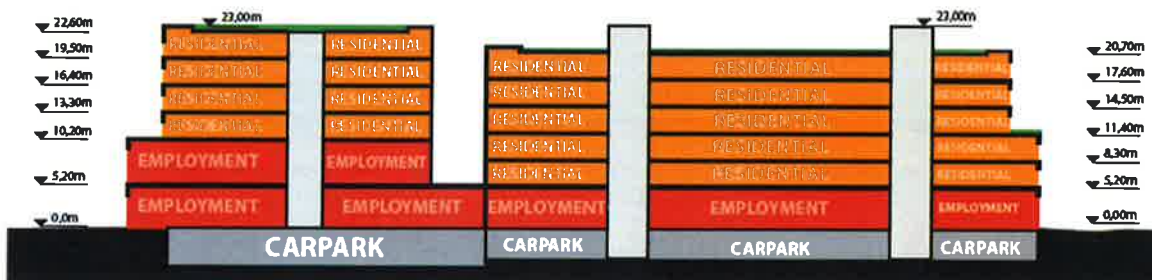
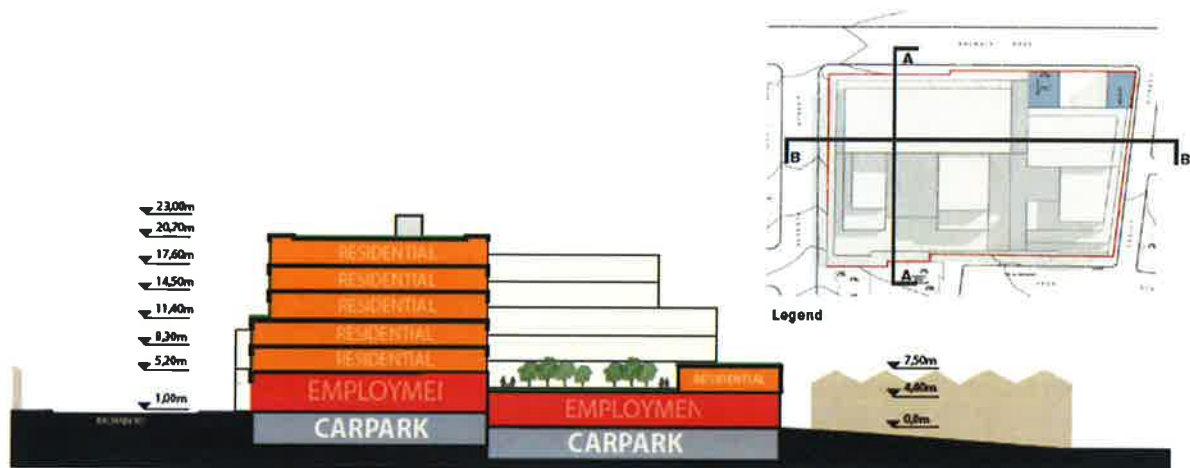
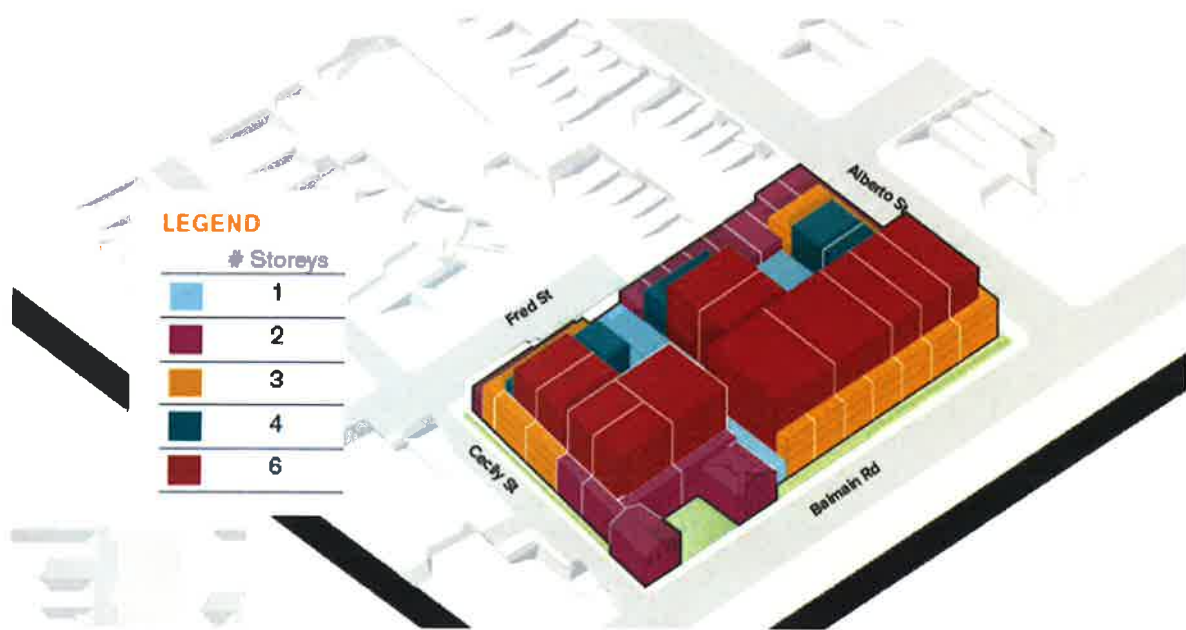


Figure 8: Concept section.



### **Explanation of provisions**

The planning proposal submitted for Gateway determination seeks to amend the Leichhardt LEP 2013 by:

- introducing a maximum building height of 23m (6-7 storeys) for the site;
- increasing the maximum FSR from 1:1 to 2.54:1;
- allowing residential accommodation as an additional permitted use; and
- including a local provision that requires:
  - a minimum non-residential/employment space of 6000m<sup>2</sup>;
  - no detrimental impact from development on the current or future uses of the adjoining IN2-zoned land;
  - no additional adverse overshadowing impact on surrounding residential uses; and
  - provision be made for the retention of creative industries.

As defined under the Leichhardt LEP 2013, residential accommodation permits a broad range of housing types including attached dwellings, boarding houses, dual occupancies, dwelling houses, group homes, hostels, multi-dwelling housing, residential flat buildings, rural workers' dwellings, secondary dwellings, semi-detached dwellings, seniors housing and shop-top housing.

Consequently, limiting the type of residential development permitted for the site to residential flat building is considered appropriate because it:

- can facilitate infill residential development that allows for adaptation and connection with any retained buildings;
- would allow the opportunity for ground floor development that has the appearance of row terraces, which could also allow for live/work flat designs;
- would allow for residential development to the scale and form sought by the concept scheme provided as part of the planning proposal;
- allows flexibility in the design of development to meet the local provisions of minimum impacts on adjoining development while accommodating existing and new industrial uses; and
- is subject to State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development (SEPP 65) and should adhere to the *Apartment Design Guide*.

All other intended land uses envisioned for the site, such as the existing creative uses and offices, are permissible in the IN2 zone of the Leichhardt LEP 2013.

The intention of the local provision is to retain a minimum amount of employment floor space, support the ongoing operation of the adjoining IN2 zone as part of the Balmain Road Industrial Precinct and protect the amenity to adjoining residential development.

The proposed local provision does not address the viability of the employment uses on the site as discussed by the panel. Further discussion in the planning proposal is required on how the industrial and residential uses on the site can coexist. Further discussion is also required to demonstrate that the planning proposal will not have a detrimental impact on the adjoining industrial area.

The urban design study submitted with the planning proposal provides an example of how a development may be configured, which should be expanded on. The compatibility of industrial uses identified as suitable for the site in the economic impact assessment and residential dwellings should be considered.

The panel recommended considering the preparation of a site-specific development control plan (DCP) for the site as per the requirements of the Leichhardt LEP 2013 clause 6.14(4). The planning proposal notes that this clause applies to the site and would need to be addressed as part of any future development application for the site. It is recommended that a site-specific DCP be prepared prior to the public exhibition of the planning proposal.

The proponent has offered to enter into a voluntary planning agreement (VPA) to provide 5% of dwellings as affordable housing and upgrade the footpaths around the site. As Council failed to determine if the planning proposal had merit to proceed to Gateway and failed to accept the PPA role, the proponent is examining alternative ways of delivering this benefit.

Council is included in State Environmental Planning Policy No. 70 Affordable Housing (Revised Schemes) (SEPP 70). This allows Council to require a contribution to provide affordable housing on granting a relevant development approval. Council does not have an affordable housing policy endorsed by the Department and will need to prepare one to utilise SEPP 70. Should a development application for this site be submitted to Council before a scheme is in place, the applicant can still enter into a VPA with Council.

It is recommended that prior to exhibition the planning proposal is amended by:

- changing the additional permitted use to 'residential flat building';
- including a provision to ensure the viability of industrial uses on the site and including further discussion on how this will be achieved; and
- demonstrating that it will not have a detrimental impact on the current or future uses on the adjoining industrial area.

### **Mapping**

The proposed amendments to the FSR and building height controls require amendments to the corresponding LEP maps. The proposal includes extracts for proposed FSR and building height maps, which are adequate for the purposes of the planning proposal. However, prior to exhibition, the current FSR and height maps are to be included in the planning proposal.

### **3. NEED FOR THE PLANNING PROPOSAL**

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The proposal states it is responding to a change in circumstances as:

- the current built form on the site is not consistent with the demands of emerging light industrial uses;
- current uses do not provide urban services for the surrounding area; and
- the proposed mixed-use configuration will increase employment on the site, increase dwellings numbers and allow for greater diversity of housing types in the area.

The planning proposal is supported by:

- an economic impact analysis (EIA) that discusses the role of the site and viability of longer-term use under the current planning controls;

- a heritage assessment report;
- an urban design study that explains how the proposed planning controls were established and includes a concept building design for the site. The concept provides a potential configuration for the location of industrial and residential uses on the site; and
- a traffic assessment.

The planning proposal will facilitate an additional 140 dwellings on the site, helping Council to meet the five-year housing targets identified in the Eastern City District Plan of 5900 dwellings.

The site is serviced by public transport with at least 25 bus services stopping adjacent to the site in the morning peak and additional services on Victoria Road 550m away. The site is 820m from the Lilyfield Light Rail Station and 150m from shops and services.

The planning proposal states that it will facilitate the creation of an additional 105 jobs on the site. The EIA states that the concept floorplates for the site are better suited to emerging industrial uses and will allow the intensification of uses on the site. A second storey of employment uses can be used for modern business and office premises associated with a creative purpose<sup>2</sup> permitted by clause 6.9 of the Leichhardt LEP 2013 in IN2 zones.

The planning proposal is required as the residential component of the concept is not permitted in the IN2 zone and the change to the FSR is too significant to deal with via a clause 4.6 variation.

Alternative zonings such as B4 Mixed Use permit a range of uses that are not consistent with the IN2 zone. The B4 zoning was considered by the proponent and Council staff during preparation of the planning proposal and it was agreed that it was not appropriate for the site. As the IN2 zone permits office premises for creative purposes, a change to a business zone is not required to facilitate this use.

Providing a maximum building height is considered appropriate to create a building envelope given the context of the surrounding area. The urban design report demonstrates that the proposed controls facilitate a development that transitions to the adjoining lower-scale residential development while considering the *Apartment Design Guide*. Prior to the rezoning review, the proposed maximum building height was reduced from the equivalent of nine storeys to 23m (6-7 storeys) following discussions with Council and the proponent.

The panel considered the planning proposal at a meeting in October 2017 and determined that it demonstrated strategic and site-specific merit.

The planning proposal is the appropriate mechanism by which to include an additional permitted use and height control and amend the FSR control to facilitate the intended outcomes.

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<sup>2</sup> Under Clause 6.9 of the Leichhardt LEP 2013, a creative purpose is described as media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions or other related purposes.



## 4. STRATEGIC ASSESSMENT

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### Regional / District

#### Greater Sydney Region Plan

The Greater Sydney Region Plan was released on 18 March 2018 and seeks to manage growth and change and guide infrastructure delivery across this region. It sets a strategy for Greater Sydney that district plans implement at a local level.

The Region Plan was developed with the Metropolitan Transport Plan, Future Transport 2056 and the state infrastructure strategy, which identify state infrastructure to support broad-scale land-use planning.

The planning proposal addressed the draft version of the Region Plan. The draft and final versions are very similar. The planning proposal states it is consistent with the draft Region Plan as:

- it aims to retain and enhance employment opportunities on-site while providing more housing choice in the area;
- the site contributes relatively little in the way of employment and provides for only two dwellings. The HillPDA economic analysis included with the planning proposal identifies a significant increase in employment on the site resulting from the scheme and a substantial economic benefit to the redevelopment of the site; and
- redevelopment will allow for a modern flexible industrial space, a range and diversity of housing types, live-work options, a new community and creative space and employment space that matches local need.

The following planning objectives in the Region Plan are relevant to the proposal:

- Objective 6: Services and infrastructure meet communities' changing needs;
- Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation;
- Objective 10: Greater housing supply;
- Objective 11: Housing is more diverse and affordable;
- Objective 13: Environmental heritage is identified, conserved and enhanced; and
- Objective 23: Industrial and urban services land is planned, retained and managed.

#### *Objective 6 - Services and infrastructure meet communities' changing needs*

Objective 6 seeks to ensure that infrastructure is planned for to address the growth and demographic changes that will occur in Sydney. The planning proposal concept includes a new public thoroughfare that will enhance the walkability of the neighbourhood.

The planning proposal does not include a social impact assessment, which would examine the resources needed to cater for the additional demand placed on local services and infrastructure. It is recommended that a social impact assessment be prepared and exhibited with the planning proposal to address this demand. This is discussed further in Section 5 of this report.

#### *Objective 9: Greater Sydney celebrates the arts and supports creative industries and innovation*

Objective 9 seeks to provide opportunities for artistic and cultural expression that helps to create great places and contribute local identity. The concept submitted with

the planning proposal allocates 400m<sup>2</sup> for artists' studios. However, this is a reduction of the existing 1200m<sup>2</sup> studio space on the site. The effect of the reduced studio space should be explored in the economic impact assessment prepared to support the planning proposal.

*Objective 10: Greater housing supply and Objective 11: Housing is more diverse and affordable*

Objective 10 seeks to address the issue of supplying housing to create more liveable neighbourhoods and support Sydney's increasing population. Objective 11 seeks to address the issue of housing diversity and affordability.

These objectives are considered together as local councils will be required to develop housing strategies that consider a range of issues including housing need and type, market preferences, alignment of infrastructure and housing amenity.

The planning proposal will facilitate the supply of 142 dwellings and increase housing diversity in Rozelle.

*Objective 13 – Environmental heritage is identified, conserved and enhanced*

Objective 13 seeks to conserve and enhance heritage matters to facilitate an understanding of local histories and respect for diverse communities. The Region Plan encourages sympathetic adaptive reuse of heritage to conserve significance.

The planning proposal states that character buildings on the site will be retained. However, the concept shown in the urban design report (pg 14) shows:

- only part of the 1907 Pilchers Bakery Company building at the corner of Balmain Road and Cecily Street being retained; and
- all the 1917 administrative building being retained.

The heritage assessment for the planning proposal prepared by NBR Architecture concluded that:

- the site should not be heritage listed; and
- there were elements of the northern corner of the site that may be suitable for adaptation for other uses.

Council's consultant GML Heritage undertook a targeted review of potential heritage items in the Inner West local government area (LGA) and in July 2017 concluded that:

- the 1907 building and 1917 administrative building demonstrate local significance; and
- options to conserve and adaptively reuse these buildings should be explored in consultation with Council.

Considering GML Heritage's conclusion, the heritage assessment should be updated to consider adaptive reuse of the entire 1907 Pilchers Bakery Company building.

This recommendation supports recommendation 4 of the panel's report on the two buildings and is aligned with the Region Plan, which aims to give current and future generations a better understanding of history and people's past experiences.

The planning proposal states there will be no overshadowing impact on Callan Park, which is opposite the site on Balmain Road and is listed as a state heritage item. The planning proposal should, however, be referred to Office of Environment and

Heritage (OEH) and the Callan Park and Broughton Hall Trust, which manages the site as part of the public exhibition for comment and consideration.

*Objective 23 – Industrial and urban services land is planned, protected and managed*

The Region Plan seeks to protect all industrial land from conversion to residential development. However, the plan recognises there will be a need:

*“... to review the list of appropriate activities within any precinct in consideration of evolving business practices and how they can be supported through permitted uses in local environmental plans. Any review should take into consideration findings of industrial, commercial and centre strategies for the local government area and/or the district.” (p133).*

The planning proposal includes a provision to retain a minimum of 6000m<sup>2</sup> of industrial space. It suggests the potential number of jobs on the site will increase from 26 to 131, an increase of 105 jobs. The proposal was accompanied by an economic analysis by HillPDA that concludes:

- there will be a substantial economic benefit from the redevelopment of the site;
- the site is underused as an industrial site and has been for an extended period;
- it is unlikely there would be a commercially viable redevelopment option for the site for local light industrial uses under the current controls given the constraints around accessibility, parking and the need for appropriate buffer to adjoining residential land; and
- the planning proposal will enable the provision of flexible light industrial/office floorspace that will better reflect and suit emerging industrial uses.

The proposal seeks to allow residential accommodation as an additional permitted use that is inconsistent with the Region Plan's approach of protecting industrial land from conversion to residential development, including conversion to mixed-use zonings.

In April 2018, the Department wrote to the GSC seeking clarification on whether the subject planning proposal could proceed to Gateway determination considering it seeks to rezone industrial land. The GSC has provided an information note regarding planning proposals affecting employment land (**Attachment E**). The information note states that if a planning proposal was submitted by a council before the adoption of the district plans in March 2018 and had been referred to and supported by the relevant Sydney planning panel to proceed to Gateway determination, then the decision of the panel is to be the prevailing consideration as to whether a proposal proceeds to Gateway determination.

In accordance with the GSC's information note, any Gateway determination issued for a transitional proposal relating to employment lands is required to satisfy certain Gateway conditions before the matter proceeds to public exhibition. These conditions include the following, which require:

- adherence to a time frame set by the Department within which to satisfy the panel conditions, after which no extensions of time for the Gateway determination will be granted; and
- inclusion of a sunset condition as part of the scope of the proposed amendments for the proposal and include these in the planning proposal. The sunset clause will be inserted in the local environmental plan to permit the intended land use. The sunset clause will prescribe the time frame for the



lodgement of a development application. If a development application for the intended land use is not lodged within the prescribed time, then the enabling provision on the LEP will cease to have effect.

The planning proposal is recommended to be revised prior to public exhibition for consistency with section 9.1 Direction 1.1 Business and Industrial Zones. The proponent will need to demonstrate that the viability of industrial development on the site and of the adjoining IN2-zoned land will be maintained (see Section 9.1 Ministerial Directions below for a more detailed discussion).

### *Conclusion*

The planning proposal is generally consistent with relevant Region Plan objectives for housing, the environment and heritage. However, the introduction of residential uses to the site is inconsistent with objective 23. The proposed local provision to retain 6000m<sup>2</sup> of industrial floor space helps maintain the floor space available for employment uses and the panel found merit in the planning proposal proceeding to Gateway. Following the GSC's information note, it is recommended that the planning proposal be updated to have regard to the Region Plan.

### Eastern City District Plan

The Eastern City District Plan was released on 18 March 2018 and supports the implementation of the Region Plan at a district level.

The site is within the Inner West LGA with links to the Bays Precinct and Harbour CBD and is in an area broadly identified for urban renewal and housing.

The relevant planning priorities are:

- Planning Priority E3: Providing services and social infrastructure to meet people's changing needs;
- Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities;
- Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport;
- Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage; and
- Planning Priority E12: Retaining and managing industrial and urban services land.

#### *Planning Priority E3: Providing services and social infrastructure to meet people's changing needs*

The planning proposal enables a new through-site link between Fred Street and Alberto Street and wider footpaths improving accessibility. The adaptive reuse of buildings on the site for creative purposes and co-location of employment of residential uses will create a greater activation on the site.

Social implications of the planning proposal are further discussed in Section 5 of this report.

#### *Planning Priority E4: Fostering healthy, creative, culturally rich and socially connected communities*

The planning proposal will facilitate a development that includes a purpose-built community creative arts space. The concept also includes space for a publicly accessible

plaza that could be used for exhibitions and as a creative space to gather and host exhibitions. A provision to ensure 6000m<sup>2</sup> of non-residential floor space provides certainty that room for employment uses will be included in a future development.

*Planning Priority E5: Providing housing supply, choice and affordability, with access to jobs, services and public transport*

The District Plan establishes a housing target for Council to provide an additional 5900 dwellings by 2021. The additional density that is sought by this planning proposal will help Council to meet this dwelling target.

The proposal would increase capacity for housing in walking distance of public transport connections on Balmain Road, Victoria Road and 820m from the Lilyfield Light Rail Station.

The proponent wrote to Council in June 2017 offering to enter into a VPA that provides:

- 5% of the residential floor space for affordable housing;
- an enhanced and widened footpath around the site; and
- the construction and dedication of a through-site link connection between Alberto Street and Fred Street.

Given that Council did not accept the PPA role, the proponent is examining other options for the delivery of these public benefits.

*Planning Priority E6: Creating and renewing great places and local centres, and respecting the District's heritage*

There are buildings on the site with heritage value and the site is near other heritage items with state and local heritage significance.

The proposed adaptive reuse of buildings with heritage significance is discussed above in the Region Plan section, which concludes further consideration of this issue is required.

*Planning Priority E12: Retaining and managing industrial and urban services land*

The District Plan states that:

- existing industrial and urban services land needs to be retained, not converted to residential and/or mixed-use development; and
- future employment growth across all industries and urban services will require additional floor space, additional land or both.

The merit of the additional permitted use and information note from the GSC on the planning proposal proceeding is discussed above in the Region Plan section. The planning proposal is consistent with the GSC information note of 5 October 2018 and can proceed to Gateway as it was submitted before the adoption of the District Plan and has been referred to and supported by the Sydney Eastern Planning Panel.

Regarding future employment growth, the proposal seeks to provide approximately 6000m<sup>2</sup> of employment floor space to be consistent with the existing IN2 Light Industrial land use on the site and residential accommodation as an additional permitted use. As residential accommodation is proposed above employment uses, future industrial growth would be capped. As such, the proposal is inconsistent with this priority.

However, the planning proposal states that an additional 105 jobs can be created on the site under the proposed controls by creating appropriate floorplates and modern facilities for offices for creative uses.

The panel considered the planning proposal prior to the release of the District Plan and found it had strategic merit to proceed to Gateway. The panel's determination noted the proposal should not affect the ongoing operation of the adjacent IN2 zone on Balmain Road and that viability of the combined industrial and residential uses on the site should be confirmed.

The planning proposal includes a provision to retain the viability of adjacent light industrial uses. This could be achieved by ameliorating potential amenity impacts on new residential dwellings on the site, preventing objections to new industrial development.

The planning proposal needs further explanation of how industrial and residential uses on the site will be viable given the potential conflicts of these land uses and amenity impacts. The proposal also needs further information on how it will not have a detrimental impact on the current or future uses of the adjoining industrial area. Conditions have been added to the Gateway to this effect.

The urban design study allows for a 5.2m floor-to-floor height for ground floor employment uses and proposes acoustic treatment between residential and employment levels. The study also provides case studies of developments with industrial and employment uses below residential development in Australia and internationally.

To address the viability of industrial uses, it is recommended that the planning proposal be updated prior to exhibition to:

- include an LEP control to retain the viability of industrial land uses on the site;
- include more information on how the co-location of industrial uses will be addressed to ensure suitable amenity outcomes and the viability of industrial uses will be maintained; and
- demonstrate that it will not have a detrimental impact on the current or future uses of the adjacent industrial-zoned land.

### *Conclusion*

The panel accepted that the planning proposal demonstrates strategic and site-specific merit and should proceed to Gateway. One reason for this decision is that the proposal seeks to retain and promote opportunities for creative uses and employment while providing new housing.

It is recommended that the planning proposal be updated to consider the District Plan prior to public exhibition.

### **Local**

#### Leichhardt 2025+ (June 2013)

This strategy prepared by the former Leichhardt Council updated the Leichhardt 2020+ strategy and identifies areas of social, environmental, economic and civic leadership as priorities for the Leichhardt LGA. The strategy identifies key service areas of community wellbeing, accessibility, environmental sustainability, local business, and sustainable services and assets.

In seeking to allow residential accommodation as an additional permitted use in an IN2 Light Industrial zone, the proposal states that it will meet housing and



employment needs, promote public transport use, appeal to creative and high-tech industries, and provide a greater level of business on the site that meets the objectives of the Leichhardt 2025+ strategy. In this regard, the proposal is consistent with the strategy

This local strategy has not been endorsed by the Department.

#### Leichhardt Employment and Economic Development Plan 2013-2023 (June 2013)

The Leichhardt Employment and Economic Development Plan 2013 (the EEDP) is a 10-year strategic plan for economic development in the former Leichhardt LGA and forms part of Council's suite of integrated strategic service plans.

According to the former Leichhardt Council, the EEDP identifies economic development initiatives that will enable Council and other stakeholders to:

- support, attract and grow local businesses;
- optimise the economic potential of key sectors and locations;
- build relationships, linkages, connectivity and partnerships between stakeholders;
- improve the social and environmental sustainability of the economy; and
- facilitate strategic and integrated decision making.

The EEDP notes the widespread decline of traditional industries in the former Leichhardt LGA and that a key challenge for Council is to appropriately respond to industry and market trends.

Conversely, the EEDP notes the growth of the creative industry<sup>3</sup> sector across NSW and considers it an important area to support for the following reasons:

- employment in the creative industries has grown at twice the rate of other industries, increasing by 28% compared to 13.5% for all industries in the 10 years to 2006; and
- NSW dominates employment within the industry; it supports 37% of Australia's total creative industry employment and 39% of all creative businesses.

The EEDP notes that the proposal site is fragmented from other larger industrial sites with:

*"...the added challenge of being surrounded by residential development which increase the likelihood of opposition to new industrial uses, limits the number of potential tenants and reduces the viability of industrial property. These areas also lack the size and attributes necessary to attract new tenants and higher rents (e.g. creative industries prefer to cluster to areas that have a high level of activity, accessibility and amenity)." (p36).*

The EEDP notes that through changing economic trends, the LGA contains a variety of underused industrial lands. One option the EEDP suggests is to:

*"... help the LGA's industrial areas adapt to changing market forces by permitting a broader range of uses in them including high technology industries and office-based creative industries." (p54).*

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<sup>3</sup> UNESCO defines creative industry as a sector of organised activity whose principal purpose is the production or reproduction, promotion, distribution and/or commercialisation of goods, services and activities of a cultural, artistic or heritage-related nature. [unesco.org/new/en/santiago/culture/creative-industries/](http://unesco.org/new/en/santiago/culture/creative-industries/)

The EEDP suggests that 469-483 Balmain Road and other fragmented sites be investigated for a broader range of employment uses and/or rezoning.

The proposal is consistent with the EEDP as it seeks to preserve the IN2 land on the site. However, the proposal is inconsistent with the EEDP as it seeks to allow residential accommodation as an additional permitted use. It is unclear how preserving the IN2 land will enable its economic viability when, as the EEDP notes, residential development typically increases the likelihood of opposition to industrial use, limits the number of potential tenants and reduces the viability of industrial property.

As stated above, it is recommended that prior to exhibition the planning proposal is updated to include further explanation on how the viability of industrial uses on the site will be retained and improved while ensuring good levels of amenity for future and adjoining residents under the proposed controls.

#### Leichhardt Employment Lands Study (January 2011)

The Leichhardt Employment Lands Study was an industrial land study commissioned by the former Leichhardt Council for the LGA. The study provided information to inform the assessment of future proposals to rezone industrial land and set the future direction for development in the LGA. For this reason, this study is included in this report as it provides further background on the industrial lands in the LGA.

As part of the study, the Balmain Road Industrial Precinct at Lilyfield was reviewed against the 2013 Draft Metropolitan Strategy's industrial land assessment criteria checklist to determine its value as industrial land. The entire precinct was reviewed rather than each individual lot.

The study concluded that:

- rezoning the industrial land would place pressure on remaining precincts to compensate for the loss of industrial land;
- loss of floorspace would impact on the capacity of the LGA and place pressure on other limited industrial and business zones to maintain and improve employment capabilities;
- the subject site is not contributing to a significant industry cluster; and
- the subject site is not critical to meeting the need for land for an alternative purpose identified in other NSW Government or endorsed Council planning strategies.

The first two points above support the retention of 6000m<sup>2</sup> of industrial floor space on the site. Alternative non-industrial zonings were considered for the site as part of the preparation of the planning proposal and were not supported by Council staff.

While the planning proposal seeks to retain the IN2 zoning of the site and the same amount of GFA for employment by requiring a minimum of 6000m<sup>2</sup> of floor space for industrial uses, it does seek to provide an additional residential use. Therefore, the findings of this study are relevant to the proposal.

As discussed above, the viability of the proposed mixed-use residential and industrial development on the site is critical to this proposal. Should industrial uses not be viable, this would place pressure on industrial land elsewhere in the Inner West.

#### Inner West Council Affordable Housing Policy 2016

Council's affordable housing policy was developed in response to a substantial and growing number of local people in housing stress and the current and projected

levels of unmet need for affordable housing for very low, low and moderate-income households and other more vulnerable groups. This policy was prepared considering the *Environmental Planning and Assessment Act 1979*. According to this housing policy, Council is seeking to increase the supply of affordable housing through its planning instruments and policies.

Council's submission to the panel on the planning proposal notes that its affordable housing policy requires 15% affordable housing in high-density redevelopments on private land with a GFA of 1700m<sup>2</sup> or more. This equates to 22 units in this proposed development. Council states that the proponent's offer of 5% (seven units) represents a deficiency of 15 units.

While the intent of the planning proposal is aligned with Council's affordable housing policy, it is recommended that the applicant further consider options to increase the supply of affordable housing for very low, low and moderate-income households. This recommendation underpins the housing targets in the Eastern City District Plan with an affordable housing target generally within the range of 5-10% for new residential floor space. It also recognises that housing has a role in economic productivity by providing housing choice and affordability for a cross-section of workers.

As noted above, the Inner West LGA is one of five councils recently included in State Environmental Planning Policy No 70 – Affordable Housing (Revised Schemes). SEPP 70 allows specified councils to prepare an affordable housing contribution scheme for certain precincts, areas or developments associated with an upzoning within their LGAs. Council does not have an affordable housing policy endorsed by the Department and will need to prepare one to utilise SEPP 70.

### **Section 9.1 Ministerial Directions**

The following section 9.1 Directions are relevant to the proposal:

- 1.1 Business and Industrial Zones;
- 2.3 Heritage Conservation;
- 3.1 Residential Zones;
- 3.4 Integrating Land Use and Transport;
- 4.1 Acid Sulfate Soils;
- 4.3 Flood Prone Land; and
- 7.1 Implementation of A Plan for Growing Sydney

#### **1.1 Business and Industrial Zones**

Under this Direction, a planning proposal must retain the areas and locations of business and industrial zones and not reduce the total potential floor space for employment uses on the site. The planning proposal proposes to retain the industrial zoning and maintain a minimum of 6000m<sup>2</sup> for employment uses on the site.

However, consistency with this Direction will need to be resolved prior to finalisation as it is recommended that further work is needed to demonstrate that co-locating industrial and residential uses on the site is viable and compatible. It will also need to demonstrate that the ongoing operation of the adjoining industrial area will not be affected by the planning proposal as per the panel's recommendation

### 2.3 Heritage Conservation

Under this Direction, a planning proposal must conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

Consistency with this Direction is unresolved as the planning proposal includes limited discussion on its impact on Callan Park and does not respond to Council's heritage report and the panel's recommendation to retain the two character buildings on the site.

The planning proposal is to be referred to the OEH and the Callan Park and Broughton Hall Trust as part of the public exhibition. Prior to exhibition, the planning proposal must be updated to respond to the potential impacts on Callan Park and Council's heritage report. The planning proposal must be updated prior to finalisation to consider comments from Heritage NSW and the Callan Park and Broughton Hall Trust.

### 3.1 Residential Zones

Under this Direction, a planning proposal must broaden housing choice, make efficient use of existing infrastructure, reduce consumption of land for housing on the urban fringe and be of good design.

The planning proposal is consistent with this Direction as it:

- will provide development potential to deliver more dwellings in Lilyfield, broadening housing choice;
- is within walking distance to shops and public transport nodes;
- is not located on the urban fringe; and
- includes an urban design report outlining how development on the site can be consistent with SEPP 65.

### 3.4 Integrating Land Use and Transport

Under this Direction, a planning proposal must consider state government guides on improving transport choice and appropriately locating businesses and services.

The planning proposal is consistent with this Direction as it is well serviced by public transport, is within walking distance of shops, services and open space, and proposes to retain employment uses on the site. The planning proposal must be updated prior to public exhibition to be consistent with the parking rates specified in Council's DCP to ensure traffic impacts have been correctly considered.

The planning proposal states that it will provide opportunity for people to live and work locally, reducing car dependence.

### 4.1 Acid Sulfate Soils

Under this Direction, a planning proposal must consider the acid sulfate soils planning guidelines and the appropriateness of a change of land use given the presence of acid sulfate soils.

The planning proposal is consistent with this Direction as the site is mapped as Class 5 Acid Sulfate Soils, the lowest risk category, and the Leichhardt LEP 2013 contains Standard Instrument provisions to manage acid sulfate soils during the development process.

### 6.3 Site Specific Provisions

Under this Direction, a planning proposal must not create unnecessarily restrictive site-specific planning controls. The planning proposal is considered to have a minor inconsistency with this Direction as a local provision is proposed for development on the site. However, the proposed provision is considered to ensure a better planning outcome having regard to the proposed land uses on the site and is not overly prescriptive and is therefore justified.

The additional permitted use for the site is considered the best means of permitting residential development on the site while not rezoning to other zones, which would permit a broader range of uses and potentially increase the impacts of the site's development.

#### **State environmental planning policies (SEPPs)**

The planning proposal identifies several SEPPs applicable to the site. The Department's assessment considers that the proposed rezoning can be consistent with the identified SEPPs and does not contain any provisions contravening the operation of relevant SEPPs.

#### State Environmental Planning Policy No 55 – Remediation of Land (SEPP 55)

SEPP 55 provides a state-wide approach to the remediation of contaminated lands, where appropriate. The SEPP provides direction and controls for rezoning and is a relevant consideration for planning proposals. Consent authorities must consider whether land is contaminated and, if so, whether it can be remediated and made safe for the land uses permitted by the rezoning.

The planning proposal includes a Phase 1 Contamination Assessment Report for the site. The desktop analysis notes that the site has moderate potential for contamination and recommends testing be carried out if the site is to be used for mixed-use purposes, including residential, commercial and retail. The report notes the presence of under-storage tanks, the possibility of importation of fill from unknown sources and the historic use of fibre cement materials using asbestos.

It is recommended that prior to public exhibition of the planning proposal, testing is carried out to determine if contamination has occurred and, if so, whether the site can be made safe for the proposed land uses.

#### State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65)

The planning proposal includes an urban design report with a concept development for the site. The report demonstrates how a development can be constructed under the proposed controls consistent with SEPP 65. Further analysis is provided in Section 5 of this report.

### **5. SITE-SPECIFIC ASSESSMENT**

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#### **Social**

The planning proposal states that the site contributes little to employment and contains only two dwellings. It suggests that the redevelopment will potentially create 140 additional dwellings increasing local housing diversity and creating 105 additional jobs in employment spaces that match local needs.

The planning proposal does not address impacts on local services or facilities such as sportsgrounds, out-of-school-hours care and nearby schools. The impact on the existing tenants if the site is redeveloped has also not been considered.



The proponent has provided a letter stating they are willing to provide 5% of dwellings as affordable housing but they have yet to establish a VPA with any agency who would manage the dwellings.

It is understood that the proponent prepared a social impact assessment for this site that was not submitted to the panel with the planning proposal. To address the matters listed above and any other relevant social impacts, the Department recommends the social impact assessment is updated prior to public exhibition and exhibited with the planning proposal.

## **Environmental**

### Flora and fauna

The site is not associated with natural environmental matters as identified in the Leichhardt LEP 2013. The proposal states that there are no known critical habitats, threatened species or ecological communities on the site.

Council did not raise any issues in relation to critical habitats, threatened species or ecological communities on the site in its submission to the panel for the rezoning review.

### Built form

The concept submitted with the planning proposal shows buildings ranging from one to six storeys containing employment space and 142 new dwellings.

The planning proposal proposes to co-locate industrial and residential uses. Traditionally, this combination of land uses has been problematic due to potential amenity impacts such as noise and odour from industrial land uses on residents. The planning proposal and urban design report contain limited discussion on how suitable amenity will be created for residents of new dwellings on the site, except by providing acoustic insulation between floors. Further examples and an explanation of other industrial/residential uses should be provided, with greater discussion on how residential amenity will be provided on the site.

The urban design report includes an explanation of the design principles that were used to establish a building envelope and provide amenity to the surrounding area and in the development. The report also includes an indicative floor plan and gross floor calculations to demonstrate how a building under the proposed controls could be distributed across the site having regard to the principles of SEPP 65 and the *Apartment Design Guide* (ADG).

The urban design report states that a preliminary assessment has been undertaken and the concept is compliant with the ADG. Further comment on the assessment is provided below.

A site-specific DCP is required for the site under clause 6.14 of the Leichhardt LEP 2013 due to its area and the length of frontage. The DCP should be prepared prior to public exhibition and ensure that the development is consistent with the desired future character of the area. This will also help satisfy the panel's recommendation that the planning proposal includes a rationale for the height, FSR, and building massing and modulation for exhibition with the proposal.

### *Solar access*

The urban design report states that solar access to dwellings in the development is acceptable, although a percentage of apartments in the development with solar access consistent with the ADG is not provided.

The solar diagrams for 21 June indicate that the greatest shadow impacts will occur on the southern boundary of the site and properties along Fred Street and Alberto Street. Overshadowing impacts also appear to be most prevalent south of Fred Street and the site. While the proposal states that solar access for the residential developments would be acceptable, it is difficult to ascertain the degree of acceptability without further details.

It is recommended that further information on solar access for the proposed residential development is provided that identifies:

- the number of dwellings in the concept receiving solar access consistent with the ADG rule of thumb that 70% of dwellings receive two hours of sunlight per day; and
- the number of hours solar access will be provided to primary living areas in developments south and west of the site based on shadowing from the concept.

The effect on nearby development from shadowing should be articulated given that one of the design principles for the concept was to ensure that sunlight to adjoining land is not adversely affected.

### Traffic

A traffic and transport impact assessment prepared by Colston Budd Rogers (June 2017) states that the surrounding road network could cater for the traffic generation associated with the proposal development during weekday and Saturday peak periods.

Between 115 and 185 on-site parking spaces are proposed depending on the final residential unit mix based on the Leichhardt DCP. Council's submission to the panel states that:

- the parking space range creates substantial uncertainty regarding traffic impacts arising from the development; and
- the parking generation is a minimum of 174 and a maximum of 276 car spaces for the entire development including residential, commercial/industrial/shops and visitor parking.

Prior to exhibition, it is recommended that the traffic report is updated to demonstrate consistency with Council's DCP, including the required on-site parking spaces for all proposed land uses in the concept.

As Balmain Road is a classified road, it is recommended that Roads and Maritime Services is consulted during the public exhibition period to ensure the proposal would not compromise the effective and ongoing operation and function of Balmain Road.

### **Economic**

An economic impact assessment prepared by HillPDA investigated the economic feasibility of adding residential accommodation as a permissible use on the site. HillPDA concluded:

- retaining the character buildings on the site will limit potential uses and options for intensification;
- it is unlikely there would be a commercially viable redevelopment option for the site to support traditional light industrial uses due to the constraints around accessibility, parking and the need for appropriate buffer zones due to the surrounding residential uses;

- it is likely that the site would remain underused for uses under its current zoning and continue to be used for small-scale and discrete wholesaling or warehousing activities; and
- the addition of residential accommodation as a permissible use on the site would support the renewal of the site for light industrial use with a floorspace configuration more suited to the requirements of the emerging clean industrial uses, including creative industries and technology firms, while also helping to meet strong demand for dwellings in the suburb.

The Department acknowledges that the planning proposal can increase dwelling supply in Lilyfield and, if affordable housing is provided, assist in alleviating the deterioration in housing affordability in the Inner West LGA.

The proposal would also result in a more intensive use of space and increase in employment on-site and help meet the strong demand for dwellings in a location with good access to transport, employment centres and amenities.

The existing 1200m<sup>2</sup> of artists' space on the site would be reduced to 400m<sup>2</sup> under the proponent's concept for the site. In its submission to the rezoning review, Council notes that 50 artists use the site and the reduction in floor space for artist studios will be a significant loss of affordable artist space.

The economic impact assessment submitted with the planning proposal should be updated to comment on the impact of the loss of the artists' space or the concept revised to include 1200m<sup>2</sup> of artists' space.

### **Infrastructure**

No upgrades to state infrastructure have been identified due to development facilitated by this planning proposal. Transport for NSW, the Department of Education and Roads and Maritime Services will be consulted as part of the public exhibition period and, should infrastructure upgrades be required, they will be addressed prior to the finalisation of the LEP.

## **6. CONSULTATION**

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### **Community**

In accordance with *A guide to preparing planning proposals*, the planning proposal is not considered to be low impact. The bulk and scale of development facilitated by the proposal is greater than the surrounding land-use zones.

It is therefore considered that a community consultation period of a minimum of 28 days is appropriate.

Notification of the public exhibition should be sent to landowners and residents at the properties identified in Figure 9 below. This will ensure that landowners of properties that may be affected by the development facilitated by the planning proposal will have the opportunity to comment.



Figure 9: Notification extent.

### Agencies and Council

In addition to the consultation area identified above, the following agencies and public authorities are considered appropriate to consult with as part of the public exhibition of the planning proposal:

- Office and Environment and Heritage – Heritage Division;
- Callan Park and Broughton Hall Trust;
- Environment Protection Authority;
- Transport for NSW;
- Roads and Maritime Services;
- Department of Education; and
- Inner West Council.

### 7. TIME FRAME

The planning proposal includes a five-month time frame to complete the LEP that is considered insufficient to complete community consultation, reporting and legal drafting.

As the Gateway determination will not be extended per the GSC's information note, a 24-month time frame for completing the LEP is considered appropriate.

### 8. LOCAL PLAN-MAKING AUTHORITY

As the Sydney Eastern City Planning Panel appointed itself as the PPA after Council failed to respond to an invitation to be the PPA, the delegate of the GSC has plan-making power.

## **9. CONCLUSION**

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The planning proposal is supported to proceed with conditions, as it:

- has been supported by the Sydney Eastern City Planning Panel to proceed through Gateway;
- the GSC information note providing guidance on planning proposals that apply to industrial and urban services land permits the planning proposal proceeding. The information note states that proposals that were recommended to proceed to Gateway by a planning panel, and that were submitted prior to the release of the relevant district plan, can proceed;
- will retain a minimum of 6000m<sup>2</sup> of floor space for industrial land uses on the site;
- supports an intensification of employment on the site by facilitating a development that allows for modern industrial and creative uses;
- will facilitate the delivery of an additional 142 dwellings in a location that is well serviced by public transport and is near shops, services and recreation areas; and
- will enable an improved public domain by creating public through-site links and active street frontages.

The proponent has expressed a willingness to enter into a VPA to provide 5% of dwellings as affordable housing and public domain upgrades.

The planning proposal is consistent with or can be made consistent with relevant section 9.1 Directions and SEPPs.

## **10. RECOMMENDATION**

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It is recommended that the delegate of the Secretary:

1. Note that the consistency with section 9.1 Directions 1.1 Business and Industrial Zones and 2.3 Heritage Conservation is unresolved and will require justification.
2. Agree that any inconsistency with section 9.1 Direction 6.3 Site Specific Provisions is justified.

It is recommended that the delegate of the Greater Sydney Commission determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
  - address consistency with the Greater Sydney Region Plan and the Eastern City District Plan;
  - change the additional permitted use from 'residential accommodation' to 'residential flat building';
  - provide further examples and discussion on successful industrial and residential developments, and further explain how amenity will be provided to residents on the site;
  - include discussion on how viability of the industrial uses will be retained if residential uses are also permitted on the site;
  - demonstrate that it will not have a detrimental impact on the current or future uses of the adjoining industrial area;



- respond to the Sydney Eastern City Planning Panel recommendation that further consideration be given to retaining two buildings with heritage value on the site and Council's GML heritage report that supports retaining these buildings;
  - include a rationale for the height, FSR, building massing and modulation for the site;
  - ensure mechanisms are provided for creative employment space;
  - include the results of testing to determine if contamination has occurred on the site and, if so, demonstrate that the site can be made suitable for the proposed land uses;
  - include the current FSR and height of buildings maps from the Leichhardt LEP 2013 for the site;
  - include a social impact assessment that addresses the impacts of the proposal on existing employment uses and artists' studios on the site, the impact on Council services, recreational lands and activities, particularly Callan Park;
  - update the economic impact assessment to comment on the impact of the loss of the artists' space or the concept revised to include 1200m<sup>2</sup> of artists' space;
  - be accompanied by a site-specific development control plan consistent with clause 6.14 of the Leichhardt LEP 2013;
  - revise the traffic report to demonstrate consistency with Council's DCP, including the required on-site parking spaces for all proposed land uses in the concept;
  - provide more information on solar access and overshadowing that:
    - identifies the percentage of dwellings in the concept that will receive two hours of sunlight per day and whether this is consistent with the ADG; and
    - the number of hours of solar access that will be provided to primary living areas in existing dwellings to the south and west of the site;
  - include a clause that requires the lodgement of a development application for a mixed-use development within three years of a LEP being made. If no development application is lodged within this time frame, the enabling provisions will cease to have effect. If the development application is lodged within three years and subsequently approved, then the local planning authority may remove the sunset clause the next time it updates the LEP to remove reliance on existing-use rights; and
  - revise the timeline reflecting a 24-month period to finalise the LEP.
2. The planning proposal should be made available for community consultation for a minimum of 28 days.
  3. Consultation is required to consult with the following public authorities:
    - Office of Environment and Heritage – Heritage Division;
    - the Callan Park and Broughton Hall Trust;

- Environment Protection Authority;
  - Transport for NSW;
  - Roads and Maritime Services;
  - Department of Education; and
  - Inner West Council.
4. The time frame for completing the LEP is to be 24 months from the date of the Gateway determination.

*Bmetcalfe 25/10/2018*

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25/10/2018

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