

18 December 2019

Laura Locke
Acting Director, Eastern and South District
NSW Department of Planning, Industry and Environment
320 Pitt Street,
Sydney NSW 2000

Planning Proposal: 469-483 Balmain Road, Lilyfield

Dear Ms Locke,

This letter encloses a comprehensive response to submissions made in relation to the public exhibition of the Planning Proposal for 469-483 Balmain Road, Lilyfield. The consolidated set of submissions were received by my client on 8 November 2019, including 75 public submissions and an agency submission from Inner West Council.

All public submissions have been reviewed and issues raised have been summarised and addressed (Annexure 1).

A separate response has been provided to the submission from Inner West Council (Annexure 2).

The response to submissions has been informed by advice from relevant specialist consultants to address key issues raised. Copies of this advice have been provided, with responses included within the submission responses at Annexure 1 and 2 as relevant. The specialist advice included:

- Hill PDA letter responding to social infrastructure and loss of employment land issues (Annexure 3)
- FPD Planning letter responding to strategic planning issues (Annexure 4)
- NBRS Architecture Potential Heritage Impact Assessment (Annexure 5)
- Roberts Day letter responding to built form and design issues (Annexure 6)
- Roberts Day response to AE Design Partnership submission (Annexure 7)
- Ethos Urban response to draft Site Specific DCP issues (Annexure 8)

The response to submissions does not seek to make any changes to the proposed amendments to the Leichhardt LEP 2013. However, the draft Site Specific DCP has been updated to respond to issues raised and is included with the response to submissions (Annexure 9).

In summary, the Planning Proposal presents an excellent opportunity to retain and improve the industrial floor space on the Site, provide for the ongoing creative uses, and accommodate a supply of residential dwellings in close proximity to transport, employment and services. The Proposal is consistent with the current and future needs of the local area and will make a positive addition to the Balmain Road streetscape while providing significant amenity improvements to the surrounding residential development.

The Proposal is consistent with the Greater Sydney Region Plan and Eastern City District Plan, and its finalisation is consistent with the GSC Information Note (SP2018-1) – Industrial and Urban Services Land (Retain and Manage) – Transitional Arrangements.

We would welcome any feedback on the comprehensive response and would be happy to provide additional information if needed and/or any outstanding matters needing to be addressed to enable the Proposal to be finalised.

Thank you for your ongoing support in progressing this Proposal.

Regards,

A handwritten signature in dark ink, appearing to read 'Michael File', is positioned above the printed name and title.

Michael File

Director

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Public Submissions

There is limited physical infrastructure to support the development

Responded to by the Project Team as follows:

The Site is situated in the inner metropolitan area in a densely populated area within a short distance of the Sydney CBD, which is supported by a wide range of services, facilities and open space as outlined in the Planning Proposal report. The number of dwellings proposed on the Site is not significant in the context of the exiting servicing capacity surrounding the Site.

Any future development application will be required to demonstrate that servicing capacity exists or make provision for any required upgrades.

There is limited public transport within the local area

Responded to by CBRK as follows:

As noted in our report 'Traffic Aspects of Updated Planning Proposal for 469-483 Balmain Road, Lilyfield' dated April 2019, the Site has good access to public transport.

The Site is some 800 metres walking distance from the Lilyfield light rail station. The light rail provides services connecting the City with Pyrmont and the Inner West as far as Lewisham. Services to and from Lilyfield are every 10 to 15 minutes in each direction.

Local bus services are provided by Sydney Buses. These operate along Balmain Road adjacent to the Site with 25 to 30 buses stopping at bus stops some 50 metres east of Cecil Street in weekday AM/PM peak periods. Services include:

- *Route L37: Haberfield, Rozelle, City;*
- *Route 440: Bronte, Bondi Junction, Central, Leichhardt, Rozelle;*
- *Route 444: Campsie, Leichhardt, Balmain East; and*
- *route 445: Campsie, Leichhardt, Lilyfield Light Rail, Balmain East*

Balmain Road and Cecily Street are identified as on-road cycle routes, providing east-west and north-south connections respectively.

Some public submissions disagree with the CBRK traffic flows and that there will be an increase in traffic congestion

Responded to by CBRK as follows:

A detailed traffic assessment was undertaken as set out in Sections 2.29 to 2.43 of our report 'Traffic Aspects of Updated Planning Proposal for 469-483 Balmain Road, Lilyfield' dated April 2019. The assessment was based on weekday AM/PM peak period traffic counts at surrounding intersections and estimates of traffic generation based on RMS Guidelines. SIDRA was then used to assess the traffic effects of development traffic on surrounding intersections. The traffic assessment concluded that the minor increase in traffic could be accommodated by the surrounding road network.

Some public submissions disagree with the comment of “Vehicles waiting to turn right from Alberto Street are able to see through vehicles parked on Balmain Road”. They state that usually trucks and van park there making it very difficult to see through the parked cars.

Responded to by CBRK as follows:

Sight lines at the intersection of Alberto Street and Balmain Road are typical of unsignalised intersections along Balmain Road. The comment of vehicles waiting to turn right from Alberto Street are able to see through vehicles parked on Balmain Road referred to typical conditions (such as cars parked) and was not meant to cover the situation when larger vehicles such as trucks are parked. Clearly a larger vehicle could restrict sight lines and at intersections where trucks may park and block sight lines it would be appropriate for Council to implement parking restrictions to prevent this occurring. We note that this is an existing situation and not a result of the Proposal.

The precedents used are not comparable to the Site

Responded to by Roberts Day as follows:

In response to condition 1.(c) of the Gateway Determination which states ‘provide further examples and discussion on successful industrial and residential developments, and further explain how amenity will be provided to residents on the site’, the purpose of the precedents was to focus on key principles for successfully integrating light industrial (or similar employment) uses and residential dwellings. This analysis resulted in five key principles that have positively informed the Proposal and Site Specific DCP.

There is limited infrastructure in relation to schools and that they are already oversubscribed

Responded to by HillPDA as follows:

HillPDA prepared a Social Impact Assessment (April 2019) for the Proposal to address the Gateway Determination conditions which also included an assessment of school facilities in the surrounds. That information has been updated below.

The surrounding two kilometres of the Site features five primary schools and two secondary schools. Approximately 1,853 school children are enrolled within the primary schools and 1,689 are enrolled in the secondary schools (refer to table below). HillPDA contacted NSW Education and it declined to comment on school capacity.

Our research suggests that there is currently some capacity to accept additional students at the local government-based schools, however it is somewhat limited. Independent schools within the local area however, provide greater capacity. A planned upgrade to Orange Grove Public School has been publicised by School Infrastructure NSW, however, no further details were available regarding this upgrade at the time of preparing this response.

School enrolments and capacity

School	Address	Type	Sector	Distance	Enrolments 2016	Enrolments 2019	Capacity
Rozelle public school	Darling St, Rozelle	Primary	Government	700m	612	635	Near capacity. Enrolments have increased from 612 in 2016 to 635 in 2019
Orange Grove Public School	Perry St, Leichhardt	Primary	Government	850m	381	477	Over Capacity with 164% utilisation. Enrolments have increased from 381 in 2016 to 477 in 2019. Upgrade included in NSW Govt. budget
Sydney Secondary College Balmain Campus	Terry St, Rozelle	Secondary	Government	1.4km	799	758	Limited capacity. Enrolments have increased from 799 in 2016 to 758 in 2019
Sydney Secondary College Leichhardt	Balmain Rd, Leichhardt	Secondary	Government	1.7km	893	931	At or near capacity in 2017. Enrolments have increased from 893 in 2016 to 931 in 2019
Inner Sydney Montessori School	Inner Sydney Montessori School	Primary	Independent	1.8km	242	189	Reported having capacity in 2017.
St Columba's Primary School	St Columba's Primary School	Primary	Catholic	1.9km	160	172	In 2017 the school had capacity. Enrolments have increased but not substantially between 2011 (145) to 2019 (172).
Birchgrove Public School	Birchgrove Public School	Primary	Government	2.0km	356	380	In March 2017 the school advised that they were near capacity. Enrolments have increased from 356 in 2016 to 380 in 2019.

There is inadequate allocation of parking within the Proposal

Responded to by CBRK as follows:

A detailed parking assessment was undertaken as set out in Sections 2.18 to 2.22 of our report on the Traffic Aspects of Updated Planning Proposal for 469-483 Balmain Road, Lilyfield dated April 2019. This identified minimum and maximum parking that could be provided under the DCP and catered for the Site within any future development. Final parking numbers and allocation will be determined as part of a DA.

The bulk & scale of the proposal is out of context

Responded to by Roberts Day as follows:

The Proposal has been designed to provide an appropriate interface and transition to the surrounding area. The building envelope is set back at the Balmain Rd frontage to create a human scale experience for people at the street level. The built form to Cecily St, Alberto St and Fred St transitions down to be lower-rise elements providing an appropriate interface with the surrounding scale. The Site Specific DCP provides further guidance on the articulation of a finer-grain built form to integrate the Proposal into its context.

With the exception of the character buildings to be retained onsite (former Pilchers Bakery Warehouse (1907) and the ABBCO site (1917)), the existing buildings on Site comprise considerable blank walls, have limited architectural quality and detract from the area. It is therefore considered that the Proposal will provide a significant improvement to the existing buildings on the Site.

The height isn't in keeping with local landscape and will dominate surrounding dwellings

Responded to by Roberts Day as follows:

The proposed concept is based on a context-responsive building envelope where different building heights respond to their adjoining streetscape context. Balmain Rd is a mix of two storey (retained character buildings) and six storey built form that is comprised of a 2 storey street wall with the upper levels setback to create a human scale experience for people at the street level. It is important to note that the six storey built form comprises only 30% of the Site. The balance of the proposed heights is low-rise and of a scale consistent with the local context. Indeed, 48% of the site is between 1-3 storeys. Furthermore, built form setbacks in the Site Specific DCP further integrate the proposed heights into the local context.

The detailed Visual Analysis in the RD Urban Design Report illustrates the successful integration of the proposal into the local context.

There will be overshadowing to surrounding dwellings

Responded to by Roberts Day as follows:

There are predominantly residential properties surrounding the Site. In keeping with good planning and the 2007 design principles developed by the former Leichhardt Council in consultation with the Residents Reference Group for the future development of the Site, a sensitive approach to design has been taken to ensure that no additional adverse impact is created from the Proposal with building envelopes stepping down towards Alberto Street and Fred Street maintaining sunlight to adjoining properties. Solar impacts from the Proposal will predominantly be on existing roads and driveways during morning hours and after 3pm largely on roofs or blank walls. The design has been carefully considered to ensure there is very little impact on existing private and public open space.

The detailed Solar Analysis in the RD Urban Design Report illustrates the above in 2D and 3D, including quantifying the shadows cast from the current building versus the Proposal.

During construction, the workers will take up all the street parking

Responded to by the Project Team as follows:

As part of a future Development Application and before any works can commence on Site, a Construction Management Plan will be prepared and approved by Council. This Construction Management Plan will identify specific construction zones around the Site or within the Site to accommodate short term construction parking. All reasonable attempts will be made to minimise any construction stage impacts.

There are no tangible efforts to provide artists space

Responded to by the Project Team as follows:

The Proposal includes a local provision which not only requires a minimum of 6,000 square metres of IN2 Light Industrial space for employment uses but of that area requires a minimum of 1,200 square metres specifically for creative employment / artist space. This mechanism solidifies this 1,200 square metres of space for creative employment / artist space in perpetuity that cannot be occupied by any other use.

Local business owners state that the light industrial ceilings must be 6m high and that they are struggling to relocate due to lack of industrial space available

Responded to by Roberts Day as follows:

The Proposal has generous ground floor, floor-to-ceiling heights appropriate for light industrial, particularly creative industries. The RD Urban Design Report illustrative cross sections illustrates a typical height of 4.4m for the new buildings and maintaining the 5.2m for the character buildings. These proposed heights provide significant flexibility for future use as well as providing the opportunity for appropriate acoustic attenuation between uses.

No additional green space provision

Responded to by Roberts Day as follows:

A key priority of the Proposal is to retain 6,000sqm of employment floor space, predominately on the ground floor. As such, creating additional green space of any significance on the ground floor was not possible. However, the Proposal includes the provision of a new publicly accessible pedestrian lane behind the retained character buildings, widened tree-lined footpaths and a pedestrian link connecting Fred Street and Alberto Street. Furthermore, over 1,706m² of communal open space will be provided, as well as green walls and green roofs. The communal open space satisfies the criteria of the ADG.

Exit ramp on Alberto St will generate excessive disturbance at night with headlights of exiting vehicles

Responded to by Roberts Day as follows:

The Proposal has been designed to ensure there are minimal impacts on the surrounding area from access to the Site by private car and loading vehicles. Traffic analysis shows minimal impact on the surrounding area and redevelopment of the Site will likely result in improved amenity for surrounding residential uses. Driveways and parking areas have been located to, and will be designed to, ensure vehicles can enter and exit in a single turning movement, and there is little queuing impact on public roads.

Will dust suppression be addressed

Responded to by the Project Team as follows:

As part of a future Development Application and before any works can commence on Site, a Construction Management Plan will be prepared and approved by Council. This Construction Management Plan will detail how dust suppression will be addressed during construction.

No consideration of car-sharing facilities

Responded to by the Project Team as follows:

This is a matter for consideration at the Development Application stage and could be incorporated as part of the Development Proposal and/or a condition of approval.

Little industrial land left in the inner west

Responded to by HillPDA as follows:

The Proposal will not reduce the amount of industrial land within the Inner West as it includes a provision that requires any redevelopment of the Site to provide a minimum of 6,000 square metres of IN2 Light Industrial for employment uses. Inner West Council previously indicated that is was acceptable as part of the redevelopment of the Site. This provision matches the area of existing light industrial space on the Site but provides it in a more flexible and up-to-date floorspace to respond to local demography and continually changing business needs.

Overlooking into private courtyards on Fred St

Responded to by Roberts Day as follows:

The width of the rear setbacks within the proposed stepped built form will ensure that views to the adjacent private courtyards are minimised through the configuration of the building volume itself. During the DA process privacy would be considered further to provide additional mitigation measures by design.

Increase in noise due to additional residents

Responded to by the Project Team as follows:

The future body corporate of the strata scheme for the eventual development will have by-laws which address noise restrictions within common areas and private open spaces.

The development will visually dominate Callan Park

Responded to by Roberts Day as follows:

Given the enormous scale of Callan Park itself, the Park topography falling away from Balmain Rd, and tall trees along the Balmain Rd boundary it is not possible for the modest scale of the project to visually dominate the Park. Indeed, as the Urban Design Report 2019 visual analysis illustrates there are limited views of the project from Callan Park.

Cecily St is too narrow

Responded to by CBRK as follows:

Cecily Street is some 7 metres wide. This width is appropriate to provide one traffic lane in each direction. We note parking on the eastern side of the street (between Fred Lane and Fred Street, some 4 spaces) reduces Cecily Street to effectively one traffic lane. This is an existing issue. The minor increase in traffic in this section of Cecily Street – one vehicle every three minutes will not change the operation of Cecily Street.

The footpath is too narrow on Balmain Rd

Responded to by the Project Team as follows:

Footpath widening is proposed from the south-western edge of the character buildings along Balmain Road to Alberto Street. Due to the retention of the character buildings, the footpath is unable to be widened where the character buildings front Balmain Road.

Want to see guarantee for green walls and street tree etc

Responded to by Roberts Day as follows:

The draft Site Specific DCP contains a control under Open Space and Landscape which states “Opportunities for green walls, green roofs and communal gardens within the Site are to be explored”. During the detailed design stage of the Proposal, these opportunities will be explored and where possible and appropriate incorporated. The Site Specific DCP Open Space and Landscape Controls are consistent with Council’s approach in other DCPs.

Artists space will be unaffordable

Responded to by HillPDA as follows:

The artist space is currently leased to a single operator who sub-lets the space to individual artists (approximately 50). This lease expired in 2014 and is currently on a holdover where they are required to only give 3 month notice to vacate. If this were to happen, there would be no requirement to release this space as artists space. The Proposal includes a local provision which not only requires a minimum of 6,000 square metres of IN2 Light Industrial space for employment uses but of that area requires a minimum of 1,200 square metres specifically for creative employment / artist space. This mechanism solidifies this 1,200 square metres of space for creative employment / artist space in perpetuity that cannot be occupied by any other use.

The rent for this space will not be above market as no other use can occupy this space and therefore will be a fair market rent, consistent with this niche use.

Current intersection are extremely congested

Responded to by CBRK as follows:

Observations of traffic flow adjacent to the Site or the analysis of the operation of adjacent intersections (with and without traffic from the proposal) has not found that the intersections are extremely congested.

Request for traffic lights on corner of Balmain Rd & Alberto St

Responded to by CBRK as follows:

Traffic flows at the intersection of Alberto Street and Balmain Road, with and without traffic from the Proposal, do not meet the RMS warrant (criteria) for traffic signals.

Images portrayed are misleading as they don’t show a full and accurate visual depiction of the Proposal

Responded to by Roberts Day as follows:

The documentation submitted exceeds the requirements for Planning Proposals regarding visual communication. The images do reflect an accurate visual depiction of the Proposal. As part of the Planning Proposal process, Government was issued with 3D files for verification.

Will the development be 6 or 7 storeys

Responded to by the Project Team as follows:

A maximum height of 23m is proposed. The number of storeys is not specified as this can vary depending on floor to floor heights adopted at the detailed design stage. Setting a maximum height in metres provides for a clearer understanding of potential future built form and allows for any potential impacts from overshadowing to be accurately measured and mitigated at the building envelope stage.

Where is the pedestrian link to Alberto St?

Responded to by the Project Team as follows:

The pedestrian link will run from the end of Fred Street along the southern boundary of the site through to Alberto Street. This pedestrian link can be seen in the Urban Design Report.

Issues raised by AE Design Partnership

AE Design Partnership's submission on the Proposal refers to a previous iteration of the Urban Design Report (dated February 2018) prepared by Roberts Day. The Urban Design report which was on exhibition is dated May 2019 and addresses a number of the concerns raised by AE Design Partnership in their submission. Even though this is the case, Roberts Day provided a response to AE Design Partnerships submission in Annexure 7

Inner West Council Submission

5 'Core Concerns' raised by Inner West Council

1. Consistency with the Greater Sydney Region Plan and Eastern City District Plan.

Responded to by FPD Planning as follows:

Council raises concern that the Proposal is inconsistent with policies relating to the protection of industrial land outlined in the Greater Sydney Region Plan and Eastern City District Plan released in March 2018 and contradicts the Greater Sydney Commission's (GSC) advice on retention of employment land in its 'A Metropolis that Works' Paper released in October 2018.

In considering Council's position it is important to make reference to the GSC Information Note (SP2018-1) – Industrial and Urban Services Land (Retain and Manage) – Transitional Arrangements released on 5 October 2018, which was issued to provide supporting information to the Greater Sydney Region Plan and Sydney District Plans. The Information Note sets out that for Planning Proposals lodged prior to March 2018 that had been referred to and supported by the relevant Sydney District Planning Panel, the decision of the Panel

should be the prevailing consideration of whether the proposal proceeds to a Gateway Determination. It was on this basis that the Gateway Determination was subsequently issued on 2 November 2018.

It is also noted that the GSC Paper 'A Metropolis that Works' does not form part of the Greater Sydney Region Plan or District Plan, but was issued as a Thought Leadership Paper which builds on the detail of the Greater Sydney Region Plan and District Plans to provoke discussion and debate in some cases and, in others, provide practical ideas on implementation across a range of challenging issues.

It is considered that the Paper is not relevant to this Proposal, given that it is not a formal policy position of the GSC (as stated on inside cover) and given the publication of the GSC's Information Note outlining Transitional Arrangements for Planning Proposals relating to rezoning of industrial land.

Council also considers that housing provision and retention of industrial land should be achieved consistent with the Inner West draft Local Strategic Planning Statement, draft Employment and Retail Strategy and draft Housing Strategy. The Draft LSPS as exhibited is noticeably inconsistent with significant elements of the Eastern City District Plan, where consistency with this Plan is a key legislative requirement of Council.

It is important to keep in mind that these documents are yet to be finalised, have not been endorsed by the GSC and do not take into considerations the Transitional Arrangements outlined in the GSC's information note.

Further consideration of the loss of employment land and consistency with State and Local Government policies in this regard has been included in additional advice provided by Hill PDA.

2. The viability of industrial uses if residential uses were to be permitted on the site.

Responded to by FPD Planning as follows:

Council raised concern that no assessment has been provided of the viability of industrial uses within the development should residential uses be permitted.

The Site is currently used for a range of light industrial uses in very close proximity to residential uses. Further, a set of design measures have been developed to ensure the viability of industrial uses on the Site and to minimise potential for impact on residential uses, including:

- *Separate pedestrian entrances for employment uses and residential uses*
- *Potential for separate employment and residential vehicle access/parking*
- *Basement loading facilities for industrial uses, minimising adverse impacts on the surrounding areas*
- *Separate vertical circulation for employment and residential uses*
- *Adequate employment floor-to-floor heights with acoustic treatment*
- *Flexible employment floor space which will be adaptable over time to accommodate a range of business and service needs*
- *Plant and equipment being located away from residential uses.*

These measures have been incorporated in the draft Site Specific DCP.

3. Demonstrating that the development would not have a detrimental impact on current or future uses in the remainder of this industrial and urban services precinct.

Responded to by FPD Planning as follows:

Council considers that the Proposal does not address how it would avoid the introduction of residential uses for the wider industrial precinct. Further, it considers that the proposed local provision that “Any development of the Site is to have regard for any impacts created on the adjoining IN2 Light Industrial land” defers consideration of this matter to the Development Application stage.

In fact, the Proposal represents a solution to protecting, retaining and improving industrial floorspace as with the redevelopment of the Site an equivalent or greater amount of industrial GFA will be modernised and flexible.

The Site is only adjoined by land zoned for industrial (IN2 Light Industrial) to its north east. This comprises a precinct of small land parcels supporting a mix of residential, retail, commercial, employment, and light industrial uses as shown on the land use map in the Roberts Day Urban Design Report. The lots closest to the site within the precinct comprises residential and retail uses. The light industrial uses further to the north east already operate in very close proximity to other residential uses, including dwellings which are much closer than the Site. Accordingly, the Proposal is unlikely to have any significant impact on the ongoing operations of light industrial uses in the vicinity. However, the inclusion of the local provision in the Leichhardt LEP specific to the Site seeks to provide a further safeguard to these uses.

4. Rationale for the height, floor space ratio, building massing and modulation.

Responded to by FPD Planning as follows:

Council also considers that the proposed FSR of 2.54:1 is excessive and cannot be justified in the context of low density residential and industrial uses next to Callan Park State Heritage item (to the north west of the Site) and a local heritage item (timber cottage at 8 Fred Street to the south east of the site). Council also notes that the heritage assessment did not give consideration to impacts on these items.

The Roberts Day report details an urban design approach which includes transitions of the proposed built form to the surrounding area to minimise adverse visual and amenity impacts on adjacent low density residential uses and heritage items. Roberts Day has also provided a detailed response to the issues raised by Council relating to building form and design.

In particular the built form steps down toward the residential uses to the south, east and west of the site with a two storey street wall along Alberto and Fred Street (adjacent to the local heritage item) and a three storey street wall along Cecily Street, with upper level setbacks from these frontages. A three storey street wall faces Balmain Road adjacent to Callan Park, which given the scale and topography of Callan Park and the tall trees along Balmain Road, is an appropriate response to the context. The built form responds to the surrounding character and minimises visual and overshadowing impacts on adjoining properties.

Provisions have been incorporated in the draft Site-Specific DCP to ensure that these measures are considered in the assessment of future Development Applications.

Notwithstanding the redevelopment of the site will result in improved amenity for adjoining residential dwellings, including the item at 8 Fred Street and is sufficiently distant from any structure to have no discernible impact on Callan Park. The scale of the proposed building is not sufficiently different from the current built form to create an impact across Balmain Road to Callan Park. The Planning Proposal and Urban Design Report contain detailed analysis of views from this area.

To support the response to submissions further heritage advice has been provided by NBRS Architecture which concludes that the Proposal would not impact or alter the heritage significance of the Callan Park State heritage item or the local heritage item at 8 Fred Street, Lilyfield.

5. Provision of a site-specific Development Control Plan (DCP).

Responded to by FPD Planning as follows:

Council raises a number of concerns about the draft Site-Specific DCP, including the need to include controls relating to accessibility, waste management, vehicular access/management and parking.

Ethos Urban has provided a detailed consideration in response to the issues raised by Council in relation to the draft DCP, and has recommended a number of amendments to the objectives and controls. The draft Site-Specific DCP has also been updated to incorporate these recommendations.

Responses to Attachment 1 – Detailed Economic and Social Impact Comments within Inner West Council’s Submission.

The proposal maintains (p24) that the 2013 Leichhardt Employment and Economic Development Plan (EEDP) supports the proposed rezoning. This is a spurious claim as the EEDP is already nearly seven years old and is based on an employment study carried out in 2010, almost 10 years ago.

Responded to by HillPDA as follows:

The 2013 Leichhardt Employment and Economic Development Plan is the latest available on Council’s website and is still current.

Under “Project benefits” the proposals lists diversity of housing and live work potential in the dwellings that would be provided. The live work potential claim is irrelevant as any new residential development and all existing dwellings have that potential. Tables 9,10 and 11 of the Council’s Draft Housing Strategy (May 2019) show that the LGA is forecast to exceed the ECDP 2016-2021 residential development target of 5,900 dwellings by around 950 dwellings without this site or indeed after ungazetted planning proposal sites. Equally the Housing Strategy’s medium and high growth scenario projections show that the Inner West LGA will exceed the ECDP 2021-2036 targets of 15000 by between 2300 and 5000 dwellings. Consequently the live work potential at Balmain Road will be easily accommodated elsewhere in the LGA in developments that do not have a high risk of an adverse impact on industrial and urban services land.

Responded to by the Project Team as follows:

Notwithstanding the findings of the Council’s draft Housing Strategy, the Site represents an excellent opportunity to provide additional supply and diversity of housing for the locality and wider LGA within the short term whilst retaining and protecting employment/industrial uses.

It is also important to note that the draft Housing Strategy is yet to be finalised and has not been endorsed by the GSC. Nevertheless, we feel the live work potential of the Site is a realistic consideration given the commitment to significant employment uses being established on Site and the opportunity for smaller (live work) businesses to either support, align and/or leverage off being in close proximity (either on Site or nearby) to other local and urban services businesses.

The Site is not considered to have a high risk of adverse impact on industrial and urban services land. The Site is only adjoined by land zoned for industrial (IN2 Light Industrial) to its north east. This comprises a precinct of small land parcels supporting a mix of residential, retail, commercial, employment, and light industrial uses as shown on the land use map in the Roberts Day Urban Design Report. The lots closest to the Site within the precinct comprise residential and retail uses. The light industrial uses further to the north east already operate in very close proximity to other residential uses, including dwellings which are much closer than the Site. However, the inclusion of the local provision in the Leichhardt LEP specific to the Site seeks to provide a further safeguard to these uses.

The “Justification” for the proposal outlined on page 40 confirms that it is not the result of any strategic study or report. It also states that GSC Information Note “Industrial and urban services land (Retain and manage) – transitional arrangements” clarifies that the Panel’s Gateway decision is the primary consideration for this proposal. If that is the case then the proposal is not justified as both the detailed comments in this Attachment and the summarised comments in the cover letter confirm that the proposal does not meet the requirements of the Panel’s Pre-Gateway Review decision

Responded to by the Project Team as follows:

The Panel’s decision accepted that the Proposal demonstrates strategic merit and site specific merit as described by the DPIE Guideline, and it was on this basis that the Panel recommended that the Proposal proceed to a Gateway Determination. The exhibited Planning Proposal report extensively addresses the requirements of the Gateway decision and details the strategic merit of the Proposal.

The “Justification” is intended to confirm that a “planning proposal is consistent with a Council’s local strategy or other strategic plan”. This exhibited proposal claims consistency with Council’s ‘Our Inner West – 2036 Community Strategic Plan’ and the ‘Leichhardt Employment and Economic Development Plan 2013’. Both are incorrect as Our Inner West 2036 requires the provision of affordable spaces for creative industries and the proposal does not confirm how the new artist’s studio space would be made affordable. The Community Strategy also states that industrial and employment lands should be protected but the proposal’s introduction of residential uses would threaten industrial and urban services on this side and in the adjoining precinct.

Responded to by HillPDA as follows:

The Proposal includes a local provision which not only requires a minimum of 6,000 square metres of IN2 Light Industrial space for employment uses but of that area requires a minimum of 1,200 square metres specifically for creative employment / artist space. This mechanism solidifies this 1,200 square metres of space for creative employment / artist space in perpetuity that cannot be occupied by any other use. The rent for this space will not be above market as no other use can occupy this space and therefore will be a fair market rent, consistent with this niche use.

The industrial and employment lands is not threatened by the introduction of residential uses. On the contrary it creates the opportunity to reinstate and increase the amount of floor space for complying employment uses within new flexible floor space. We do not see how existing businesses in the rest of the precinct would be threatened by the Proposal as the Site is already adjacent to existing residential. Redevelopment in accordance with the Proposal will in effect reduce land use conflicts through more appropriate design. Furthermore, the existing local urban services will benefit from additional residents nearby utilising the services these local business provide, enhancing their viability.

Turning to the actual strategic merit questions in the Department of Planning's "Guide to preparing planning proposals" the exhibited proposal's responses in its Section II fail to properly answer questions 1-6 and 8-9 as follows:

- 1) **All recent and up to date strategic studies including Council's own Employment and Retail Land study and Draft Housing Strategy, plus Hill PDA's own 2015 Industrial Precinct Review for the Department of Planning and the GSC District Plan show that this and similar industrial precincts should be protected from rezoning. The exhibited proposal is not based on any study, its answer avoids the question and ignores the conclusion of the above studies.**

Responded to by HillPDA as follows:

The consistency with the above studies was considered at Gateway Review. The Sydney Eastern City Planning Panel determined, on 2 November 2019 that the Proposal should proceed subject to conditions. The Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018. The Draft Employment and Retail Land Study, Draft Local Strategic Planning Statement (LSPS) and Draft Housing Strategy documents prepared by Council are all in draft format and were written post the Gateway Determination and Transitional Arrangements. Therefore, these draft documents could be seen as inconsistent with the status of the Proposal and the Transitional Arrangements issued by the Greater Sydney Commission.

- 2) **The housing provision and retention of industrial floor space objectives of the proposal can be better achieved through the evidence based planned approaches for both outcomes as set out in Council's Local Strategic Planning Statement (LSPS), Employment Land and Housing strategies.**

Responded to by HillPDA as follows:

Housing provision and retention of industrial floor space were considered prior to and at Gateway Review, and prior to the preparation of the LSPS. The Sydney Eastern City Planning Panel determined, on 2 November 2019 that the Proposal should proceed subject to conditions. The Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018 which ensures the Proposal can proceed. The Draft Employment and Retail Land Study, Draft Local Strategic Planning Statement (LSPS) and Draft Housing Strategy documents prepared by Council are all in draft format and were written post the Gateway Determination and Transitional Arrangements. Therefore, these draft documents could be seen as inconsistent with the status of the Proposal and the Transitional Arrangements issued by the Greater Sydney Commission.

- 3) **The proposal is inconsistent with the protection of industrial land priority of the Region and District Plan. This inconsistency is reinforced by the GSC advice on adopting a “no regrets approach” to decisions on the future of industrial land as set out in its paper “A Metropolis that works”.**

Responded to by HillPDA as follows:

The Sydney Eastern City Planning Panel determined, on 2 November 2019 that the Proposal should proceed subject to conditions. The Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018 which ensures the Proposal can proceed. The Greater Sydney District paper ‘A Metropolis that Works’ does not form part of the Greater Sydney Region Plan or District Plan, but was issued as a ‘Thought Leadership Paper’ which builds on the detail of the Greater Sydney Region Plan and District Plans “to provoke discussion and debate in some cases and, in others, provide practical ideas on implementation across a range of challenging issues”.

It is considered that the paper is not relevant to this Proposal, given that it is not a formal policy position of the GSC (as stated on inside cover) and given the publication of the GSC’s Information Note outlining Transitional Arrangements for Proposals relating to rezoning of industrial land.

- 4) **The proposal references former Leichhardt Council strategies to say it satisfies this question. These are many years old. When the contemporary evidence provided in 2019 Council studies is applied, the risk posed by introducing residential uses to this precinct makes this proposal inconsistent with Council’s employment land and housing strategies.**

Responded to by HillPDA as follows:

The Sydney Eastern City Planning Panel determined, on 2 November 2019 that the Proposal should proceed subject to conditions. The Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018 which ensures the Proposal can proceed. The Draft Employment and Retail Land Study, Draft Local Strategic Planning Statement (LSPS) and Draft Housing Strategy documents prepared by Council are all in draft format and were written post the Gateway Determination and Transitional Arrangements. Therefore, these draft documents could be seen as inconsistent with the status of the Proposal and the Transitional Arrangements issued by the Greater Sydney Commission.

- 5) **The proposal assesses the development as having the ability to comply with SEPP 65 – Apartment Design Guide but fails to consider the crucial point that SEPP 65 does not deal with mixed industrial/residential developments.**

Responded to by the Project Team as follows:

The Proposal has addressed the key criteria of the Apartment Design Guide for the residential component to ensure a high level of amenity and design quality. Detailed consideration has also been given to the integration of light industrial / residential uses on the Site, supported by site specific development controls to ensure viability of these uses whilst maintaining residential amenity.

- 6) **The proposal is inconsistent with Ministerial Direction 1.1 (4)(C) as it will reduce the total potential floor space for industrial uses on the site by building dwellings above the employment space. It is also inconsistent with 1.1 (5) (a) as it is not justified by a strategy and 1.1 (5)(c) because it is not in accordance with the Region Plan or District Plan for the reasons detailed throughout this submission.**

Responded to by HillPDA as follows:

The Proposal includes a provision that requires any redevelopment of the Site to provide a minimum of 6,000 square metres of IN2 Light Industrial for employment uses which is the same IN2 Light Industrial floor space currently available on the Site.

Furthermore, the Sydney Eastern City Planning Panel determined, on 2 November 2019 that the Proposal should proceed subject to conditions. The Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018 which ensures the Proposal can proceed.

- 8) **The planning proposal's section 11.3.2 response to Gateway Condition 1C requirement to provide examples of successful industrial and residential developments sidesteps this requirement by only identifying tangential cases. The examples provided involve two B2 sites, a B4 site and an R3 site with a pre-existing industrial use. Consequently, in this context, the proposal has not demonstrated that residential amenity and land use conflicts have been successfully managed in an IN2 zone with a new mixed industrial/residential development. The planning section 11.3.4 traffic and transport justification and the supporting Traffic Impact Assessment also purport to address Q8 of the Strategic Merit Test, but do not take account of the increased traffic flows in this part of the road network that were likely to arise and now have arisen from the opening of WestConnex Stage 1.**

Responded to by the Project Team as follows:

The Planning Proposal report (Section 11.3.2) references an example of a new development in Pyrmont demonstrating successful integration of light industrial and residential uses within a B4 Mixed Use zone under the Sydney LEP 2012, noting that light industrial uses are permissible with consent in the zone.

It also references a new development at East Village which integrates an auto servicing facility and showroom with residential uses within the B2 Local Centre zone under the Sydney LEP 2012, which allows for vehicle repair station as permissible with consent.

While we consider all of the examples provided are relevant, both of these examples of new developments successfully illustrate the successful integration of light industrial and residential uses, including through generous floor to ceiling heights and thick slabs for acoustic attenuation. These examples have informed the Proposal and the draft Site Specific development controls, and satisfy the requirements of the Gateway decision.

As noted in our report 'Traffic Aspects of Updated Planning Proposal for 469-483 Balmain Road, Lilyfield' dated April 2019, the Proposal has a low traffic generation and was assessed as having a minor impact of the operation of the adjacent road network. Thus any changes to traffic flow along Balmain Road as a result of West Connex would not change these findings and the Proposal would continue to have a minor impact on the operation of the adjacent road network.

- 9) In responding to this social and economic effects question, the proposal draws on the supporting Hill PDA's Economic Impact Statement (March 2019) and at the same time also seeks to answer Gateway Condition 1d about the viability of mixing industrial and residential uses on the same site. The proposal implies that the Economic Impact Assessment includes a viability assessment to address this issue. It does not. Hill PDA only provide a commentary that "the redevelopment of the ageing building on the site is unviable under the current FSR and land use controls". It provides no evidence that the building cannot continue in its present state as affordable industrial and urban services accommodation. It also does not consider how the type of changes in planning controls identified in the Council's Employment and Retail Lands Strategy could enhance the prospects for an employment only development.

Responded to by HillPDA as follows:

HillPDA has independently reviewed the viability of redeveloping the Site for continued industrial and creative uses. We have adopted the Site's current estimated "as is" valuation of \$14m. For our high-level feasibility we looked at 2 new build options. Option 1 was a 2-storey brick building that retained the character buildings and the creative workshop for artists. We assumed a mix of creative uses, industrial storage, showroom and office space. We used rates quoted from Rawlinson Construction Guide and market rates as advised in the Knight Frank Industrial report for the Inner West. Given the prime location we adopted the higher end of market rental values including creative office space rents over part of the new premises and a low capitalisation to reflect the prime location and the quality build. The second option looked at a lower cost, single-storey tilt-up concrete external high-walls suitable for manufacturing and industrial storage only. This option excluded office and creative space uses. The modelling indicated a significant financial loss greater than 30% of the total project cost for both options.

The exhibited proposal's Conclusion section on p57 is misleading. It starts by stating that the proposal supports the strategic directions of 'Our Inner West 2036' community strategic plan but then ignores the industrial land protection and affordable creative floor space priorities of the same plan. In addition the Council's draft LSPS and Employment and Retail Land Strategy prioritise the protection of industrial land from inappropriate uses such as residential. These policy documents both flesh out the above Our Inner West 2036 priorities. No evidence is provided to justify the second conclusion that the "site is at the end of its economic life". The other part of the second conclusion is based on a partial and inaccurate interpretation of the Leichhardt EEP which in any case is almost 7 years old and is based on a 2010 employment land study. The third and fourth conclusion cherry picks part of the Region and District Plan, misinterprets their meaning in relation to protecting industrial land and omits to fully address the proposal's inconsistencies with these Plans' employment land priorities. The fifth conclusion inclusion of new employment and creative space as a public benefit avoids the obvious flaw that this new space would have to recoup development costs and consequently would be unaffordable for existing urban services and creative uses. The sixth conclusion about proximity to the Bays Precinct is opaque, but if this is intended to suggest the proposed 142 dwellings would complement the Bays Precinct regeneration project it is irrelevant. Council's Draft Housing Strategy confirms that the District Plan housing targets can be easily met without residential uses on this site. The Housing Strategy will ensure ample new housing to complement the Bays Precinct project is provided in an evidence-based planned approach for the LGA.

Responded to by HillPDA as follows:

The Proposal does not ignore the industrial land protection and affordable creative floor space priorities of the Plan. It directly addresses these issues via the inclusion of 6,000sqm minimum of employment uses (complying with the IN2 zone) including 1,200sqm minimum space for creative employment / artist space. There is no proposal to change the existing arrangement with the artists' spaces. The Draft Employment and Retail Land Study, Draft Local Strategic Planning Statement (LSPS) and Draft Housing Strategy documents prepared by Council are all in draft format and were written post the Gateway Determination and Transitional Arrangements. Therefore, these draft documents could be seen as inconsistent with the status of the Proposal and the Transitional Arrangements issued by the Greater Sydney Commission.

The statement 'at the end of its economic life' is based on observation and value judgement. Whilst existing uses on Site could continue for any number of years the Proposal is a 'higher and better use'. In other words it would facilitate a feasible redevelopment of the Site that would replace old buildings with new flexible and up-to-date Light Industrial floor space to attract new businesses and respond to the local demography.

The LEP is seven years old but is still current.

The Proposal includes a local provision which not only requires a minimum of 6,000 square metres of IN2 Light Industrial space for employment uses but of that area requires a minimum of 1,200 square metres specifically for creative employment / artist space. This mechanism solidifies this 1,200 square metres of space for creative employment / artist space in perpetuity that cannot be occupied by any other use. The rent for this space will not be above market as no other use can occupy this space and therefore will be a fair market rent, consistent with their niche use.

Notwithstanding that housing targets can, or are likely to, be achieved without the Proposal, the residential market is strong in the locality evident by high prices and low vacancies.

Responses to Attachment 2 – Detailed Urban Design Comments and Draft Development Control Plan (DCP) within Inner West Council’s Submission.

The proposal states that it “has been developed in line with” 2007 Leichhardt Council design principles for development of the site. At almost 13 years these principles are clearly outdated.

Responded to by Roberts Day as follows:

The former Leichhardt Municipal Council adopted a set of nine design principles to guide the future development on the site, including heritage conservation, land use, local amenity, built form/building envelope, parking and vehicular access, traffic generation, site/block permeability, open space, and ecologically sustainable development. These principles were established with an established Resident Reference Group and were informed by previous proposals on the site. The urban context including the Site and surrounding built form has not changed significantly since these principles were established. They are therefore considered to be applicable to guide the development of the current application.

Further, these time-proven principles have been recognized by NSW Government as best practice.

The supporting Heritage Assessment conducted by NBRS & Partners considers the potential heritage value of the buildings on the subject site, but does not consider potential impacts of the proposal on adjoining heritage items (dwelling at 8 Fred Street (local item) and Callan Park Conservation Area (State item). Without this assessment, the appropriateness of the proposal’s bulk and scale cannot be adequately considered. The Urban Design Report notes that “taller building elements are located towards Balmain Rd to take advantage of the Callan Park amenity and diversity of heights along Balmain Rd”, however the impact of this scale of development (6 storeys, including a ground floor with a high ceiling) on the adjoining State heritage item has not been considered.

Responded to by NBRS Architecture in Annexure 5

Maximum RLs be should be included in both the Local Environmental Plan (LEP)/DCP amendments.

Responded to by Roberts Day as follows:

The Department’s ‘Standard Technical Requirements for Spatial Datasets and Maps’ provide guidance regarding Standard Instrument LEP mapping requirements as set out in the Environmental Planning and Assessment Act 1979. As stated in this document, the Height of Buildings for the purpose of LEP amendments is required to be shown in metres in the LEP Height of Buildings map and is defined as the vertical distance between the ground level and the highest point of the building for the land application area. The application of this guidance ensures there is no unnecessary burden on the development application process.

As discussed in the detailed comments on the draft DCP below, the illustrative cross section in the Urban Design Report shows that the scheme will result in wall heights of approximately 12.4m (three storeys) to Balmain Road and 8.5m (two storeys) to Fred Street. Wall heights in this location should be a maximum of two storeys, particularly given the 4m floor-to-ceiling height for the ground floor and the 400mm+ slab between ground and first floors. Under Leichhardt DCP 2013, the Nanny Goat Hill Distinctive Neighbourhood has a 7.2m maximum wall height (C13).

Responded to by Roberts Day as follows:

The Proposal has carefully considered street wall heights in relation to the character of adjoining streets. The Balmain Rd wall height establishes a datum line integrating the retained character building heights and new development into a harmonious visual relationship. The Fred St and majority of Alberto St have two storey street wall heights.

Under Leichhardt DCP 2013 Nanny Goat Hill Distinctive Neighbourhood a building wall height of 7.2 metres is advised for buildings “originally designed for non-residential use”. The existing buildings on Site have a street wall height of up to approximately 14m. The Proposal is for a mixed-use light-industrial and residential purpose, which requires a careful balance between variety and a more unified façade composition with the upper levels setback from the street wall to provide a human scale to users at the street level.

Consideration should be given to increasing the upper level setback to Balmain Road (currently shown as 3m) so as to reduce apparent bulk and scale.

Responded to by Roberts Day as follows:

Urban areas are characterized by a strong sense of enclosure with street spaces that are often lined by buildings set along the front property boundary, and with a range of setback distances at upper levels. The relationship between surrounding context, including street width, and building height, is important for defining the character of a place. Given the location of the existing front boundary being more than 20 metres from the nearest boundary of Callan Park, and with an additional 1.7 – 3 metre footpath provision on Balmain Road providing an opportunity for street tree planting of a larger scale, the proposed 3 metre setback to the upper levels is considered appropriate in its context and is consistent with best practice urban design.

Setbacks between the ‘character buildings’ and the proposed buildings should be appropriate and confirmed.

Responded to by the Project Team as follows:

Particularly long building lengths are shown to Fred Street and Balmain Road so requirements on building wall lengths and articulation should be included.

Responded to by Roberts Day as follows:

The draft Site Specific DCP includes a control under Site Layout and Built Form which states “Street fronting buildings elevations are to be articulated to complement the fine grain form of surrounding neighbourhoods and reduce the appearance of building bulk and scale. This can be achieved through windows, balconies and other fine grain elements and materials, colours and textures. The arrangement of these elements is in particular encouraged to emphasise the vertical along Balmain Road and Fred Street to counter the length of these buildings”.

This will replace the poor industrial frontage on all street frontages with an active and/or attractive frontage to create an improved pedestrian experience.

The planning proposal suggests a new local provision that would require that “any development of the site is to have regard for any impacts created on the adjoining IN2 Light Industrial land”. It appears that this is the response to the Gateway requirement (e) to update the proposal to “demonstrate that the development will not have a detrimental impact on the current or future uses of the adjoining industrial area”. Using a local provision to shift consideration of this to the Development Application (DA) stage is unacceptable. The proposal does not consider whether there are appropriate mechanisms to protect the viability of the adjoining industrial land.

Responded to by Roberts Day as follows:

We do not see how existing or future businesses in the adjoining industrial area would be impacted by the Proposal through the introduction of residential dwellings as the area is already interspersed with residential uses. Redevelopment in accordance with the Proposal will in effect reduce land use conflicts through more appropriate design. Furthermore, the existing local urban services will benefit from additional residents nearby utilising the services these local business provide, enhancing their viability.

The Site Specific DCP includes specific sections to mitigate any adverse impacts on light industrial and residential users.

Given the need to safeguard all existing industrial and urban services land that has been identified by both the Greater Sydney Commission and Inner West Council, ensuring the ongoing viability of the remainder of the industrial precinct is a paramount consideration. Council’s Draft Employment and Retail Lands Study, undertaken by HillPDA, forecasts that there will be a shortfall of industrial and urban services floorspace in the Balmain Road industrial precinct of between 18,151sqm and 41,089sqm by 2036. Consequently, any amendment of the LEP needs to address requirement (e) of the Gateway determination directly, rather than deferring consideration of the matter to the DA stage.

Responded to by HillPDA as follows:

The above statement overstates the situation in that the Draft Employment and Retail Lands Strategy suggests a shortfall of between -6,295 and -23,712 sq m. (Page 35 of the Strategy report).

Regardless, the Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018 which ensures the Proposal can proceed. The Draft Employment and Retail Land Study, Draft Local Strategic Planning Statement (LSPS) and Draft Housing Strategy documents prepared by Council are all in draft format and were written post the Gateway Determination and Transitional Arrangements. Therefore, these draft documents could be seen as inconsistent with the status of the Proposal and the Transitional Arrangements issued by the Greater Sydney Commission.

Councils Submission on the draft Site-Specific DCP

Inner West Council has provided a comprehensive submission on the draft Site-Specific DCP. This draft Site-Specific DCP has been prepared as a standalone DCP and the Kolotex/Labelcraft site was used as a template to prepare the draft Site-Specific DCP for this Site. The Project Team has responded to this submission in Annexure 8 and the draft Site-Specific DCP has been updated in accordance with the responses in Annexure 9.

11 December 2019

Dear Wes,

Subject: Comments in response to submissions from Inner West Council and the public in relation to the Planning Proposal for 469-483 Balmain Road, Lilyfield

We have reviewed the submissions made in respect of the Planning Proposal (the Proposal) for 469-483 Balmain Road, Lilyfield (the Site) and make the following comments. The main points in the submission are numbered and underlined. Our responses to each point are shown in *italic*.

Public / Local Submissions

1. There is limited infrastructure in relation to schools and that they are already oversubscribed

HillPDA prepared a Social Impact Assessment (April 2019) for the Proposal to address the Gateway Determination conditions which also included an assessment of school facilities in the surrounds. That information has been updated below.

The surrounding two kilometres of the Site features five primary schools and two secondary schools. Approximately 1,853 school children are enrolled within the primary schools and 1,689 are enrolled in the secondary schools (refer to table below). HillPDA contacted NSW Education and it declined to comment on school capacity.

Our research suggests that there is currently some capacity to accept additional students at the local government-based schools, however it is somewhat limited. Independent schools within the local area however, provide greater capacity. A planned upgrade to Orange Grove Public School has been publicised by School Infrastructure NSW, however, no further details were available regarding this upgrade at the time of preparing this response.

School enrolments and capacity

School	Address	Type	Sector	Distance	Enrolments 2016	Enrolments 2019	Capacity
Rozelle public school	Darling St, Rozelle	Primary	Government	700m	612	635	Near capacity. Enrolments have increased from 612 in 2016 to 635 in 2019
Orange Grove Public School	Perry St, Leichhardt	Primary	Government	850m	381	477	Over Capacity with 164% utilisation. Enrolments have increased from 381 in 2016 to 477 in 2019. Upgrade included in NSW Govt. budget
Sydney Secondary College Balmain Campus	Terry St, Rozelle	Secondary	Government	1.4km	799	758	Limited capacity. Enrolments have increased from 799 in 2016 to 758 in 2019
Sydney Secondary College Leichhardt	Balmain Rd, Leichhardt	Secondary	Government	1.7km	893	931	At or near capacity in 2017. Enrolments have increased from 893 in 2016 to 931 in 2019
Inner Sydney Montessori School	Inner Sydney Montessori School	Primary	Independent	1.8km	242	189	Reported having capacity in 2017.
St Columba's Primary School	St Columba's Primary School	Primary	Catholic	1.9km	160	172	In 2017 the school had capacity. Enrolments have increased but not substantially between 2011 (145) to 2019 (172).
Birchgrove Public School	Birchgrove Public School	Primary	Government	2.0km	356	380	In March 2017 the school advised that they were near capacity. Enrolments have increased from 356 in 2016 to 380 in 2019.

2. There is little industrial land left in the inner west

The Proposal will not reduce the amount of industrial land within the Inner West as it includes a provision that requires any redevelopment of the Site to provide a minimum of 6,000 square metres of IN2 Light Industrial for employment uses. Inner West Council previously indicated that it was acceptable as part of the redevelopment of the Site. This provision matches the area of existing light industrial space on the Site but provides it in a more flexible and up-to-date floorspace to respond to local demography and continually changing business needs.

3. Artists space will be unaffordable.

The artist space is currently leased to a single operator who sub-lets the space to individual artists (approximately 50). This lease expired in 2014 and is currently on a holdover where they are required to only give 3 month notice to vacate. If this were to happen, there would be no requirement to re-lease this space as artists space. The Proposal includes a local provision which not only requires a minimum of 6,000 square metres of IN2 Light Industrial space for employment uses but of that area requires a minimum of 1,200 square metres specifically for creative employment / artist space. This mechanism solidifies this 1,200 square metres of space for creative employment / artist space in perpetuity that cannot be occupied by any other use.

The rent for this space will not be above market as no other use can occupy this space and therefore will be a fair market rent, consistent with this niche use.

Inner West Council Submission

1. The proposal maintains (p24) that the 2013 Leichhardt Employment and Economic Development Plan (EEDP) supports the proposed rezoning. This is a spurious claim as the EEDP is already nearly seven years old and is based on an employment study carried out in 2010, almost 10 years ago.

The 2013 Leichhardt Employment and Economic Development Plan is the latest available on Council's website and is still current.

2. The "Justification" is intended to confirm that a "planning proposal is consistent with a Council's local strategy or other strategic plan". This exhibited proposal claims consistency with Council's 'Our Inner West – 2036 Community Strategic Plan' and the 'Leichhardt Employment and Economic Development Plan 2013'. Both are incorrect as Our Inner West 2036 requires the provision of affordable spaces for creative industries and the proposal does not confirm how the new artist's studio space would be made affordable. The Community Strategy also states that industrial and employment lands should be protected but the proposal's introduction of residential uses would threaten industrial and urban services on this site and in the adjoining precinct.

The Proposal includes a local provision which not only requires a minimum of 6,000 square metres of IN2 Light Industrial space for employment uses but of that area requires a minimum of 1,200 square metres specifically for creative employment / artist space. This mechanism solidifies this 1,200 square metres of space for creative employment / artist space in perpetuity that cannot be occupied by any other use. The rent for this space will not be above market as no other use can occupy this space and therefore will be a fair market rent, consistent with this niche use.

The industrial and employment lands is not threatened by the introduction of residential uses. On the contrary it creates the opportunity to reinstate and increase the amount of floor space for complying employment uses within new flexible floor space. We do not see how existing businesses in the rest of the precinct would be threatened by the Proposal as the Site is already adjacent to existing residential. Redevelopment in accordance with the Proposal will in effect reduce land use conflicts through more appropriate design. Furthermore, the existing local urban services will benefit from additional residents nearby utilising the services these local business provide, enhancing their viability.

3. Turning to the actual strategic merit questions in the Department of Planning's "Guide to preparing planning proposals" the exhibited proposal's responses in its Section II fail to properly answer questions 1- 6 and 8-9 as follows:
 - a. All recent and up to date strategic studies including Council's own Employment and Retail Land study and Draft Housing Strategy, plus Hill PDA's own 2015 Industrial Precinct Review for the Department of Planning and the GSC District Plan show that this and similar industrial precincts should be protected from rezoning. The exhibited proposal is not based on any study, its answer avoids the question and ignores the conclusion of the above studies.

The consistency with the above studies was considered at Gateway Review. The Sydney Eastern City Planning Panel determined, on 2 November 2019 that the Proposal should proceed subject to conditions. The Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018. The Draft Employment and Retail Land Study, Draft Local Strategic Planning Statement (LSPS) and Draft Housing Strategy documents prepared by Council are all in draft format and were written post the Gateway Determination and Transitional Arrangements. Therefore, these draft documents could be seen as inconsistent with the status of the Proposal and the Transitional Arrangements issued by the Greater Sydney Commission.

- b. The housing provision and retention of industrial floor space objectives of the proposal can be better achieved through the evidence based planned approaches for both outcomes as set out in Council's Local Strategic Planning Statement (LSPS), Employment Land and Housing strategies.

Housing provision and retention of industrial floor space were considered prior to and at Gateway Review, and prior to the preparation of the LSPS. The Sydney Eastern City Planning Panel determined, on 2 November 2019 that the Proposal should proceed subject to conditions. The Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018 which ensures the Proposal can proceed. The Draft Employment and Retail Land Study, Draft Local Strategic Planning Statement (LSPS) and Draft Housing Strategy documents prepared by Council are all in draft format and were written post the Gateway Determination and Transitional Arrangements. Therefore, these draft documents could be seen as inconsistent with the status of the Proposal and the Transitional Arrangements issued by the Greater Sydney Commission.

- c. The proposal is inconsistent with the protection of industrial land priority of the Region and District Plan. This inconsistency is reinforced by the GSC advice on adopting a “no regrets approach” to decisions on the future of industrial land as set out in its paper “A Metropolis that works”.

The Sydney Eastern City Planning Panel determined, on 2 November 2019 that the Proposal should proceed subject to conditions. The Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018 which ensures the Proposal can proceed. The Greater Sydney District paper ‘A Metropolis that Works’ does not form part of the Greater Sydney Region Plan or District Plan, but was issued as a ‘Thought Leadership Paper’ which builds on the detail of the Greater Sydney Region Plan and District Plans “to provoke discussion and debate in some cases and, in others, provide practical ideas on implementation across a range of challenging issues”.

It is considered that the paper is not relevant to this Proposal, given that it is not a formal policy position of the GSC (as stated on inside cover) and given the publication of the GSC's Information Note outlining Transitional Arrangements for Proposals relating to rezoning of industrial land.

- d. The proposal references former Leichhardt Council strategies to say it satisfies this question. These are many years old. When the contemporary evidence provided in 2019 Council studies is applied, the risk posed by introducing residential uses to this precinct makes this proposal inconsistent with Council's employment land and housing strategies.

The Sydney Eastern City Planning Panel determined, on 2 November 2019 that the Proposal should proceed subject to conditions. The Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018 which ensures the Proposal can proceed. The Draft Employment and Retail Land Study, Draft Local Strategic Planning Statement (LSPS) and Draft Housing Strategy documents prepared by Council are all in draft format and were written post the Gateway Determination and Transitional Arrangements. Therefore, these draft documents could be seen as inconsistent with the status of the Proposal and the Transitional Arrangements issued by the Greater Sydney Commission.

- e. The proposal is inconsistent with Ministerial Direction 1.1 (4)(C) as it will reduce the total potential floor space for industrial uses on the site by building dwellings above the employment space. It is also inconsistent with 1.1 (5) (a) as it is not justified by a strategy and 1.1 (5)(c) because it is not in accordance with the Region Plan or District Plan for the reasons detailed throughout this submission.

The Proposal includes a provision that requires any redevelopment of the Site to provide a minimum of 6,000 square metres of IN2 Light Industrial for employment uses which is the same IN2 Light Industrial floor space currently available on the Site.

Furthermore, the Sydney Eastern City Planning Panel determined, on 2 November 2019 that the Proposal should proceed subject to conditions. The Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018 which ensures the Proposal can proceed.

- f. In responding to this social and economic effects question, the proposal draws on the supporting Hill PDA's Economic Impact Statement (March 2019) and at the same time also seeks to answer Gateway Condition 1d about the viability of mixing industrial and residential uses on the same site.

The proposal implies that the Economic Impact Assessment includes a viability assessment to address this issue. It does not. Hill PDA only provide a commentary that "the redevelopment of the ageing building on the site is unviable under the current FSR and land use controls". It provides no evidence that the building cannot continue in its present state as affordable industrial and urban services accommodation. It also does not consider how the type of changes in planning controls identified in the Council's Employment and Retail Lands Strategy could enhance the prospects for an employment only development.

HillPDA has independently reviewed the viability of redeveloping the Site for continued industrial and creative uses. We have adopted the Site's current estimated "as is" valuation of \$14m. For our high-level feasibility we looked at 2 new build options. Option 1 was a 2-storey brick building that retained the character buildings and the creative workshop for artists. We assumed a mix of creative uses, industrial storage, showroom and office space. We used rates quoted from Rawlinson Construction Guide and market rates as advised in the Knight Frank Industrial report for the Inner West. Given the prime location we adopted the higher end of market rental values including creative office space rents over part of the new premises and a low capitalisation to reflect the prime location and the quality build. The second option looked at a lower cost, single-storey tilt-up concrete external high- walls suitable for manufacturing and industrial storage only. This option excluded office and creative space uses. The modelling indicated a significant financial loss greater than 30% of the total project cost for both options.

4. The exhibited proposal's Conclusion section on p57 is misleading. It starts by stating that the proposal supports the strategic directions of 'Our Inner West 2036' community strategic plan but then ignores the industrial land protection and affordable creative floor space priorities of the same plan. In addition the Council's draft LSPS and Employment and Retail Land Strategy prioritise the protection of industrial land from inappropriate uses such as residential. These policy documents both flesh out the above Our Inner West 2036 priorities. No evidence is provided to justify the second conclusion that the "site is at the end of its economic life". The other part of the second conclusion is based on a partial and inaccurate interpretation of the Leichhardt EEP which in any case is almost 7 years old and is based on a 2010 employment land study. The third and fourth conclusion cherry picks part of the Region and District Plan, misinterprets their meaning in relation to protecting industrial land and omits to fully address the proposal's inconsistencies with these Plans' employment land priorities. The fifth conclusion inclusion of new employment and creative space as a public benefit avoids the obvious

flaw that this new space would have to recoup development costs and consequently would be unaffordable for existing urban services and creative uses. The sixth conclusion about proximity to the Bays Precinct is opaque, but if this is intended to suggest the proposed 142 dwellings would complement the Bays Precinct regeneration project it is irrelevant. Council's Draft Housing Strategy confirms that the District Plan housing targets can be easily met without residential uses on this site. The Housing Strategy will ensure ample new housing to complement the Bays Precinct project is provided in an evidence-based planned approach for the LGA.

The Proposal does not ignore the industrial land protection and affordable creative floor space priorities of the Plan. It directly addresses these issues via the inclusion of 6,000sqm minimum of employment uses (complying with the IN2 zone) including 1,200sqm minimum space for creative employment / artist space. There is no proposal to change the existing arrangement with the artists' spaces. The Draft Employment and Retail Land Study, Draft Local Strategic Planning Statement (LSPS) and Draft Housing Strategy documents prepared by Council are all in draft format and were written post the Gateway Determination and Transitional Arrangements. Therefore, these draft documents could be seen as inconsistent with the status of the Proposal and the Transitional Arrangements issued by the Greater Sydney Commission.

The statement 'at the end of its economic life' is based on observation and value judgement. Whilst existing uses on Site could continue for any number of years the Proposal is a 'higher and better use'. In other words it would facilitate a feasible redevelopment of the Site that would replace old buildings with new flexible and up-to-date Light Industrial floor space to attract new businesses and respond to the local demography.

The LEP is seven years old but is still current.

The Proposal includes a local provision which not only requires a minimum of 6,000 square metres of IN2 Light Industrial space for employment uses but of that area requires a minimum of 1,200 square metres specifically for creative employment / artist space. This mechanism solidifies this 1,200 square metres of space for creative employment / artist space in perpetuity that cannot be occupied by any other use. The rent for this space will not be above market as no other use can occupy this space and therefore will be a fair market rent, consistent with their niche use.

Notwithstanding that housing targets can, or are likely to, be achieved without the Proposal, the residential market is strong in the locality evident by high prices and low vacancies.

5. Given the need to safeguard all existing industrial and urban services land that has been identified by both the Greater Sydney Commission and Inner West Council, ensuring the ongoing viability of the remainder of the industrial precinct is a paramount consideration. Council's Draft Employment and Retail Lands Study, undertaken by HillPDA, forecasts that there will be a shortfall of industrial and urban services floorspace in the Balmain Road industrial precinct of between 18,151sqm and 41,089sqm by 2036. Consequently, any amendment of the LEP needs to address requirement (e) of the Gateway determination directly, rather than deferring consideration of the matter to the DA stage.

The above statement overstates the situation in that the Draft Employment and Retail Lands Strategy suggests a shortfall of between -6,295 and -23,712 sq m. (Page 35 of the Strategy report).

Regardless, the Proposal is subject to the Transitional Arrangements issued by the Greater Sydney Commission in Information Note – SP2018-1 dated 5 October 2018 which ensures the Proposal can proceed. The Draft Employment and Retail Land Study, Draft Local Strategic Planning Statement (LSPS) and Draft Housing Strategy documents prepared by Council are all in draft format and were written post the Gateway Determination and Transitional Arrangements. Therefore, these draft documents could be seen as inconsistent with the status of the Proposal and the Transitional Arrangements issued by the Greater Sydney Commission.

Yours sincerely,



Adrian Hack

Principal, Urban and Retail Economics

M. Land Econ. B.Town Planning (Hons). MPIA

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18 December 2019

Wes van der Gardner
Roche Group Pty Limited
PO Box 325,
Double Bay NSW 1360

Planning Proposal: 469-483 Balmain Road, Lilyfield

Dear Mr van der Gardner,

This letter seeks to respond to the 5 'core concerns' raised in the submission from Inner West Council to the exhibition of the Planning Proposal for 469-483 Balmain Road, Lilyfield (the Proposal).

Consistency with Greater Sydney Region Plan and Eastern City District Plan

Council raises concern that the Proposal is inconsistent with policies relating to the protection of industrial land outlined in the Greater Sydney Region Plan and Eastern City District Plan released in March 2018 and contradicts the Greater Sydney Commission's (GSC) advice on retention of employment land in its 'A Metropolis that Works' Paper released in October 2018.

In considering Council's position it is important to make reference to the GSC Information Note (SP2018-1) – Industrial and Urban Services Land (Retain and Manage) – Transitional Arrangements released on 5 October 2018, which was issued to provide supporting information to the Greater Sydney Region Plan and Sydney District Plans. The Information Note sets out that for Planning Proposals lodged prior to March 2018 that had been referred to and supported by the relevant Sydney District Planning Panel, the decision of the Panel should be the prevailing consideration of whether the proposal proceeds to a Gateway Determination. It was on this basis that the Gateway Determination was subsequently issued on 2 November 2018.

It is also noted that the GSC Paper 'A Metropolis that Works' does not form part of the Greater Sydney Region Plan or District Plan, but was issued as a *Thought Leadership Paper which builds on the detail of the Greater Sydney Region Plan and District Plans to provoke discussion and debate in some cases and, in others, provide practical ideas on implementation across a range of challenging issues.*

It is considered that the Paper is not relevant to this Proposal, given that it is not a formal policy position of the GSC (as stated on inside cover) and given the publication of the GSC's Information Note outlining Transitional Arrangements for Planning Proposals relating to rezoning of industrial land.

Council also considers that housing provision and retention of industrial land should be achieved consistent with the Inner West draft Local Strategic Planning Statement, draft Employment and Retail Strategy and draft Housing Strategy. The Draft LSPS as exhibited is noticeably inconsistent with significant elements of the Eastern City District Plan, where consistency with this Plan is a key legislative requirement of Council.

It is important to keep in mind that these documents are yet to be finalised, have not been endorsed by the GSC and do not take into considerations the Transitional Arrangements outlined in the GSC's information note.

Further consideration of the loss of employment land and consistency with State and Local Government policies in this regard has been included in additional advice provided by Hill PDA.

Viability of industrial uses

Council raised concern that no assessment has been provided of the viability of industrial uses within the development should residential uses be permitted.

The Site is currently used for a range of light industrial uses in very close proximity to residential uses. Further, a set of design measures have been developed to ensure the viability of industrial uses on the Site and to minimise potential for impact on residential uses, including:

- Separate pedestrian entrances for employment uses and residential uses
- Potential for separate employment and residential vehicle access/parking
- Basement loading facilities for industrial uses, minimising adverse impacts on the surrounding areas
- Separate vertical circulation for employment and residential uses
- Adequate employment floor-to-floor heights with acoustic treatment
- Flexible employment floor space which will be adaptable over time to accommodate a range of business and service needs
- Plant and equipment being located away from residential uses.

These measures have been incorporated in the draft Site Specific DCP.

Impact on current or future industrial uses

Council considers that the Proposal does not address how it would avoid the introduction of residential uses for the wider industrial precinct. Further, it considers that the proposed local provision that “Any development of the Site is to have regard for any impacts created on the adjoining IN2 Light Industrial land” defers consideration of this matter to the Development Application stage.

In fact, the Proposal represents a solution to protecting, retaining and improving industrial floorspace as with the redevelopment of the Site an equivalent or greater amount of industrial GFA will be modernised and flexible.

The Site is only adjoined by land zoned for industrial (IN2 Light Industrial) to its north east. This comprises a precinct of small land parcels supporting a mix of residential, retail, commercial, employment, and light industrial uses as shown on the land use map in the Roberts Day Urban Design Report. The lots closest to the site within the precinct comprises residential and retail uses. The light industrial uses further to the north east already operate in very close proximity to other residential uses, including dwellings which are much closer than the Site. Accordingly, the Proposal is unlikely to have any significant impact on the ongoing operations of light industrial uses in the vicinity. However, the inclusion of the local provision in the Leichhardt LEP specific to the Site seeks to provide a further safeguard to these uses.

Built form

Council also considers that the proposed FSR of 2.54:1 is excessive and cannot be justified in the context of low density residential and industrial uses next to Callan Park State Heritage item (to the north west of the Site) and a local heritage item (timber cottage at 8 Fred Street to the south east of the site). Council also notes that the heritage assessment did not give consideration to impacts on these items.

The Roberts Day report details an urban design approach which includes transitions of the proposed built form to the surrounding area to minimise adverse visual and amenity impacts on adjacent low density residential uses and heritage items. Roberts Day has also provided a detailed response to the issues raised by Council relating to building form and design.

In particular the built form steps down toward the residential uses to the south, east and west of the site with a two storey street wall along Alberto and Fred Street (adjacent to the local heritage item) and a three storey street wall along Cecily Street, with upper level setbacks from these frontages. A three storey street wall faces Balmain Road adjacent to Callan Park, which given the scale and topography of Callan Park and the tall trees along Balmain Road, is an appropriate response to the context. The built form responds to the surrounding character and minimises visual and overshadowing impacts on adjoining properties.

Provisions have been incorporated in the draft Site-Specific DCP to ensure that these measures are considered in the assessment of future Development Applications.

Notwithstanding the redevelopment of the site will result in improved amenity for adjoining residential dwellings, including the item at 8 Fred Street and is sufficiently distant from any structure to have no discernible impact on Callan Park. The scale of the proposed building is not sufficiently different from the current built form to create an impact across Balmain Road to Callan Park. The Planning Proposal and Urban Design Report contain detailed analysis of views from this area.

To support the response to submissions further heritage advice has been provided by NBR Architecture which concludes that the Proposal would not impact or alter the heritage significance of the Callan Park State heritage item or the local heritage item at 8 Fred Street, Lilyfield.

Site specific DCP

Council raises a number of concerns about the draft Site-Specific DCP, including the need to include controls relating to accessibility, waste management, vehicular access/management and parking.

Ethos Urban has provided a detailed consideration in response to the issues raised by Council in relation to the draft DCP, and has recommended a number of amendments to the objectives and controls. The draft Site-Specific DCP has also been updated to incorporate these recommendations.

Conclusion

In summary, the Proposal presents an excellent opportunity to retain and improve the industrial floor space on the Site, provide for the ongoing creative uses, and accommodate a supply of residential dwellings in close proximity to transport, employment and services. The Proposal is consistent with the current and future needs of the local area and will make a positive addition to the Balmain Road streetscape while providing significant amenity improvements to the surrounding residential properties.

The Proposal is consistent with the Greater Sydney Region Plan and Eastern City District Plan, and its finalisation is consistent with the GSC Information Note (SP2018-1) – Industrial and Urban Services Land (Retain and Manage) – Transitional Arrangements.

Regards,



Michael File

Director

Phone: 0433 458 984

E-mail: Michael@fileplanning.com

11 December 2019

Mr Wes van der Gardner
Roche Group Pty Limited
PO Box 325
Double Bay NSW 1360

Dear Sir,

RE: 469-483 BALMAIN ROAD LILYFIELD (PP_2017_IWEST_018_00)
POTENTIAL HERITAGE IMPACTS

NBRSARCHITECTURE has been engaged by Roche Group Pty Limited (Roche Group) to respond to the specific issue raised by Inner West Council (Council) in its submission on the Planning Proposal (the Proposal) at 469-483 Balmain Road Lilyfield (the Site), namely:

The supporting Heritage Assessment conducted by NBRS & Partners considers the potential heritage value of the buildings on the subject site, but does not consider potential impacts of the proposal on adjoining heritage items (dwelling at 8 Fred Street (local item) and Callan Park Conservation Area (State item). Without this assessment, the appropriateness of the proposal's bulk and scale cannot be adequately considered. The Urban Design Report notes that "taller building elements are located towards Balmain Rd to take advantage of the Callan Park amenity and diversity of heights along Balmain Rd", however the impact of this scale of development (6 storeys, including a ground floor with a high ceiling) on the adjoining State heritage item has not been considered.

We set out our comments on the potential heritage impacts of the Proposal on the following heritage items located near the Site, being the dwelling at 8 Fred Street (Local item – Timber Cottage, including interiors) and Callan Park Conservation Area & Buildings (State item).

1.0 PREVIOUS ASSESSMENTS

NBRSARCHITECTURE undertook a Heritage Assessment of the Site in August 2016, including two character-buildings located in the northeast section of the Site, dating from 1907 and 1917. That report concluded that neither building demonstrated the NSW State Heritage Criteria at a level that would warrant listing at the Local level, but the external form of the former bakery complex was characteristic of a warehouse or factory and may be suitable for adaptation for other uses subject to planning approval.

In April 2017, the Inner West Council engaged GML Heritage Pty Ltd to undertake a review of current and potential heritage items within Inner West Council Local Government Area (LGA) including a further assessment of the Site. That assessment recommended the retention and adaptation of all surviving fabric comprising the former Pilchers Bakery Warehouse (1907) and the ABBCO site (1917) located in the northeast section of the Site.

Roche Group subsequently amended the Proposal to retain and adapt these character-buildings. The revised scheme was reviewed by NBRSARCHITECTURE, who then prepared a letter in April 2019 supporting the amended Proposal.

2.0 DOCUMENTS CITED

The following documents have been taken into consideration in assessing the potential heritage impacts of the Proposal:

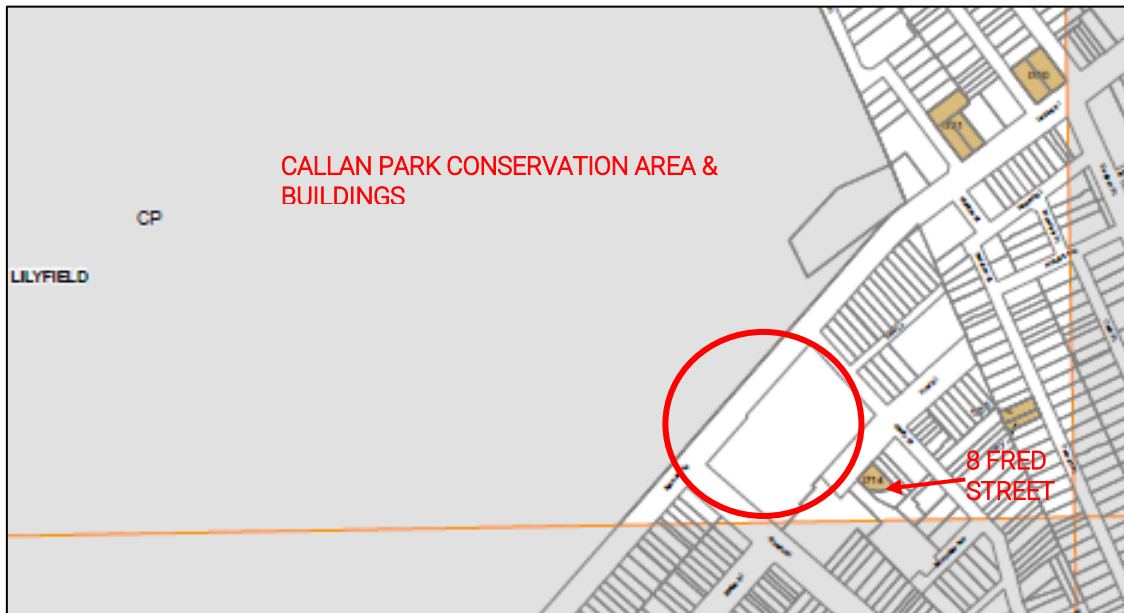
- *Art Haus Urban Design Report* prepared by Roberts Day, May 2019.
- *Callan Park Masterplan*, <https://www.innerwest.nsw.gov.au/develop/major-projects/state->

- [government-projects/callan-park-future/callan-park-masterplan](#)
- *Leichhardt Local Environmental Plan (LEP) 2013*
- *Leichhardt Development Control Plan (DCP) 2013*
- *NSW Heritage Manual: Statements of Heritage Impact*, NSW Heritage Council

3.0 THE SITE

The Site is bounded by Alberto Street, Balmain Road, Cecily Street and Fred Street, Lilyfield NSW, and is identified as Lot 2 in DP1015843 in documents held by NSW Land Registry Services. The site is located within the Commercial/Industrial Sub Area of the Nanny Goat Hill Distinctive Neighbourhood identified in the *Leichhardt DCP* and is currently zoned Light Industrial (IN2).

Callan Park Conservation Area & Buildings (State and Local significance) is situated to the north of the Site and is separated from the Site by Balmain Road. 8 Fred Street (Local significance – Timber Cottage, including interiors) is located to the south of the Site and is separated from the site by Fred Street.



Extract from the heritage map attached to Leichhardt DCP showing the subject site (circled) and the location of the Callan Park Conservation Area & Buildings and 8 Fred Street.

4.0 HERITAGE SIGNIFICANCE

Callan Park Conservation Area & Buildings

Callan Park Conservation Area & Buildings is identified as a heritage item of State and Local significance, and is protected under the *Environmental Planning and Assessment Act 1979* and the *Heritage Act 1977* (NSW). The State Heritage Register listing citation states:

Rozelle Hospital site, created as one unit in 1976, comprises two major mental health facilities, each of which was developed using an existing mansion house set within expansive landscaping. As a whole, and as two component parts, Rozelle Hospital can demonstrate it has heritage significance to the people of NSW.

The Rozelle Hospital site contains the fabric of two grand Victorian gentlemen's estates, and is able to demonstrate the pastoral character of the period. The original relationship between Callan Park Conservation Area and Buildings' Garry Owen House (later Callan Park) and Broughton Hall has been retained and their grounds are still interpretable and intact. These grounds became the sites of the mental health institutions that adopted their respective names.

Rozelle Hospital demonstrates two major changes in mental health in NSW. It contains original architecture and landscaping of both hospitals. The buildings associated with the former Callan Park mental hospital are of exceptional significance, in particular the Kirkbride Block.

Its landscaped spaces and landmark buildings have contributed visually and socially to the local area for over 100 years. The foreshore areas of the site are significant as rare open space elements. Callan Point is considered to be the most important Aboriginal archaeological site remaining on the southern shores of Sydney Harbour. Callan Point also contains rare examples of pre-European vegetation and unique European rock carvings.

The site as a whole has very high levels of social significance and has special associations for the local and broader community both as an open space resource and for its cultural and aesthetic value. (Tanner & Associates, 2002)

Kirkbride Block is significant as the collaborative work of three prominent figures in the late 19th century, James Barnet, Charles Moore and Frederick Norton Manning, as the largest remaining mental institution in NSW and as the first to be designed as a curative and therapeutic environment. The landscape design and setting of Kirkbride is vital and paramount to the design and philosophy of 'moral therapy' treatment evidenced in the intimate design of courtyards through to the long vistas over the hospital grounds and surrounding country. The landscape cannot be separated from the buildings and performs an equal and active function in the creation of the therapeutic environment. It is highly significant that much of the original fabric, character and setting for this major Victorian period design remain intact within a highly developed inner city locality.

Callan Park House (former Garry Owen House), as an impressive early and mid-Victorian residence is one of the oldest remaining houses in the district. It has strong associations with the early history of the Rozelle area. It is an important visual landmark element within the hospital. (State Heritage Inventory)

Rozelle Hospital grounds are of historic and social significance at a state level in their association with the establishment of two hospitals, Callan Park and Broughton Hall, demonstrating two major changes in mental health in NSW. These changes, and changing ideas in garden design, are reflected in the grounds. The grounds are of historic and social significance in their evidence of patient involvement.

The grounds of the former Callan Park area of Rozelle Hospital are of historic significance on a national level as an integral element of the first hospital for the insane which was designed based on moral therapy principles and built in the one campaign. They are a direct application of the moral therapy principles of psychiatric care in the landscape. They are associated with: Dr Frederick Norton Manning, Inspector General for the Insane; James Barnet, Colonial Architect; and Charles Moore, Director of the then Botanic Gardens, Sydney. (now the Royal Botanic Gardens, Sydney)(Read, S., pers.comm., 2004)

Broughton Hall Psychiatric Clinic gardens are of historic significance on a regional level in their demonstration of the views of Dr Sydney Evan Jones on the value of gardens in the care of the mentally ill. The form and character of the original garden setting for Broughton Hall, noted in its time, is still evident.

Rozelle Hospital is of historic significance on a regional level in that it contains rare surviving 19th century gentlemen's estates, associated with the development of the area. Garryowen House and surrounds demonstrate, in part, the pastoral character of the estate period.

Rozelle Hospital grounds are of aesthetic significance on a regional level in that they demonstrate a high level of creative achievement. The former Callan Park Mental Hospital is an

accomplished work of architecture and landscape design. Broughton Hall grounds exhibit a combination of structures of oriental inspiration with horticultural richness, and some rare plant species such as rose apple, durobby or watermelon tree, Syzygium moorei.

Rozelle Hospital grounds are of aesthetic significance in that they reflect the natural landform which was the setting for the original development of the site and surrounding suburbs and contain rare examples on a local level of remnant natural areas and Aboriginal cultural sites. It is of both aesthetic and social significance because it contributes visually and socially to the local identity and sense of place.

Rozelle Hospital grounds are of social significance on a regional level in that they provide public recreational and open space within an intensively developed urban environment.

Rozelle Hospital grounds are of scientific significance on a regional level for their horticultural significance. They are of scientific significance for their archaeological value of their rock engravings and Aboriginal middens. (National Trust, 1994)

8 Fred Street (Timber Cottage, including Interiors), Lilyfield

8 Fred Street is identified as a heritage item (No. 1714) of Local significance on Schedule 5 attached to Leichardt Local Environmental Plan 2013 (LEP 2013). The statement of significance contained in the Heritage Inventory online database citation (Database no. 1940817) for 8 Fred Street states:

No. 8 Fred Street is of local historic and aesthetic significance as a good representative example of a late Victorian weatherboard dwelling constructed sometime between c. 1860s and 1888. The house appears to be part of one of the earliest dwellings located in the area bounded by Balmain Road, O'Neill and Cecily Streets. Despite subdivision of the site and modifications the building retains a sense of its original form and details including weatherboard facades, roof form and chimney, main gable end and faceted bay. The building is emphasised by its angled siting and enhanced by the front garden setting and makes a positive contribution to the Fred Street streetscape.

5.0 ASSESSMENT OF POTENTIAL HERITAGE IMPACTS

5.1 EVALUATION AGAINST RELEVANT NSW HERITAGE DIVISION GUIDELINES

The following questions are based on the guidelines set out in the NSW Heritage Office (now Heritage Division) publication 'Statements of Heritage Impact'. The standard format has been adapted to suit the circumstances of this application.

NEW DEVELOPMENT IN THE VICINITY OF A HERITAGE ITEM

- *How is the impact of the new development on the heritage significance of the heritage item or the Callan Park Conservation Area & Buildings to be minimised?*
- *Why is the new development required to be located near a heritage item?*
- *How does the curtilage allowed around the heritage item contribute to the retention of its heritage significance?*
- *How does the new development affect views to, and from, the heritage item and/or conservation area? What has been done to minimise negative effects?*
- *Is the development sited on any known, or potentially significant archaeological deposits? If so, have alternative sites been considered? Why were they rejected?*
- *Is the new development sympathetic to the heritage item? In what way (eg form, siting, proportions, design)?*
- *Will the additions visually dominate the heritage item? How has this been minimised?*
- *Will the public, and users of the item, still be able to view and appreciate its significance?*

Comment:

The design has been developed with consideration of the historic context of the site, particularly its proximity to Callan Park Conservation Area & Buildings and the building located at 8 Fred Street, Lilyfield.

The Proposal involves the redevelopment of under-utilized commercial and industrial spaces as residential and light industrial spaces located close to educational and health facilities, retail areas, open space and located near public transport routes along Balmain Road and Victoria Street. The redevelopment would include the adaptation and upgrading of two character-buildings in the north east corner of the Site, where the existing signalized intersection is located for safe pedestrian movement to and from the grounds of the Callan Park Conservation Area.

The Proposal is wholly contained within the Site and would not physically alter heritage items in the vicinity or affect the curtilage or heritage significance of the Callan Park Conservation Area & Buildings or those of the timber building located at 8 Fred Street, Lilyfield.

The Proposal generally retains the existing street wall alignment but adapts the ground floor level to introduce new doors and windows to avoid large expanses of featureless masonry. Each elevation addresses the street with stepped residential development and terraced gardens to provide a transition between the taller elements of the scheme and the one and two storey residential development to its south and west. The Proposal clearly delineates between new development and existing development on the Site.

There are no known archaeological deposits within the Site however the former Pilchers Bakery Warehouse (1907) and the ABBCO site (1917) located at the northeast corner of the Site will be retained. New pedestrian access will be provided within the site to allow visitors to the site to appreciate the scale of the character buildings provide them with an understanding of the industrial history of the site. The Proposal includes the retention of non-heritage walls dating from 1907 and 1917, together with new face brick, rendered and painted finishes in keeping with the character and materials exhibited by the former ABBCO bread factory and development in Lilyfield generally.

5.2 HERITAGE OBJECTIVES OF THE LEICHHARDT LEP 2013

Section 5.10 Heritage conservation

(1) Objectives

The objectives of this clause are as follows:

- (a) to conserve the environmental heritage of Leichhardt,*
- (b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,*

Comments

In our opinion the Proposal is consistent with the heritage objectives of the *Leichhardt LEP 2013*, for the following reasons:

- a) The development would be wholly contained within the Site to maintain existing views along Balmain Road, Cecily Street, Fred Street and Alberto Street.
- b) Views to Callan Park Conservation Area would be maintained. Existing view corridors looking north along Cecily Street and Alberto Street to Callan Park would be maintained. Street plantings would be augmented to enhance the pedestrian character of Alberto Street.
- c) The Proposal would not involve the removal or modification of the Callan Park Conservation Area or its components generally.
- d) The Proposal would not involve the removal or modification of the fabric or setting of 8 Fred Street, Lilyfield.
- e) The Proposal will retain surviving building fabric associated with the former Pilchers Bakery Warehouse (1907) and the ABBCO site (1917) as evidence of previous light industrial development within Lilyfield and the Leichhardt area generally.
- f) Taller elements within the Proposal would be located centrally within the Site and at the Balmain Road side of the Site. The Fred Street elevation would maintain a similar scale at the boundary, with new development set back at upper levels.

5.3 HERITAGE GUIDELINES OF THE LEICHHARDT DCP 2013

Generally

The Site is not identified as a heritage item by the Inner West Council, nor is it located within a Conservation Area. The scheme has been developed with consideration of the heritage objectives of the Leichhardt DCP 2013 to minimise impacts on heritage items located nearby. The scheme has also taken into consideration the heritage assessment undertaken by NBRSARCHITECTURE (August 2016) to identify potential heritage values associated with the Site.

Following heritage issues raised by Inner West Council officers in 2018, the design was revised to retain all surviving building fabric associated with the former Pilchers Bakery Warehouse (1907) and the ABBCO site (1917), with new development set back to allow the scale and form of the character buildings to be evident to visitors to the place.

Comments

Callan Park Conservation Area & Buildings

In our opinion the Proposal would not adversely affect the heritage significance of the Callan Park Conservation Area, or its components, for the following reasons:

- a) The Proposal would be wholly contained within the Site and would be physically separated from the Callan Park Conservation Area by Balmain Road.
- b) The Proposal would maintain Alberto Street and Cecily Street as links to the Callan Park Conservation Area and maintain views from Balmain Road, consistent with the draft Final Callan Park Masterplan adopted by Leichhardt Council in November 2011.
- c) The Proposal would maintain the existing street walk boundary and new upper level development would be set back from Balmain Road to minimise the scale and bulk of the new buildings from Balmain Road and in views from the Callan Park Conservation Area.

8 Fred Street, Lilyfield (Timber cottage and Interiors)

The Proposal would be physically separated from the heritage listed timber house located at 8 Fred Street, Lilyfield. The Proposal would not involve the removal or modification of significant building fabric or further impact its setting. The Proposal will be divided into four blocks to reduce its perceived scale and massing in views from the surrounding area. The three blocks centrally located within the Site will be arranged to retain solar access to residential development located on the southern side of Fred Street, including the heritage item located at 8 Fred Street, as shown in the *Art Haus Urban Design Report* (May 2019).

The Proposal would retain the existing street wall boundary with Fred Street, with upper level development set back from the boundary. The ground floor level would be constructed with openings and windows to reduce the perceived bulk of the Proposal and to provide passive surveillance of Fred Street.

New construction would be recognisable as such, to allow visitors to appreciate the scale and extent of the former Pilchers Bakery Warehouse (1907) and the ABBCO site (1917). New external walls would be constructed of face brick, rendered or painted surfaces, drawing on the palette of materials exhibited by nineteenth and twentieth century development located in Balmain Road and the residential and light industrial development of the surrounding area.

5.1 CONCLUSIONS

Having inspected the Site bounded by Balmain Road, Cecily Street, Fred Street and Alberto Street and reviewed the documentation nominated above, we conclude the Proposal would not impact or alter the heritage significance of the Callan Park Conservation Area & Buildings or 8 Fred Street, Lilyfield. In our opinion the heritage impacts of the Proposal is acceptable for the following reasons:

- i. Existing views between heritage items in the vicinity, and the character of the Callan Park Conservation Area, will be retained and conserved. Views looking northwards along Cecily Street and Alberto Street would be retained terminating at the main pedestrian and vehicular entrances to the Callan Park Conservation Area from Balmain Road.
- ii. The Proposal would not alter the heritage curtilage of either the Callan Park Conservation Area or 8 Fred Street.
- iii. The Proposal would not alter the identified historic or aesthetic significance of the 'Timber cottage and Interiors' of the building located at 8 Fred Street, Lilyfield.
- iv. The Proposal would not alter the heritage significance of the Callan Park Conservation Area or its buildings.
- v. The works are generally consistent with the heritage objectives of the *Leichhardt LEP 2013* and the *Leichhardt DCP 2013*.
- vi. The works have been designed to address each of the surrounding streets, with upper level development set back from the street to reduce the visual scale of the development and to provide a transition to residential development in surrounding streets. External walls will include windows and openings to reduce the visual impact of large expanses on masonry walls on views along Fred Street and Alberto Street as shown in the *Art Haus Urban Design Report* (May 2019).
- vii. The Proposal would be constructed of high quality materials and finishes.
- viii. The taller elements of the Proposal have been designed as three separate buildings to retain solar access to the residential development to the south of Fred Street.
- ix. The former Pilchers Bakery Warehouse (1907) and the ABBCO site (1917) would be retained as evidence of the previous light industrial development of the Site.

Yours faithfully,

NBRSARCHITECTURE.



Pamela Jeffery

Senior Heritage Consultant/Architect

12th December 2019

Mr Wes van der Gardner
Roche Group Pty Limited
PO Box 325
Double Bay NSW 1360

Dear Wes,

RE: Balmain Response

RobertsDay
planning-design-place

Community	
Comment	Response
The precedents used are not comparable to the site	In response to condition 1.(c) of the Gateway Determination which states <i>'provide further examples and discussion on successful industrial and residential developments, and further explain how amenity will be provided to residents on the site'</i> , the purpose of the precedents was to focus on key principles for successfully integrating light industrial (or similar employment) uses and residential dwellings. This analysis resulted in five key principles that have positively informed the Proposal and Site Specific DCP.
The bulk & scale of the proposal is out of context	<p>The Proposal has been designed to provide an appropriate interface and transition to the surrounding area. The building envelope is set back at the Balmain Rd frontage to create a human scale experience for people at the street level. The built form to Cecily St, Alberto St and Fred St transitions down to be lower-rise elements providing an appropriate interface with the surrounding scale. The Site Specific DCP provides further guidance on the articulation of a finer-grain built form to integrate the Proposal into its context.</p> <p>With the exception of the character buildings to be retained onsite (former Pilchers Bakery Warehouse (1907) and the ABBCO site (1917)), the existing buildings on Site comprise considerable blank walls, have limited architectural quality and detract from the area. It is therefore considered that the Proposal will provide a significant improvement to the existing buildings on the Site.</p>
The height is not in keeping with local landscape and will dominate surrounding dwellings	The proposed concept is based on a context-responsive building envelope where different building heights respond to their adjoining streetscape context. Balmain Rd is a mix of two storey (retained character buildings) and six storey built form that is comprised of a 2 storey street wall with the upper levels setback to create a human scale experience for people at the street level. It is important to note that the six storey built form comprises only 30% of the Site. The balance of the proposed heights is low-rise and of a scale consistent with the local context. Indeed, 48% of the site is between 1-3 storeys. Furthermore, built form setbacks in the Site Specific DCP further integrate the proposed heights into the local context.

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	The detailed Visual Analysis in the RD Urban Design Report illustrates the successful integration of the proposal into the local context.
There will be overshadowing to surrounding dwellings	<p>There are predominantly residential properties surrounding the Site. In keeping with good planning and the 2007 design principles developed by the former Leichhardt Council in consultation with the Residents Reference Group for the future development of the Site, a sensitive approach to design has been taken to ensure that no additional adverse impact is created from the Proposal with building envelopes stepping down towards Alberto Street and Fred Street maintaining sunlight to adjoining properties. Solar impacts from the Proposal will predominantly be on existing roads and driveways during morning hours and after 3pm largely on roofs or blank walls. The design has been carefully considered to ensure there is very little impact on existing private and public open space.</p> <p>The detailed Solar Analysis in the RD Urban Design Report illustrates the above in 2D and 3D, including quantifying the shadows cast from the current building versus the Proposal.</p>
Local business owners state that the light industrial ceilings must be 6m high and that they are struggling to relocate due to lack of industrial space available	The Proposal has generous ground floor, floor-to-ceiling heights appropriate for light industrial, particularly creative industries. The RD Urban Design Report illustrative cross sections illustrates a typical height of 4.4m for the new buildings and maintaining the 5.2m for the character buildings. These proposed heights provide significant flexibility for future use as well as providing the opportunity for appropriate acoustic attenuation between uses.
No additional green space provision	A key priority of the Proposal is to retain 6,000sqm of employment floor space, predominately on the ground floor. As such, creating additional green space of any significance on the ground floor was not possible. However, the Proposal includes the provision of a new publicly accessible pedestrian lane behind the retained character buildings, widened tree-lined footpaths and a pedestrian link connecting Fred Street and Alberto Street. Furthermore, over 1,706m ² of communal open space will be provided, as well as green walls and green roofs. The communal open space satisfies the criteria of the ADG.
Exit ramp on Alberto St will generate excessive disturbance at night with headlights of exiting vehicles	The Proposal has been designed to ensure there are minimal impacts on the surrounding area from access to the Site by private car and loading vehicles. Traffic analysis shows minimal impact on the surrounding area and redevelopment of the Site will likely result in improved amenity for surrounding residential uses. Driveways and parking areas have been located to, and will be designed to, ensure vehicles can enter and exit in a single turning movement, and there is little queuing impact on public roads.
Overlooking into private courtyards on Fred St	The width of the rear setbacks within the proposed stepped built form will ensure that views to the adjacent private courtyards are minimised through the configuration of the building volume itself. During the DA process privacy would be considered further to provide additional mitigation measures by design.
The development will visually dominate Callan Park	Given the enormous scale of Callan Park itself, the Park topography falling away from Balmain Rd, and tall trees along the Balmain Rd boundary it is not possible for the modest scale of the project to visually

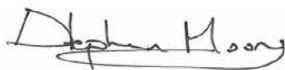
	dominate the Park. Indeed, as the Urban Design Report 2019 visual analysis illustrates there are limited views of the project from Callan Park.
Want to see guarantee for green walls and street tree etc	The draft Site Specific DCP contains a control under Open Space and Landscape which states <i>"Opportunities for green walls, green roofs and communal gardens within the Site are to be explored"</i> . During the detailed design stage of the Proposal, these opportunities will be explored and where possible and appropriate incorporated. The Site Specific DCP Open Space and Landscape Controls are consistent with Council's approach in other DCPs.
Images portrayed are misleading as they don't show a full and accurate visual depiction of the proposal	The documentation submitted exceeds the requirements for Planning Proposals regarding visual communication. The images do reflect an accurate visual depiction of the Proposal. As part of the Planning Proposal process, Government was issued with 3D files for verification.

Inner West Council	
Comment	Response
The proposal states that it "has been developed in line with" 2007 Leichhardt Council design principles for development of the site. At almost 13 years these principles are clearly outdated.	The former Leichhardt Municipal Council adopted a set of nine design principles to guide the future development on the site, including heritage conservation, land use, local amenity, built form/building envelope, parking and vehicular access, traffic generation, site/block permeability, open space, and ecologically sustainable development. These principles were established with an established Resident Reference Group and were informed by previous proposals on the site. The urban context including the Site and surrounding built form has not changed significantly since these principles were established. They are therefore considered to be applicable to guide the development of the current application. Further, these time-proven principles have been recognized by NSW Government as best practice.
Maximum RLs be should be included in both the Local Environmental Plan (LEP)/DCP amendments.	The Department's 'Standard Technical Requirements for Spatial Datasets and Maps' provide guidance regarding Standard Instrument LEP mapping requirements as set out in the Environmental Planning and Assessment Act 1979. As stated in this document, the Height of Buildings for the purpose of LEP amendments is required to be shown in metres in the LEP Height of Buildings map and is defined as the vertical distance between the ground level and the highest point of the building for the land application area. The application of this guidance ensures there is no unnecessary burden on the development application process.
As discussed in the detailed comments on the draft DCP below, the	The Proposal has carefully considered street wall heights in relation to the character of adjoining streets. The Balmain Rd wall height establishes a datum line integrating the retained character building

<p>illustrative cross section in the Urban Design Report shows that the scheme will result in wall heights of approximately 12.4m (three storeys) to Balmain Road and 8.5m (two storeys) to Fred Street. Wall heights in this location should be a maximum of two storeys, particularly given the 4m floor-to-ceiling height for the ground floor and the 400mm+ slab between ground and first floors. Under Leichhardt DCP 2013, the Nanny Goat Hill Distinctive Neighbourhood has a 7.2m maximum wall height (C13).</p>	<p>heights and new development into a harmonious visual relationship. The Fred St and majority of Alberto St have two storey street wall heights.</p> <p>Under Leichhardt DCP 2013 Nanny Goat Hill Distinctive Neighbourhood a building wall height of 7.2 metres is advised for buildings “originally designed for non-residential use”. The existing buildings on Site have a street wall height of up to approximately 14m. The Proposal is for a mixed-use light-industrial and residential purpose, which requires a careful balance between variety and a more unified façade composition with the upper levels setback from the street wall to provide a human scale to users at the street level.</p>
<p>Consideration should be given to increasing the upper level setback to Balmain Road (currently shown as 3m) so as to reduce apparent bulk and scale.</p>	<p>Urban areas are characterized by a strong sense of enclosure with street spaces that are often lined by buildings set along the front property boundary, and with a range of setback distances at upper levels. The relationship between surrounding context, including street width, and building height, is important for defining the character of a place. Given the location of the existing front boundary being more than 20 metres from the nearest boundary of Callan Park, and with an additional 1.7 – 3 metre footpath provision on Balmain Road providing an opportunity for street tree planting of a larger scale, the proposed 3 metre setback to the upper levels is considered appropriate in its context and is consistent with best practice urban design.</p>
<p>Particularly long building lengths are shown to Fred Street and Balmain Road so requirements on building wall lengths and articulation should be included.</p>	<p>The draft Site Specific DCP includes a control under Site Layout and Built Form which states <i>“Street fronting buildings elevations are to be articulated to complement the fine grain form of surrounding neighbourhoods and reduce the appearance of building bulk and scale. This can be achieved through windows, balconies and other fine grain elements and materials, colours and textures. The arrangement of these elements is in particular encouraged to emphasise the vertical along Balmain Road and Fred Street to counter the length of these buildings”</i>.</p> <p>This will replace the poor industrial frontage on all street frontages with an active and/or attractive frontage to create an improved pedestrian experience.</p>
<p>The planning proposal suggests a new local provision that would</p>	<p>We do not see how existing or future businesses in the adjoining industrial area would be impacted by the Proposal through the introduction of residential dwellings as the area is already interspersed</p>

<p>require that "any development of the site is to have regard for any impacts created on the adjoining IN2 Light Industrial land". It appears that this is the response to the Gateway requirement (e) to update the proposal to "demonstrate that the development will not have a detrimental impact on the current or future uses of the adjoining industrial area". Using a local provision to shift consideration of this to the Development Application (DA) stage is unacceptable. The proposal does not consider whether there are appropriate mechanisms to protect the viability of the adjoining industrial land.</p>	<p>with residential uses. Redevelopment in accordance with the Proposal will in effect reduce land use conflicts through more appropriate design. Furthermore, the existing local urban services will benefit from additional residents nearby utilising the services these local business provide, enhancing their viability.</p> <p>The Site Specific DCP includes specific sections to mitigate any adverse impacts on light industrial and residential users.</p>
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Yours sincerely,
ROBERTSDAY



Stephen Moore
Director

7th December 2019

Mr Wes van der Gardner
Roche Group Pty Limited
PO Box 325
Double Bay NSW 1360

Dear Wes,

RE: REVIEW OF AE SUBMISSION

Our Key Concern

- The AE Report refers to the RD Urban Design Report of February 2018 (2018 Report).

This was not the final RD Urban Design Report of May 2019 (2019 Report), which was part of the public exhibition material.

There were significant design changes between the 2018 Report and 2019 Report, such as the reduction in maximum height and replacing the Balmain Rd plaza with an improved character building outcome.

As the AE Report relies on inaccurate information it is difficult to respond specifically to the issues raised and therefore we have taken the concerns more generally and provided responses accordingly.

Precedents

- The AE Report states correctly the precedents have “some relevance regarding the types and mix of building uses”.

In response to condition 1.(c) of the Gateway Determination which states ‘provide further examples and discussion on successful industrial and residential developments, and further explain how amenity will be provided to residents on the site’, the purpose of the precedents was to focus on understanding lessons learnt (or key principles) for integrating light industrial (or similar employment uses) and residential dwellings. This analysis resulted in five key lessons for success that have positively informed the Proposal and Site Specific DCP.

- Whilst not the requested purpose of the precedent study, we respectfully disagree with the AE Report that the precedents do not support the scale of the Proposal. For example, the AE Report incorrectly identifies the boundary of Casba, Waterloo. If the boundary was accurately illustrated to extend to the Phillip Street frontage, this internationally award-winning project illustrates mid-rise apartments (say 6 storeys) and low-rise terraces (say 2 storeys) can co-exist and create a great place.
- Beyond Waterloo, if it had been requested the precedent analysis should focus on the proposed built form scale there are many comparable precedents to measure potential success around Sydney. All of these precedents illustrate the potential for mid-rise buildings to co-exist with low-rise buildings and create great places.

Transitional Potential

- The Proposal does not surmise it will be the catalyst for the surrounding area to transition to higher densities, as suggested by the AE Report. Indeed, the suggested transition is not possible for a range of reasons including fine-grain (smaller land parcels), fragmented land ownership and other site specific constraints.

Instead, the strategic and site-specific merit of the Proposal is underpinned by a specific opportunity to renew a large and underutilised Site in single ownership. In comparison to surrounding land, this Site is relatively unconstrained as it is generally flat and surrounded by roads except a small section between Fred St & Alberto St where a minimum setback of 3.0 metres is proposed and incorporates a pedestrian link over land to be dedicated to Council (essentially an island site).

- The Proposal retains the IN2 zone with 6,000sqm of light industrial floor space within a fit-for-purpose flexible, modern floor space and introduces an additional permitted use for Residential Flat Buildings. The Proposal also guarantees 1,200 square metres of creative employment / artist space and diversify housing choice in an optimal location opposite Callan Park.

Movement and Urban Structure

- A key goal for the Proposal was retaining the light industrial / employment floor space (predominantly on the ground floor) with any redevelopment of the Site.

As such, the AE Report idea to create four smaller blocks was never a possibility as it would be to the detriment of a larger light industrial floorplate providing maximum flexibility and local job creation.

Further, even if the creation of four smaller blocks was a possibility there is no urban design rationale for this super-small block structure with multiple through site connections. With a maximum block length of 108m between Cecily St and Alberto St, the block dimension is already fine-grain and aligns with world's best practice for 'walkable' block dimensions. Further there is no underlying urban design structural argument (i.e. a clear destination on Fred St) to attempt to introduce the suggested north-south link and in 2007, the Resident Action Group rejected such a proposal.

- However, the Proposal does increase the Site's permeability with a strong urban design rationale to separate the retained character building(s) and new development with a pedestrian laneway i.e. the Site is divided into two blocks responding to the Site's place qualities. In doing so, the Proposal anticipates the laneway providing a logical future connection into a series of publicly accessible internal arcades that will provide access to different tenancies within the light industrial space.

Although achieved in a different way, this outcome offers greater permeability than that suggested in the AE Report.

- Also, the Proposal does significantly improve the neighbourhood's walkability by creating a strategic pedestrian link connecting Fred St and Alberto St and onwards to Maida St. This connection helps create a quieter and safer east-west pedestrian route one block back from the busier Balmain Rd. It is highly desirable for local children walking to school.
- Finally, given the scale of Callan Park adjoining the Site there is no rationale for a very small pocket park on the Site. The experience offered by such a small park could not compete with Callan Park and would be underutilised. Instead, the Proposal diversifies the types of publicly accessible 'third space' for locals including pedestrian lanes, plaza, widened footpaths and the like.

Streetscape Compatibility

- The AE Report Streetscape Compatibility Analysis is flawed for a number of reasons including:
 1. The Analysis methodology of using “illustrative sections” is not aligned with industry standard visual analysis methodologies of using perspective views relating to the user experience;
 2. The Analysis information is factually incorrect and uses an earlier concept with building heights taller than the actual Proposal.
- Compared to the flawed AE Report, the RD Urban Design Report provides a detailed visual analysis of the proposed concept illustrating the Proposal successfully integrates itself into the varied streetscape characters of Balmain Rd, Cecily St, Fred St and Alberto St.

Open Space

- Amenity: The Proposal does comply with ADG criteria for solar amenity with a variety of communal spaces, including rooftop gardens, as illustrated in the 2019 Report. The AE Report refers to the superseded concept in the 2018 Report.
- Privacy: The Proposal does comply with ADG criteria for privacy with typical floor plans included in the 2019 Report. The AE Report refers to the superseded concept in the 2018 Report.
- Neighbourhood Character: The AE Report fails to understand the Proposal is based on retaining the light industrial zone and a large 6,000sqm flexible floorplate. The raised communal space simply uses the roof of the industrial floorplate itself. The AE Report suggestion the Proposal should have ground floor open space similar to its residential neighbours is flawed because the Proposal is not rezoning the land itself to a residential zone.
- Safety: The AE Report raises concern on the safety of a public plaza fronting Balmain Rd. The plaza does not exist in the updated 2019 Report, and the concern is not valid. Again, the AE Report refers to the superseded concept in the 2018 Report.

Solar Access and Overshadowing

- The AE Report solar access and overshadowing comments are based on the 2018 Report and are therefore not accurate.
- The RD 2019 Report provides a greater level of solar analysis than the earlier report and illustrates appropriate solar amenity is maintained.

Proposed Controls

- The AE Report recommendation for proposed controls is based on the superseded concept in the 2018 Report.
- Notwithstanding, the 2019 Report and accompanying Site Specific DCP is consistent with the majority of the proposed control recommendations of the AE Report.

Yours sincerely,
ROBERTSDAY

S Moore

Stephen Moore
Director

12 December 2019

2190053

Mr Thomas Scarf
Development Manager
Roche Group Pty Ltd
365 New South Head Road
DOUBLE BAY NSW 1360

Dear Thomas

Re: Inner West Council comments on draft DCP for 469-483 Balmain Road, Lilyfield

Thank you for asking us to advise on the Inner West Council's comments on draft DCP for 469-483 Balmain Road, Lilyfield.

Accordingly, please find attached a table that outlines:

- Council comment
- our comment
- recommended amendment.

It is important to note that what is being proposed for this site is an innovative response to maintaining and integrating employment floor space with residential uses. Given this innovative nature, application of generic standards applicable across the entire LGA should be avoided in preference for more context responsive provisions, or alternatively provisions that require consideration of a matter but provide flexibility in terms of response.

While council's encouragement of sustainability initiatives is supported, policy on this matter should first be developed holistically based on studies and other evidence and then applied in a bespoke way to the site. It is not the role of the site to lead development of such policy.

Should you have any questions in relation to this matter, please do not hesitate to contact me.

Yours sincerely,



Chris Bain

Associate Director

9956 6962

cbain@ethosurban.com

Attachment 1: Response to Inner West Council comments on draft DCP for 469-483 Balmain Road, Lilyfield

Ref.	Council comment	Ethos Urban comment	Recommended amendment
General			
1.	It is unclear whether it is proposed to include the controls for the site within a stand-alone DCP or within Part G of DCP 2013. Council's preference would be for the provisions to sit within Part G to remove the need for cross referencing/adopting provisions of DCP 2013. Section 1.3 states "in the event of an inconsistency between this section of the DCP and the remainder of Leichhardt DCP 2013". This infers that these provisions sit within DCP 2013, while 1.1 suggests that the DCP is stand alone	<p>The DCP will be stand alone.</p> <p>To ensure the continued applicability of council's general planning policy, the DCP will adopt by reference the remainder of the Leichhardt DCP 2013.</p> <p>Given the comprehensive nature of the DCP, it is prudent to include a statement clarifying the relationship between these parts, as being a more fine grain document, it is standard practice that in the event of any inconsistency with more general parts, it will prevail</p> <p>It is noted that council may need to undertake a consequential amendment of part G of its DCP to include reference to the subject site.</p>	No change
1.3 Relationship with other plans			
2.	The table on Page 4 is of little value. If this is to be a stand alone DCP then it needs to specifically reference the provisions (sections/parts) of DCP 2013 which it is adopting and the language used must clearly reflect this	<p>This table provides a clear policy line of sight back to the LEP. On this basis, while unconventional, it is appropriate to retain to provide clarity and transparency on applicable DCP policy.</p> <p>To council's point, it is proposed to amend section 1.3 to make it clear that this DCP adopts the remainder of the Leichhardt DCP 2013.</p> <p>As a further consequence of this, the part 2.8 – Sustainability will be deleted as it is not longer necessary.</p>	<p>Amended as follows:</p> <p>This DCP adopts the provisions of the Leichhardt DCP 2013. In the event of an inconsistency between this section of the DCP and the remainder of Leichhardt DCP 2013 and any other DCP, policy or code, this DCP shall prevail in relation to development on the Site.</p>
1.5 Application to the DCP Provisions			
3.	This section is unnecessary as the Act establishes the status of DCPs	It is noted that Division 6 of the act outlines amongst other things the purpose and status of DCPs. However, we have found it helpful in previous experiences to include this sort of statement in the actual DCP that is consistent with the Act, Regs and DPIE guidelines.	No change
2.1 Desired Future Character Statement			
4.	This section should include commentary on heights and massing	<p>Agreed.</p> <p>The additional content has been developed to complement the subsequent principles, which further articulate the height and massing intent.</p>	<p>Amended as follows:</p> <p>The Site's design should reflect the diverse built form of the surrounding area. The Site will retain the character buildings and provide ongoing space for local artists to create a unique place with a broad appeal to the surrounding community. Flexible employment</p>

Ref.	Council comment	Ethos Urban comment	Recommended amendment
			floorspace will be provided to accommodate the broad range of employment uses allowed within the light industrial zone. In addition, new residential apartments will also be provided with separate entries, circulation, and acoustic treatment to ensure a positive amenity for the residential uses and long term viability of the employment uses. Heights and massing is to strengthen the high street character of this part of Balmain Road, while providing for a high level of amenity for adjoining residential uses.
2.2 Principles			
5.	Reference should be made to minimising impacts on adjacent/nearby heritage items (dwelling on Fred St and Callan Park Conservation Area – State item).	Agreed	Amended as follows: OX: Minimise impacts on adjacent and nearby heritage items
6.	<p>Encourage the development of a built form that does not adversely impact on the solar amenity of adjoining residential properties</p> <p>In addition to the built form provisions, achievement of this principle should be supported by provisions which ensure that overshadowing of adjoining properties is minimised, e.g.</p> <p>Objective</p> <ul style="list-style-type: none"> To minimise the overshadowing impacts of development within the Precinct on adjoining properties. <p>Control</p> <ul style="list-style-type: none"> The surrounding residential properties are to receive a minimum three hours of direct sunlight to 50% of windows to principal living areas and 50% of principal open space between 9am and 3pm at the winter solstice. Where properties receive less solar access than specified above, there should be no further reduction 	<p>Objective supported.</p> <p>The urban design study outlines the approach to solar access to adjoining properties as follows:</p> <ul style="list-style-type: none"> <i>Building envelopes for the site are stepped down towards Alberto Street and Fred Street, allowing sunlight to reach adjoining properties and not be adversely impacted. The shadow diagrams show that there is very little impact on existing private and public open space and it is balanced throughout the day.</i> <i>Between the hours of 9am and 11am on 21 June, although there is some overshadowing on adjoining properties along Alberto Street, it essentially falls onto blank walls and garages. Shadowing in this area decreases throughout the day.</i> <i>Similarly, properties along Fred Street receive full sunlight during the morning. While there is increased overshadowing in the afternoon, it is located within the road and existing built form, rather than private open spaces.</i> <p>This suggests that in situations where non-compliance with the metric occurs, there will be a slight but acceptable impact on the existing levels of solar access. On this basis, it is recommended that a less stringent control be applied</p>	<p>Amended as follows:</p> <p>CX: Surrounding residential properties are to receive a minimum three hours of direct sunlight to 50% of windows to principal living areas and 50% of principal open space between 9am and 3pm at the winter solstice. Where properties receive less solar access than specified above, any reduction in direct sunlight to principal open space should be minimised</p>
3.1 Public Domain			
7.	Amend as follows: O2 To increase pedestrian permeability around the Site and enhance the local pedestrian network	Agree	Amended as follows: O2 To increase pedestrian permeability around the Site and enhance the local pedestrian network.
8.	Amend as follows: C1 Widened footpaths to Balmain Road, Alberto Street and Fred Street are to be provided as shown at Figure 2. These areas are to be dedicated to Council at no cost	Agree	Amended as follows: Widened footpaths to Balmain Road, Alberto Street and Fred Street are to be provided as shown at Figure 2. These areas are to be dedicated to Council at no cost.
9.	Amend as follows: C3 A public domain/landscape plan is to be submitted with a development application for the redevelopment of the Site that illustrates the proposed materials and finishes of the public domain and landscaping around the Site in accordance with (refer to relevant sections).	<p>Agree, in part.</p> <p>As noted above, this stand alone DCP will adopt by reference the Leichhardt DCP 2013,</p>	Amended as follows: A public domain/landscape plan is to be submitted with a development application for the redevelopment of the Site that illustrates the proposed materials and finishes of the

Ref.	Council comment	Ethos Urban comment	Recommended amendment
		Note there is no substantive change proposed as part of council's recommendation	public domain and landscaping around the Site in accordance with Sections C1.12 and C1.13 of the Leichhardt DCP 2013
10.	A control should be included which requires provision of a publicly accessible link between Balmain Road and Cecily Street (as shown in the Urban Design Report). The control should stipulate the width of the link, whether access is to be unrestricted/restricted, and require that it provide unimpeded pedestrian access i.e. without stairs	Agree in principle. The control has been developed to ensure delivery and capture key outcomes, while deferring detail to subsequent design as part of the development application process	Amended as follows: Development is to provide a publicly accessible pedestrian link between Balmain Road and Cecily Street separating existing buildings to be retained and new buildings. The link is to: <ul style="list-style-type: none"> • expose the existing external fabric of the existing buildings, enabling an appreciation of the site's industrial past • have a width that enables comfortable pedestrian movement consistent with forecast use patterns • provide universal access • be publicly accessible during daylight hours
11.	Overhead power cables along the Balmain Road and Fred Street frontages must be relocated underground and replaced with appropriate street lighting given the scale of the development and the significant aesthetic benefit resulting from undergrounding, including allowing for viable street tree planting.	This outcome is inconsistent with the existing arrangement of electricity provision on the Balmain Road – which arguably contributes to its 'urban grittiness' and as such poses some significant practical challenges. In addition, this is not the responsibility of the developer – rather, it is the responsibility of the electricity provider	No change
12.	Incorporate street trees along Balmain Road, Fred Street and Alberto Street.	Agree. It is noted that there are some constraints to the type and density of street tree planting that can pragmatically occur	Amended as follows: Street trees are planted adjoining the Site on Balmain Road, Fred Street and Alberto Street. Planting is to consider conditions such as: <ul style="list-style-type: none"> • Ground floor street setbacks • Retention of overhead power cables • Consistency with the character of the street.
3.2 Uses and Activities			
13.	Need provisions that will safeguard the current and future viability of the adjoining industrial area	Noted and added at 3.5	Amended as follows: O1. To ensure viability of employment uses and residential amenity and safeguard the viability of employment uses within the Site and on adjoining industrial land by providing excellent acoustic attenuation. C1. c. incorporating construction methods and materials that insulate residential uses from noise transmission from on Site and surrounding employment uses;
14.	C2 - Delete 'active'. It may not be appropriate for employment uses to have an active frontage	Agreed	Amended as follows: Balmain Road is to be the primary street frontage with any proposed redevelopment, including within the retained character buildings.
15.	Additional controls: <ul style="list-style-type: none"> • The development shall comply with Council's requirements for Diverse Housing (refer Clause 6.13 of LLEP 2013). • Dwellings of different sizes and tenures should be well integrated within the development 	Clause 6.13 of LLEP 2013 requires: <ul style="list-style-type: none"> • at least 25% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development will include self-contained studio dwellings or one-bedroom dwellings, or both, and 	Amended as follows: CX: A variety of apartment types is provided, including one, two and three bedrooms, to cater for to cater for singles, couples, families and retirees

Ref.	Council comment	Ethos Urban comment	Recommended amendment
		<ul style="list-style-type: none"> no more than 30% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development will include dwellings with at least 3 bedrooms. <p>The urban design report states:</p> <ul style="list-style-type: none"> <i>The proposal provides for approximately 11,325m2 of residential gross floor area (GFA), which equates to 142 apartments.</i> <i>A mix of one bedroom (34%), two bedroom (46%) and 3 bedroom (20%) apartments is proposed within the development. This broad mix of dwelling types will facilitate an inclusive community of people including singles, couples, families and retirees.</i> <p>Existing O4 is considered to adequately address dwelling diversity, and is aligned with the ADG. Specification of generic controls for the entire LGA does not necessarily take into proper consideration to needs and opportunities of the site. On this basis, guidance as opposed to prescription is proposed</p>	
3.3 Site Layout and Built Form			
16.	Additional objectives and controls required in relation to achieving appropriate street wall heights and fine grain development. The urban design report states that the design incorporates vertical facade articulation (noting that Lilyfield and surrounds are 'fine-grained' neighbourhoods) – this should be reflected in the DCP. E.g. Building façades are to display a distinct vertical modulation and rhythm that complement the fine grain character of the locality	A control to address this is proposed	<p>Amended as follows:</p> <p>Street fronting building elevations are to be articulated to complement the fine grain form of surrounding neighbourhoods and reduce the appearance of building bulk and scale. This can be achieved through windows, balconies and other finer grain elements and materials, colours and textures. The arrangement of these elements is in particular encouraged to emphasise the vertical along Balmain Road and Fred Street to counter the length of these buildings.</p>
17.	<p>The controls allow flexibility ('generally consistent', 'where variation is proposed') in relation to heights and setbacks. This dilutes the controls, potentially making them ineffective. These could be replaced (and simplified) with a control that allows for variation, but only where a better built form outcome is achieved e.g.:</p> <p>Alternative building envelopes will only be permitted if the proposal can demonstrate a higher quality outcome can be achieved with regard to:</p> <ul style="list-style-type: none"> response to the surrounding context built form and scale transition across the site impacts to the adjacent HCA and heritage items amenity to the surrounding properties and within the site permeability and connectivity 	Under the purpose and status of DCPs under the Act, flexibility is supported for setbacks and for height where it is within the upper limits set by the LEP. On this basis, inclusion of terms such as generally is consistent with the Act, and serves as a reminder of this interpretation. Under the operation of DCPs, alternative solutions to a control proposed as part of a development application are to be assessed against the corresponding objective/s under the relevant topic (eg public domain). On this basis, there is no need to include additional decision criteria such as that proposed	No change
18.	C4 – Include a requirement that upper level setbacks are to be free of any encroachments from any parts of new building structures	Agreed. It is noted that this will preclude balconies and other structures	<p>Amended as follows:</p> <p>Building setbacks are to be consistent with Figures 5 – 9. Where variation is proposed, the built form is to meet the relevant objectives of this section. Upper level setbacks are to be free of any encroachments from any parts of new building structures.</p>

Ref.	Council comment	Ethos Urban comment	Recommended amendment
19.	Maximum RLs be should be included in the LEP/DCP.	Overall maximum height is a matter for the LEP	No change
20.	Wall heights should be a maximum of two storeys, particularly given the 4m floor-to-ceiling height for the ground floor and the 400mm+ slab between ground and first floors. The illustrative cross section in the urban design report shows that the scheme will result in wall heights of approx. 12.4m to Balmain Road and 8.5m to Fred St. Under DCP 2103, Nanny Goat Hill Distinctive Neighbourhood has a 7.2m maximum wall height (C13).	<p>The proposed scheme as documented in the urban design report was derived from comprehensive site and context analysis and subsequent design development process, including consideration of options. In particular the following extracts are noted:</p> <ul style="list-style-type: none"> ‘The surrounding area comprises a diverse range of housing, massing scales and block compositions. Options are tested to develop a responsive form that sits comfortably within its immediate surrounds and minimises amenity impacts on the adjoining neighbourhood. Buildings fronting Fred Street are further reduced in height to be no taller than the existing buildings fronting the street which will minimise overshadowing’. <p>At 12.4m, the Balmain Road street wall is consistent with a main street character. At 8.5m, the Fred Street street wall is consistent with the overall typical height applied to many inner urban, mixed residential precincts</p>	No change
21.	Consideration should be given to increasing the upper level setback to Balmain Road (currently shown as 3m) so as to reduce apparent bulk and scale.	3m is an accepted standard for mitigating the visual impact of upper levels over a lower street wall. It is noted that this part of Balmain Road does not have a coherent street wall height, and as such is not a key design driver	No change
22.	Confirm setbacks between the ‘character buildings’ and the proposed buildings.	Per above, the DCP (as proposed to be amended) will stipulate that the separation distance is to enable appreciation of the existing external fabric of the character buildings. The width of this setback will be developed at a later development application stage	No change
23.	Include requirements on building/wall lengths and need for articulation – particularly long building lengths are shown to Fred St and Balmain Rd.	<p>Agreed, in part.</p> <p>Due to its context, façade articulation is appropriate. However, the appropriate building / wall length and type of articulation is not an exact science that lends itself to codification through a DCP. In addition, specifying exact articulation dimensions has the potential to result in challenging DCP clauses due to the number of factors to be considered, including maximum length prior to a recess or projection, the depth of that recess or projection, the length of the recess or projection etc.</p> <p>On this basis, a hybrid amendment is proposed.</p>	<p>Amended as follows:</p> <p>Street fronting building elevations are to be articulated to complement the fine grain form of surrounding neighbourhoods and reduce the appearance of building bulk and scale. This can be achieved through windows, balconies and other finer grain elements and materials, colours and textures. The arrangement of these elements is in particular encouraged to emphasise the vertical along Balmain Road and Fred Street to counter the length of these buildings.</p>
3.4 Building Design			
24.	C1 – Vague. Reads more like an objective. Not measurable	<p>C1 is:</p> <ul style="list-style-type: none"> Buildings elements, including balconies, entries, roof features and screening are to contribute to the character of the streetscape and the quality of the building design. <p>Much of design, and in particular detail such as this, is not meant to be reduced to a pre-determined and quantifiable metric. The control in its current form gives sufficient head of</p>	No change

Ref.	Council comment	Ethos Urban comment	Recommended amendment
		power to the key considerations of 'character of the streetscape' and 'quality of the building design'.	
25.	C2 – Include: Roof structures to be within the maximum RL and not visible from the public domain	Roof structures will be in accordance with the relevant EPI. Integration within the building design as specified in the control is an appropriate and common practice	No change
26.	Delete Alternate setbacks are allowable if designed to minimise visual impact	Agreed, on the basis that a flexible approach to alternative solutions assessed against the relevant objectives is applied	Amended as follows: Alternate setbacks are allowable if designed to minimise visual impact.
3.5 Residential Amenity			
27.	The visual privacy provisions are of no effect due to SEPP 65 Clause 6A	Agreed. SEPP65 Clause 6A makes visual privacy provisions redundant.	Amended as follows: To provide adequate visual privacy of adjoining dwellings by minimising direct overlooking of principal living areas and private open space.
28.	Inclusion of the solar access provisions of the ADG is unnecessary	Agreed.	Amended as follows: Solar access to new residential apartments on the Site is to meet the minimum requirements of the NSW Apartment Design Guide, specifically, living rooms and private open spaces for at least 70% of new residential apartments should receive a minimum of 2 hours direct sunlight between 9am and 3pm in mid-winter.
29.	Consideration should also be given to including an additional section, Acoustic Privacy (or similar), relocating controls from this section and including additional controls: <ul style="list-style-type: none"> Where adjacent to industrial zoned land, buildings are to be designed and constructed to mitigate noise impacts and to ensure architectural integrity. 	In this context, a balanced consideration of amenity is more appropriate. It is recommended that the first part of the suggested clause be included. Architectural integrity can be addressed through building design covered in other parts of the DCP	Amended as follows: Where adjacent to industrial zoned land, buildings are to be designed and constructed to mitigate noise impacts
30.	3.6 Private open spaces and habitable rooms shall be located away from industrial zoned land, or protected with appropriate noise shielding devices	In a diverse and complex urban context such as this, it is not always practical nor desirable to locate private open space and habitable rooms away from industrial zoned land. It is considered a more nuanced approach is more appropriate.	Amended as follows: Private open space is recessed behind the main face of the building Or where in the form of a terrace or otherwise open to the sky, includes a landscape design that reduces the perception of noise such as perimeter planting boxes capable of accommodating screening planting Habitable rooms are located behind private open space Or Incorporates design measures such as reducing the number or size of openings such as windows facing industrial uses or treatment of openings with seals or other noise mitigating devices
3.6 Open Space and Landscape			
31.	C2 – If the redevelopment is to have 100% site coverage with no deep soil planting then the provision of green roofs and walls is imperative. Interestingly, the illustrative concept plan shows	The importance of green roofs and walls is noted. It is however considered that the development of council controls on this matter should be pursued through an LGA wide amendment to the DCP, and not through site specific DCPs	No change

Ref.	Council comment	Ethos Urban comment	Recommended amendment												
	almost all roof surfaces as green roofs. See ‘Building materials and finishes’ below.														
32.	Require planting of mature trees on structure (vault style) within the communal courtyards.	Agreed in part. Planting of trees on structure is acceptable. However, the planting of mature trees is not considered reasonable. A suggested alternative is: <ul style="list-style-type: none">Ground level communal courtyards are to include advanced trees planted on structure capable of reaching early stages of maturity within 5 years of planting	Amended as follows: Ground level communal courtyards are to include advanced trees planted on structure capable of reaching early stages of maturity within 5 years of planting												
33.	Include a requirement that any planting on structure is to satisfy the following soil volume requirement	Agreed	Amended as follows: Planting on structure is to have the following soil volumes: <table><tr><th>Tree size</th><th>Height</th><th>Soil volume</th></tr><tr><td>Small</td><td>6-9m</td><td>20sqm</td></tr><tr><td>Medium</td><td>10-13m</td><td>30sqm</td></tr><tr><td>Large</td><td>14m+</td><td>40sqm</td></tr></table>	Tree size	Height	Soil volume	Small	6-9m	20sqm	Medium	10-13m	30sqm	Large	14m+	40sqm
Tree size	Height	Soil volume													
Small	6-9m	20sqm													
Medium	10-13m	30sqm													
Large	14m+	40sqm													
34.	The minimum number of trees is 1 large tree (at least 12 metres) per 90m2 of soil, or 2 medium trees per 90m2 of soil	It is noted that this is generally consistent with the ADG. The ADG provides a rule of thumb, and as such does not consider the specific needs of individual developments such as the innovative mixed employment and residential nature of the Proposal. On this basis, the insertion of this numeric is acceptable subject to the concurrent insertion of the following objective that will provide guidance should detailed investigation by a qualified landscape architect at development assessment stage suggest the needs for a variation: The type, number, scale and siting of trees: <ul style="list-style-type: none">Is appropriate to the role and conditions of the surrounding space, including dimensions and climateProvides useable communal courtyard space at the ground levelEnables sunlight to reach dwellingsEnhances environmental performance, including supporting local wildlifeIs able to be effectively maintained over the long term.	Amended as follows: The minimum number of trees is 1 large tree (at least 12 metres) per 90 sqm of soil, or 2 medium trees per 90sqm of soil The type, number, scale and siting of trees: <ul style="list-style-type: none">Is appropriate to the role and conditions of the surrounding space, including dimensions and climateProvides useable communal courtyard space at the ground levelEnables sunlight to reach dwellingsEnhances environmental performance, including supporting local wildlifeIs able to be effectively maintained over the long term.												
35.	Additional objective – Access should also reduce the potential for traffic conflict and conflict between pedestrians and vehicles	Agreed	Amended as follows: Access reduces the potential for traffic conflict and conflict between pedestrians and vehicles												
36.	Additional controls: <ul style="list-style-type: none">Vehicle access should be separated from pedestrian entries to avoid pedestrian vehicular conflict.Ingress and egress from the site shall be in a forward direction.	Agreed	Amended as follows: Vehicle access should be separated from pedestrian entries to avoid pedestrian and vehicular conflict.												

Ref.	Council comment	Ethos Urban comment	Recommended amendment
	<ul style="list-style-type: none">Vehicular entries are to be designed to minimise the visibility of garage doors on the street. This is to be achieved by providing parking below ground level and setting doors back from the street boundary and building edge wherever possible.		<p>Ingress and egress from the site shall be in a forward direction.</p> <p>Vehicular entries are to be designed to minimise the visibility of garage doors on the street. This is to be achieved by providing parking below ground level and setting doors back from the street boundary and building edge wherever possible.</p>
37.	Show indicative locations for access, both vehicular and pedestrian	This is not needed at rezoning stage	No change



469-483 BALMAIN ROAD, LILYFIELD

Development Control Plan 2019

December 2019



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1.1 Name of the Plan and Commencement

This Plan is called the 469-483 Balmain Road, Lilyfield Development Control Plan 2019 (DCP). It has been prepared pursuant to the provisions of Division 3.6 of the Environmental Planning and Assessment Act 1979 (the “Act”) and complements the provisions of Leichhardt Local Environmental Plan (2013) (the “LEP”). This DCP was approved by the Secretary of the Department of Planning, Industry & Environment and came into effect on xxxx.

1.2 Land to which this DCP applies

This DCP applies to the land shown in Figure 1 (Lot 2, DP1015843) and known as 469-483 Balmain Road, Lilyfield (referred to as the ‘Site’). The Site has an area of 6,824m² and is within a block bound by Balmain Road, Cecily Street, Fred Street and Alberto Street, Lilyfield.

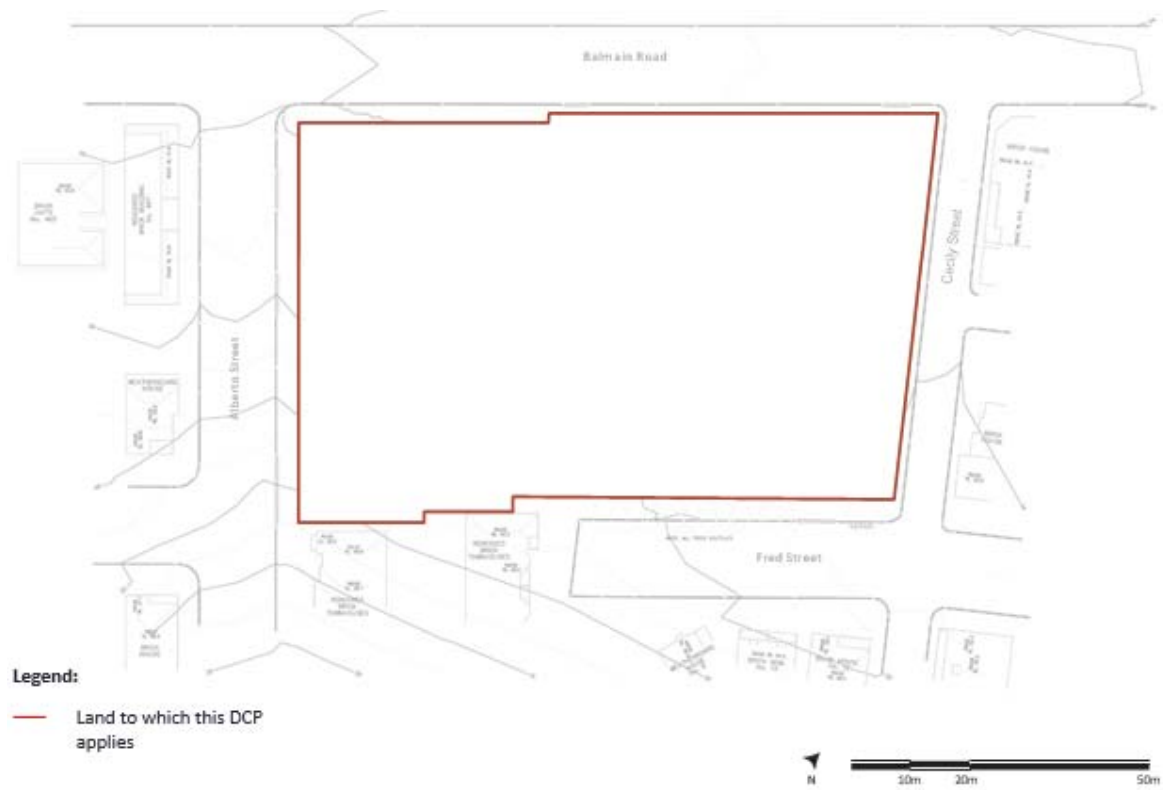


Figure 1: Land to which this Plan applies

1.3 Relationship with other plans

The Site is the subject of a site-specific amendment to the LEP (Amendment No. 17). This DCP has been prepared pursuant to Clause 6.14 of the Leichhardt LEP 2013. The following table explains the relationship of this DCP with Clause 6.14 and the Leichhardt DCP 2013.

<i>(a) the compatibility of the proposed development with the desired future character of the area,</i>	Section 2.1 and 2.2 of this DCP and Section 2 of LDCP 2013
<i>(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,</i>	Sections 3.3 and 3.4 of this DCP
<i>(c) whether the proposed development has an adverse impact on view corridors,</i>	Section C1.1 and C3.10 of LDCP 2013
<i>(d) the site's suitability for the proposed development,</i>	Section C1.1 of LDCP 2013
<i>(e) the existing and proposed mix of land uses,</i>	Section 3.2 of this DCP
<i>(f) cultural, heritage and archaeological issues,</i>	Section C1.4 of LDCP 2013
<i>(g) streetscape constraints,</i>	Section 3.3 of this DCP
<i>(h) the height, bulk, scale, massing and modulation of buildings,</i>	Sections 3.3 and 3.4 of this DCP
<i>(i) the heights of buildings with street frontages,</i>	Section 3.3 of this DCP
<i>(j) environmental constraints, including contamination and acid sulfate soils,</i>	Section C1.8 of LDCP 2013
<i>(k) environmental impacts such as overshadowing, wind and reflectivity,</i>	Part C, Section 3 of LDCP 2013
<i>(l) whether the proposed development incorporates the principles of ecologically sustainable development,</i>	Section 3.8 of this DCP
<i>(m) overall transport hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, with particular regard to public transport, pedestrians and cyclists,</i>	Not applicable. Access and parking are addressed at Section 3.7 of this DCP
<i>(n) the proposed development's relationship and integration with existing and proposed public transport facilities,</i>	As above
<i>(o) the overall landscaping of the site,</i>	Section C1.12 of LDCP 2013 and Section 3.6 of this DCP
<i>(p) stormwater management.</i>	Part E of LDCP 2013

This DCP adopts the provisions of the Leichhardt DCP 2013. In the event of an inconsistency between this section of the DCP and the remainder of Leichhardt DCP 2013 and any other DCP, policy or code, this DCP shall prevail in relation to development on the Site.

1.4 Purpose, Aims and Objectives

The purpose of this DCP is to provide guidance on and to facilitate the future development of the Site consistent with the aims and objectives of LEP 2013 Amendment No. 17. The specific aims and objectives of this DCP are:

- communicate the objectives and controls against which the consent authority will assess future development applications;
- ensure the viability of employment uses on the Site;
- minimise impacts on the amenity of adjacent properties; and
- promote a high-quality urban design outcome.

1.5 Application to the DCP Provisions

The provisions of this DCP are not statutory requirements and any development applications will be considered on its merits. The consent authority is to be flexible in applying the controls and allow reasonable alternative solutions that achieve the objectives of the controls.

2.1 Desired Future Character Statement

The Site's design should reflect the diverse built form of the surrounding area. The Site will retain the character buildings and provide ongoing space for local artists to create a unique place with a broad appeal to the surrounding community. Flexible employment floorspace will be provided to accommodate the broad range of employment uses allowed within the light industrial zone. In addition, new residential apartments will also be provided with separate entries, circulation, and acoustic treatment to ensure a positive amenity for the residential uses and long-term viability of the employment uses. Height and massing is to strengthen the high street character of this part of Balmain Road, while providing for a high level of amenity for adjoining residential uses.

2.2 Principles

Future development should enhance the existing character of the suburb of Lilyfield, Nanny Goat Hill Distinctive Neighbourhood, and the Site as it exists today. It should:

- Provide adaptable employment floorspace able to respond to a broad range of light industrial uses;
- Retain creative employment / artists space on the Site;
- Retain the character buildings on the Site;
- Encourage a diversity of building envelopes reflecting the diverse built form of the surrounding area;
- Encourage an architectural response using a variety of materials found within the local area;
- Provide a contextually responsive building envelope where the tallest buildings are located towards Balmain Road and lower building elements are located towards Fred Street; and
- Encourage the development of a built form that does not adversely impact on the solar amenity of adjoining residential properties
- Minimise impacts on adjacent and nearby heritage items



PROVISIONS

3.1 Public Domain

Objectives

- O1. To improve the pedestrian experience by setting back new buildings and creating a wider footpath zone.
- O2. To increase pedestrian permeability around the Site and enhance the local pedestrian network.
- O3. To improve local amenity with improved footpaths and landscaping within the public realm adjoining the development.

Controls

- C1. Widened footpaths to Balmain Road, Alberto Street and Fred Street are to be provided as shown at Figure 2. These areas are to be dedicated to Council at no cost.
- C2. A pedestrian through site link is to be provided in accordance with Figure 2. The link should be a minimum of 3.0m wide and provide unrestricted public access between Fred Street and Alberto Street.
- C3. Development is to provide a publicly accessible pedestrian link between Balmain Road and Cecily Street separating existing buildings to be retained and new buildings. The link is to:
 - expose the existing external fabric of the existing buildings, enabling an appreciation of the Site's industrial past
 - have a width that enables comfortable pedestrian movement consistent with forecast use patterns
 - provide universal access, and
 - be publicly accessible during daylight hours.
- C4. As part of the Development Application, a public domain / landscape plan is to be submitted that illustrates the proposed materials and finishes of the public domain and landscaping around the Site in accordance with Sections C1.12 and C1.13 of the DCP.
- C5. Street trees are planted adjoining the Site on Balmain Road, Fred Street and albert Street. Planting is to consider conditions such as:
 - Ground floor street setbacks
 - Retention of overhead power cables; and
 - Consistency with the character of the street.

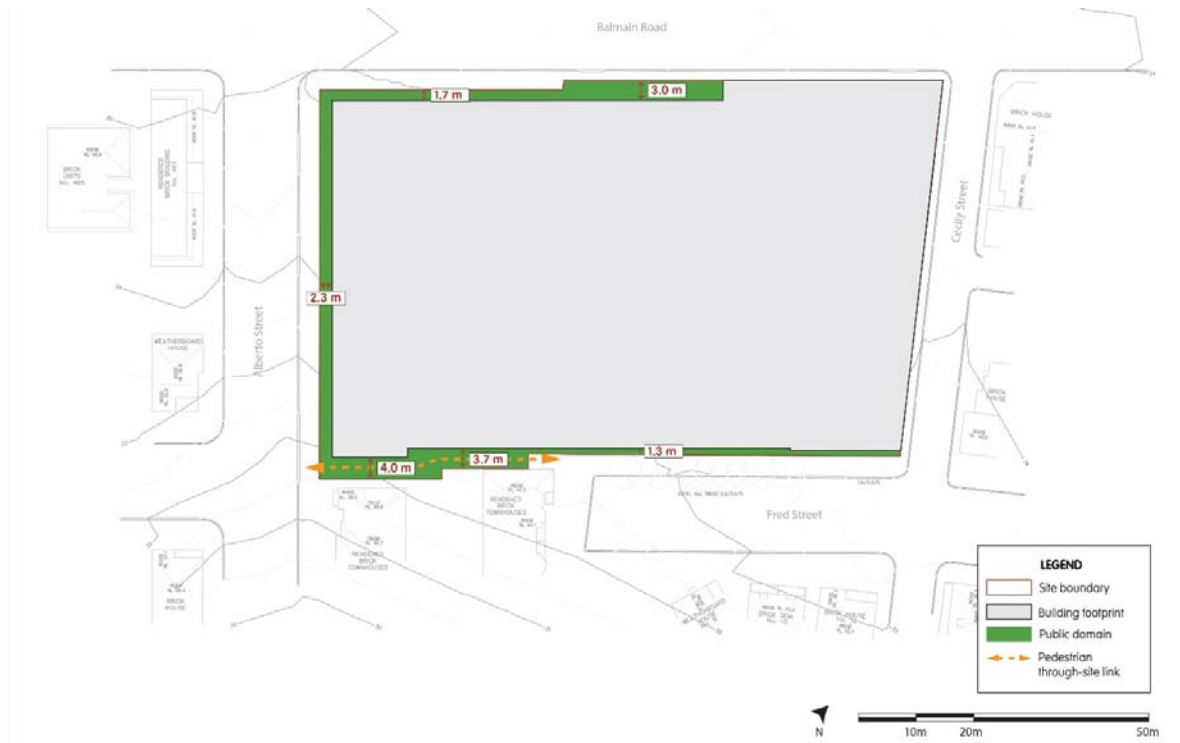


Figure 2: Public domain plan

3.2 Uses and Activities

Objectives

- O1. To ensure the provision of employment uses on Site.
- O2. To provide creative employment / artists space within any proposed redevelopment.
- O3. To ensure employment uses are compatible with residential uses both on-site and nearby.
- O4. To provide a mix of new residential apartments, that cater for the needs of the resident population and to encourage a diverse community.

Controls

- C1. The minimum amount of 6,000m² GFA is to be provided as employment floor space. Of this, a minimum of 1,200m² GFA is to be utilised for creative employment / artists space.
- C2. Balmain Road is to be the primary street frontage with any proposed redevelopment, including within the retained character buildings.
- C3. Employment uses are to be predominantly at ground level. The retained character buildings on Balmain Road are to be used for employment uses. Where employment uses are proposed to be located above ground floor level, they should be located in buildings generally fronting Balmain Road.
- C4. All employment uses are to consider the residential amenity of neighbouring properties and new residential apartments on the Site.
- C5. A variety of apartment types is provided, including one, two and three bedrooms, to cater for singles, couples, families and retirees.

3.3 Site Layout and Built Form

Objectives

- O1. To ensure future development responds to the desired future character of the Site and the existing and future scale and character of the streetscape and surrounding area.
- O2. To ensure the retention of existing character buildings on the Site and their integration within a future redevelopment.
- O3. To minimise overshadowing of surrounding properties and public domain.
- O4. To minimise visual impacts of building bulk on neighbouring and nearby properties.
- O5. To integrate new buildings with the adjoining and neighbouring buildings through the transition of height.

Controls

- C1. To enable the provision of significant employment space on the ground floor the building footprint may occupy 100% of the Site, except for the areas identified for footpath widening and through site link at Section 2.5 and therefore no deep soil planting is required.
- C2. The character buildings identified at Figure 3 (the former Pilchers Bakery Warehouse (1907) and ABBCO site (1917)) are to be retained and restored.
- C3. New building heights are to be generally consistent with Figure 4. Where variation is proposed, the built form is to meet the relevant objectives of this section and the following principles:
 - (a) building massing is contextually responsive and retains the character buildings,
 - (b) building heights transition ties in with surrounding scale, allowing sunlight to reach adjoining properties and not be adversely impacted,
 - (c) any variation adds visual interest to the street and delivers positive outlooks for occupants,
 - (d) taller building elements are located towards Balmain Road to take advantage of the wide Balmain Road streetscape, the Callan Park amenity and diversity of heights along Balmain Road,
 - (e) lower building elements are located towards Fred Street to provide an appropriate transition towards existing houses, and
 - (f) building heights step back at upper levels to create a human scale pedestrian experience at street level, generally consistent with Figures 5 - 9.

Structures including roof plant, lift overruns (including to service rooftop open space) and landscape elements may be provided on rooftops above the specified number of storeys.

- C4. Building setbacks are to be consistent with Figures 5 – 9. Where variation is proposed, the built form is to meet the relevant objectives of this section. Upper level setbacks are to be free of any encroachments from any parts of new building structures.
- C5. Where, employment uses are proposed at ground floor, a minimum floor-to-ceiling height of 4.0m is required.
- C6. The residential built form is to be consistent with the relevant sections of the NSW Apartment Design Guide.

- C6. Street fronting building elevations are to be articulated to complement the fine grain form of surrounding neighbourhoods and reduce the appearance of building bulk and scale. This can be achieved through windows, balconies and other finer grain elements and materials, colours and textures. The arrangement of these elements is in particular encouraged to emphasise the vertical along Balmain Road and Fred Street to counter the length of these buildings.

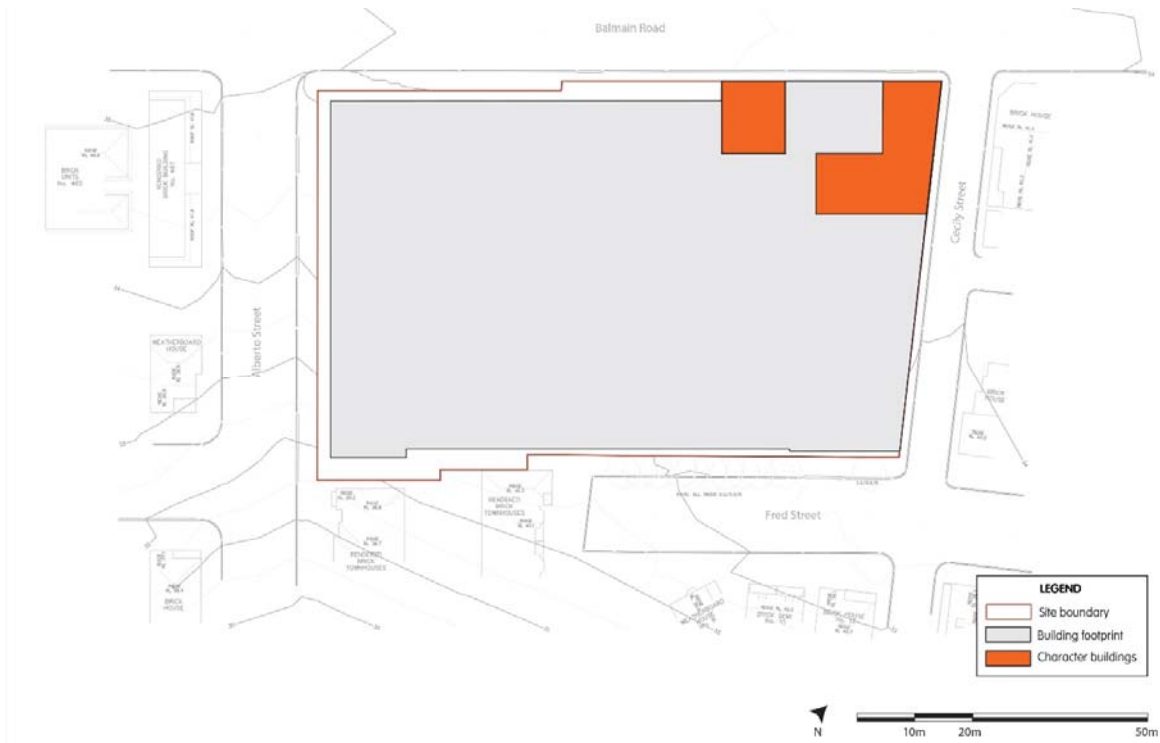


Figure 3: Site layout and building footprint

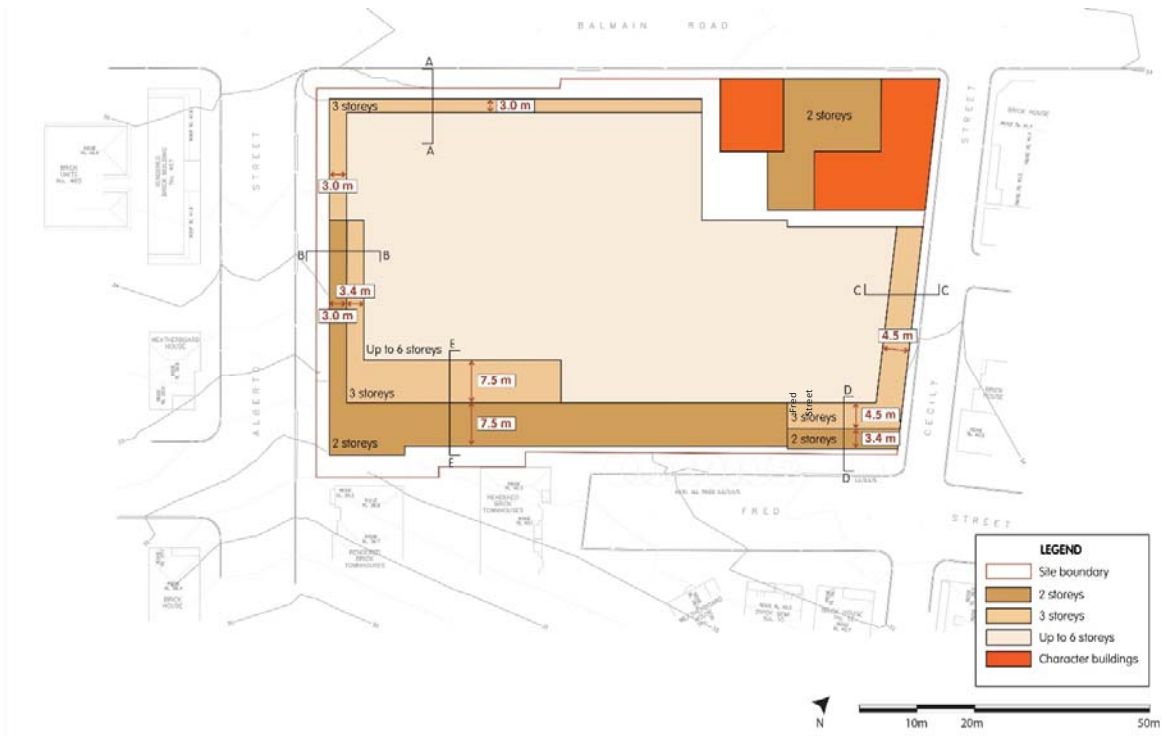


Figure 4: Proposed upper level building setbacks

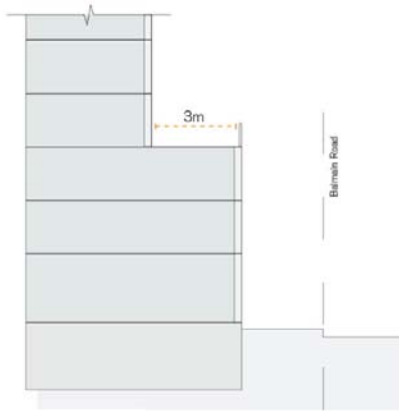


Figure 5: Typical cross section A-A

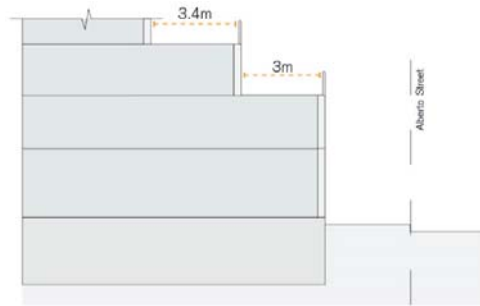


Figure 6: Typical cross section B-B

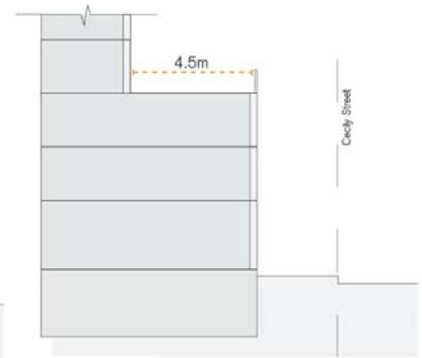


Figure 7: Typical cross section C-C

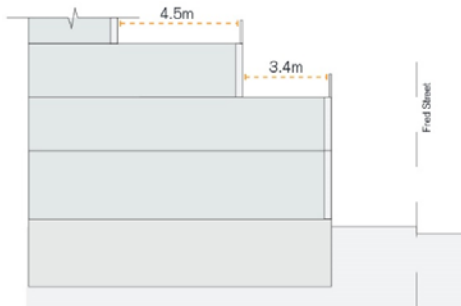


Figure 8: Typical cross section D-D

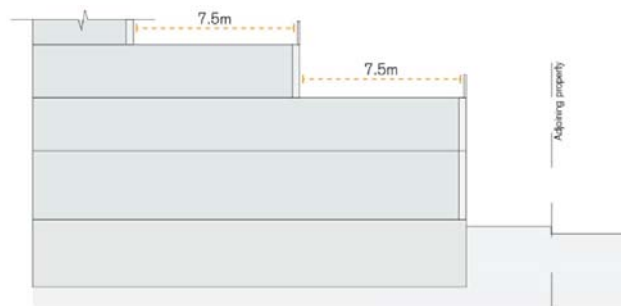


Figure 9: Typical cross section E-E

3.4 Building Design

Objectives

- O1. To provide a design that is responsive to the urban fabric and character of the local area.
- O2. To provide a design that retains and is sympathetic to the identified character buildings.
- O3. To integrate the employment and residential built forms to maximise the functionality and amenity for workers and residents alike.
- O4. To ensure that the overall building design, acoustics, access, circulation and parking minimises amenity impacts between the employment uses and residential uses.
- O5. To ensure that buildings have a high-quality appearance and have regard to the character of the surrounding area.
- O6. To minimise the impacts of vehicular entry on the streetscape where possible.

Controls

- C1. Buildings elements, including balconies, entries, roof features and screening are to contribute to the character of the streetscape and the quality of the building design.
- C2. All roof structures, such as plant, lift overruns, and telecommunications equipment shall be integrated

into the building design and setback a minimum of 5m from any external building facade.

- C3. Larger building sections are to be articulated to create proportional relationships with the surrounding buildings.
- C4. Expansive sections of blank facade are to be avoided.
- C5. Building materials are to be fit for purpose, reflect the local character, demonstrate a climatic response, and be of a suitably high specification to ensure long term quality and sustainability. The use of highly reflective materials are to be avoided.
- C6. Vehicular entries are to be designed to minimise the visibility of garage doors on the street.

3.5 Residential Amenity

Objectives

- O1. To ensure residential amenity and safeguard the viability of employment uses within the Site and on adjoining industrial land by providing excellent acoustic attenuation.
- O2. To optimise solar access to habitable rooms and private open space of new residential apartments to improve amenity and energy efficiency.
- O3. To minimise the overshadowing impacts of development on adjoining properties.
- O4. To ensure that new residential apartments have good access to fresh air and that energy efficiency is maximized.
- O5. To maximise legibility by providing the employment uses and residential uses with clear entries.

Controls

- C1. The building design should minimise impacts between the employment uses and residential uses by:
 - a. separating employment pedestrian access from residential pedestrian access;
 - b. implementing a minimum 400mm thick floor slab, or alternate attenuation treatment, between employment uses and residential uses for acoustic attenuation;
 - c. incorporating construction methods and materials that insulate residential uses from noise transmission from on Site and surrounding employment uses; and
 - d. employment and residential services and equipment (eg. plant) shall be designed and located to minimise adverse amenity impacts.
- C2. Employment access and circulation should be separated from residential access and circulation.
- C3. All building entries are to be clearly identifiable with appropriate wayfinding.
- C4. Residential uses are to incorporate measures that reduce the entry of noise from external sources into the new residential apartments. Where necessary, include acoustic measures to reduce the impact of noise from external sources.
- C5. Surrounding residential properties are to receive a minimum three hours of direct sunlight to 50% of windows to principal living areas and 50% of principal open space between 9am and 3pm at the winter

solstice. Where properties receive less solar access than specified above, any reduction in direct sunlight to principal open space should be minimised.

- C6. Where adjacent to industrial zoned land, buildings are to be designed and constructed to mitigate noise impacts.
- C7. Private open space is:
- recessed behind the main face of the building
or
 - where in the form of a terrace or otherwise open to the sky, includes a landscape design that reduces the perception of noise such as perimeter planting boxes capable of accommodating screening planting.
- C8. Habitable rooms:
- are located behind private open space
or
 - incorporates design measures such as reducing the number or size of openings such as windows facing industrial uses or treatment of openings with seals or other noise mitigating devices.

3.6 Open Space and Landscape

Objectives

- O1. To improve residential amenity by incorporating quality landscaping within the communal courtyards and any roof gardens.
- O2. To enhance views of, and physical connection with, the retained character buildings.
- O3. The type, number, scale and siting of trees:
- is appropriate to the role and conditions of the surrounding space, including dimensions and climate
 - provides useable communal courtyard space at the ground level
 - enables sunlight to reach dwellings
 - enhances environmental performance, including supporting local wildlife; and
 - is able to be effectively maintained over the long term.

Controls

- C1. 25% of the Site area is to be provided as communal open space in the form of roof top communal spaces, and / or ground level communal / meeting areas.
- C2. Opportunities for green walls, green roofs and communal gardens within the Site are to be explored.
- C3. Residential courtyards and roof top communal areas are to be located, designed and landscaped to:
- a. maximise views across Callan Park;
 - b. achieve good amenity for the new residential apartments in terms of solar access,

- c. minimize overlooking on nearby residential properties.
- C4. Ground level communal courtyards are to include trees planted on structure capable of reaching early stages of maturity within 5 years of planting.
- C5. The minimum number of trees is 1 large tree (at least 12 metres) per 90sqm of soil, or 2 medium trees per 90sqm of soil.
- C6. Planting on structure is to have the following soil volumes:

Tree size	Height	Soil volume
Small	6-9m	20sqm
Medium	10-13m	30sqm
Large	14m+	40sqm

3.7 Access and Parking

Objectives

- O1. To minimise worker and resident conflicts by providing separate circulation.
- O2. Access reduces the potential for traffic conflict and conflict between pedestrians and vehicles.
- O3. To encourage use of active transport including public transport, cycling and walking.

Controls

- C1. No vehicular access may be provided from Balmain Road. Vehicular access points may be distributed amongst the other street frontages and sited and designed in a manner that gives priority to pedestrians and bicycles by; maintaining the grade of the footpath; continuing the type of footpath material; and continuing the area of footpath required for the kerb ramp.
- C2. Vehicle access should be separated from pedestrian entries to avoid pedestrian and vehicular conflict.
- C3. Ingress and egress from the site shall be in a forward direction.
- C4. Vehicular entries are to be designed to minimise the visibility of garage doors on the street. This is to be achieved by providing parking below ground level and setting doors back from the street boundary and building edge wherever possible.

