

Issue	Comment
Traffic and transport	
<p>There is inadequate public transport to support the additional population. Site does not have good access to public transport as claimed and services are at/over capacity in peak, both buses and light rail.</p> <p>Purported use of the light rail by residents of the site is unlikely given the 20 minute walk to Lilyfield stop.</p>	<p>The traffic report dated April 2019 suggests there are 25-30 bus services between a two-hour period. It should be noted that some of these services do not have destinations in the Sydney CBD and consideration of services across a two-hour period is inappropriate. The existing patronage should be assessed to identify the current capacity during commuter peak hour.</p> <p>The traffic report considers that a proportion of future residents on the site will travel to work by train and ferry. Due to the site's distance from train and ferry services, these residents should be included in the bus patrons.</p> <p>It is unclear where the data for journey to work and residents with a job has been sourced from and from what year.</p>
<p>The existing road network cannot adequately accommodate the additional traffic and parking generation.</p>	<p>It is unclear where the residential traffic generation rates have been derived from and the forecast traffic distribution has not been justified. Further details should be provided regarding the rates used in the assessment. It is also unclear when the existing weekday morning, weekday afternoon and Saturday midday traffic volumes were undertaken.</p>
<p>The intersection of Cecily and Balmain is already dangerous.</p>	<p>Although SIDRA may have indicated that the intersection performance is of an acceptable level of service, without the summary report, the degree of saturation and queues that may result from the additional traffic is not clear.</p>
Urban design	
<p>The site layout and building design presented in the supporting Urban Design Report do not adequately respond to Gateway Determination condition (g) that requires "rationale for the height, floor space ratio, building massing and modulation for the site".</p> <p>The justification provided for the built form is unsatisfactory.</p>	<p>The submission is agreed with. The exhibited "Design Concept" has not sufficiently documented how an industrial use would be catered for. This includes:</p> <ul style="list-style-type: none"> - not making allowance for ground level functional areas which are not counted as Gross Floor Area and which affect approx. 25 percent of the site area (see Figure 1 below). It is not acceptable for servicing to be an afterthought. - not showing how the minimum 6000sqm of industrial floor space will be achieved. Due to the above, an additional storey of approximately 1000sqm will be required. It was on the basis of a minimum 6000sqm of industrial floor space that the Planning Panel stated support for the Planning Proposal on 12 October 2017. - the minimum floor to floor height established to enable a functional adequate and flexible industrial use backed up with extensive technical design information. - the site falls to the rear between 2.5 m to 3.5 m, whereas the Design Concept depicts a flat site (see Figure 2 below). <p>The above matters in turn influence the layout of the upper</p>

level residential component and would lead to a different built form outcome to what is depicted in the Design Concept.

The above, in combination with the excessive proposed building height which is not compatible with surrounding existing development, leads to an unsupportable, significantly excessive maximum Floor Space Ratio (FSR) and maximum building height (MBH).



Figure 1. Indicative Floor Plan, Ground Floor – Industrial use level shown in pink shade (taken from Urban Design Report).

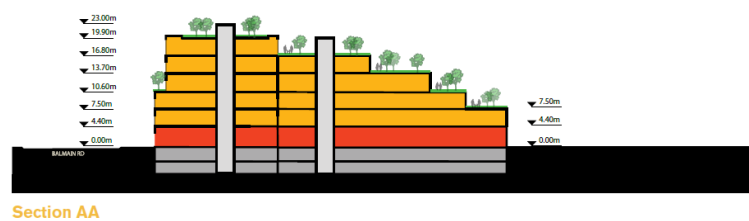


Figure 2. Illustrative cross sections from Urban Design Report. Balmain Road is to the left, Fred Street to the right. Site is shown flat and has not accounted for a 2.5 m to 3m fall to Fred Street.

The proposed DCP also does not give adequate design guidance on how to design for both industrial and residential uses and achieve adequate residential amenity. It instead implicitly leaves this to be assessed at Development Application stage.

Height and scale are excessive and inconsistent with the surrounding area, establishing a poor precedent. Dominance will be exacerbated by the position of the site on the ridge.

Submission is agreed with. This matter is also a consideration under SEPP 65 and “Question 5” of the Guide to Preparing Planning Proposals.

It is evident the proposed MBH of 23 m which can accommodate approximately 6 -7 residential storeys is alien to the

predominant two storey residential character of the area, and significantly exceeds the maximum two storey building scale stated in the Leichhardt Development Control Plan 2013 (DCP 2013). The impact of the proposed MBH is exacerbated by the site's topography which falls approximately 2.5m to 3m to the rear.



Figure 3. Perspective representation of 6 storey building at Balmain Road (taken from Urban Design Report).

A 6-7 storey building will also have a dominant visual impact on the Callan Park heritage item. This would be further amplified if a monolithic in character architectural composition was employed which is simply derived from its structural building layouts.

If the “context incompatible” MBH is adopted, this will set a precedent for similar sites nearby and throughout the Inner West. This would be contrary to the design object of the EP&A Act 1979 and SEPP 65 design quality principles and the desired character in the Leichhardt DCP 2013, with the method for determining proposed heights and FSR not having followed the building envelope guidelines in Part 2 of the Apartment Design Guide.

Providing it can be evidenced that industrial and residential uses can technically co-exist, it is more likely that what can be supported is an FSR in the range of 1.5-1.8:1 and maximum building height of 15m, together with an LEP clause restricting perimeter buildings to two residential storeys so as to be compatible with the scale of dwellings in Fred and Alberto Streets.

As identified in Council’s submission, the Heritage Assessment conducted by NBR & 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).
<p>The proposed scheme is not compatible with the existing built form of the locality as:</p> <ul style="list-style-type: none"> • it proposes a building footprint which is far too large for a mixed-use development; • it proposes a range of heights far higher than the existing height of buildings; and • presents a chest of drawer building typology • the scale of development and reduced setback to Alberto Street are intrusive. 	<p>Submission is agreed with.</p> <p>As explained above, the necessary ground level functional requirements have not been catered for and so a different built form would result.</p> <p>Only a few buildings along Balmain Road have the equivalent of 4 residential storeys – but not higher than this. The proposed 23m is the equivalent of 7 residential storeys.</p> <p>Noting that the design concept is indicative only, the architectural style portrayed is so called modernist one (minimalist with abstract cubic compositions and flat top), it does not make any mimetic references to traditional building styles that would result in a harmonious fit with existing architectural character of the area.</p> <p>A reduction in building height is required to ensure future buildings are of a scale that is compatible with surrounding dwellings. Under DCP 2013, the Nanny Goat Hill Distinctive Neighbourhood has a 7.2m maximum wall height. Clause 6.14 of Leichhardt Local Environmental Plan 2013 requires DCPs to consider “the compatibility of the proposed development with the desired future character of the area”.</p>
<p>Precedents shown are in medium to high density locations, not low density like Lilyfield.</p>	<p>Submission is agreed with.</p> <p>Many of the precedents in the Urban Design Report show buildings in higher density environments, or with heights similar to their surrounds. This implicitly conveys that new buildings should be compatible in height with surrounding areas which contradicts the proposed height and scale.</p> <p>The Planning Panel believed “the site specific merits of compatibility of use between industrial and residential requires further exploration”. It is not sufficient that the examples given are simply images of buildings. It is necessary to provide detailed plans, together with adequate written commentary that adequately explains how the buildings function and accommodate two different land uses while ensuring residential amenity. For example with the industrial use: adequate floor to floor levels accommodating various internal space requirements, ceilings, ducting, structural beams, the range of rooms required from receptions to staff rooms, locations for vertical exhaust ducts and a layout that is flexible to allow multiple industrial use occupants in order to ensure economic viability. Also servicing requirements including internal access driveways for transport of goods, turning areas for large vehicles, plant rooms, waste storage rooms – collection area and</p>

	<p>driveway access to car parking areas.</p> <p>One must then account for how the above industrial use interfaces with the residential building component to achieve amenity, noting that the residential component will also require service areas.</p> <p>The Design Concept does not adequately account for the above, assumes the site is flat (see Figure 2 above), makes allowance only for a 4.4 m floor to floor height for the industrial level - noting that the much older existing factory buildings already have garage entry doors with a height of 4.32m to 4.7m.</p>
<p>The propensity for the locality to transition to higher densities is unlikely due to heritage items and heritage conservation areas in the vicinity of the site.</p>	<p>Council's Heritage Consultant stated that the existing industrial buildings at the middle of Balmain Road and continuing to Cecily Street (called "character buildings" in the Design Concept) constructed in 1907 and 1917, demonstrate "local heritage significance for historic and rarity values". The Consultant also provides illustrations from that period demonstrating that the existing buildings are very similar to the originals – see Figure 4 below. The indicative DCP makes some allowance for their retention, however to ensure the buildings protection and an adequate curtilage, an appropriate LEP clause is required and this has not been exhibited.</p> <p>A 23m high building scale (see Figure 3 above) will have an uncharacteristic dominant visual impact on Callan Park, which is a large open landscaped site containing numerous central Grecian style heritage buildings. The indicative design scheme shows a building which adopts a so called modernist style, which as would result in an adverse visual impact on Callan Park.</p> <div data-bbox="635 1350 1326 1787" data-label="Image"> </div> <p>Figure 3 c1914 illustration of the complex. (Source: Company advertisement in the Jubilee Souvenir of the Municipality of Leichhardt Booklet, December 1921, p 79)</p> <p>Figure 4. Extract from Council Heritage Report</p>

Illustrations are misleading, including the streetscape photomontages of indicative development and parts of the proposed DCP.

The photomontages have been cropped and do not show key view points, as expected by a visual impact analysis, thereby suggesting there will be a low and insignificant visual impact. This is not agreed with.



Figure 5. Photomontage presentations of proposal looking north up Alberto Street (taken from Urban Design Report).

The sections in the indicative DCP are also cropped and hide the upper levels of the proposed 6 storey building, do not show their relationship to the dwellings in Fred Street and the setback is not dimensioned off the rear property boundary. This is not acceptable.

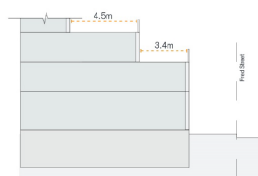


Figure 8: Typical cross section D-D

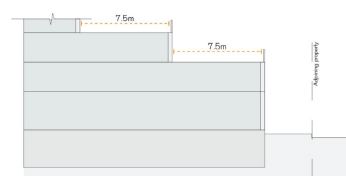


Figure 9: Typical cross section E-E

Figure 6. Extract of proposed DCP showing part of the building sections, with Fred Street being on the right hand side of the boundary.

Overlooking and overshadowing of surrounding properties.

Overshadowing diagrams are inadequate.

Noting that the Design Concept is only indicative, any such resulting design at Development Application stage would cause a loss of privacy for adjacent and nearby houses from the roof top gardens and apartments. To minimise overlooking an unequivocal site specific LEP clause is required restricting the building height around the perimeter of the site to the equivalent of two residential storeys, and then having any higher building height well set back, such as within a 22.5 degree height plane. Such an LEP clause is also necessary to provide certainty that the existing winter solar access, or a compromised 3 hours winter solar access, to surrounding

	<p>houses would be ensured.</p> <p>The indicative DCP does not require a minimum of 3 hours solar access to surrounding residential development in winter, and the diagrams do not dimension the setback distance from the boundary with Fred Street. Noting this, it is not possible to verify that the surrounding nearby houses will achieve 3 hours winter solar access as depicted, such as the rear townhouses at 14 Fred Street.</p> <p>The solar analysis contained in the Urban Design Report is inadequate to satisfy condition O of the Gateway determination.</p>
<p>Future development will not be able to comply with solar access requirements of the ADG for proposed dwellings and communal open space. Proposed site coverage contravenes ADG recommendations for communal open space and deep soil planting.</p>	<p>As explained above, the proposed FSR and MBH are not supportable for reasons of urban design and lack of compatibility with the surrounding spatial environment. It is premature to be assessing a design which is derived from these unsupportable proposed controls. In addition, if 6000sqm of industrial floor space is provided on site (requiring provision of an additional storey), the resultant design would be much different to that shown in the indicative scheme.</p> <p>It is instead necessary, noting the context principle of SEPP 65 and conforming with a “desired character” for which there must be a credible rationale, to arrive at development standards by establishing maximum building envelopes and then discounting the FSR by 30 percent. This is a standard planning practise found in Part 2 of the Apartment Design Guide which supports SEPP 65. It is then possible to determine where open space can be located on the site and to the extent. This method does not appear to have been carried out - instead there have been outline building forms produced on which a proposed FSR has been determined.</p>
<p>Proposed footpath between the site and 14-22 Alberto Street has the potential for unacceptable additional light, noise and foot-traffic alongside existing residences. Consideration should be given to relocating this access so that it runs through the site rather than along the boundary.</p>	<p>As explained above it is necessary to reconsider the planning for the entire site. This will include re-examination of where suitable places are for internal pedestrian passageways and site links.</p>
<p>The proposed controls do not provide enough restriction to ensure that future development is not of a larger scale than shown the urban design report.</p>	<p>It is agreed the indicative DCP does not provide enough protection or adequate design guidance for basic and key matters, for example:</p> <ul style="list-style-type: none"> - its design solutions contradict its own objectives, such as stating there should be a compatible scale conforming with the desired character of the streetscape and surrounding

	<p>area;</p> <ul style="list-style-type: none"> - the objectives contradict the objectives in the existing Leichhardt DCP 2013 - which the indicative DCP makes references to in its clause 1.3; - the DCP outcomes contradict the building scale compatibility objectives of clause 6.14 of the LLEP 2013, this being also contrary to Clause 3.43(5) of the EP&A Act which states that a DCP must not be incompatible with an LEP; - the DCP has not adequately allowed for substantial ground level servicing areas and other design considerations such as a significantly sloping site, which affect the built form; - there is insufficient design guidance on how to achieve an architectural style and composition compatible with the existing surrounding character and the character buildings on site. <p>If a MBH of 23m was entertained across the site, the guidelines in the DCP for stepping of the building and having upper level setbacks are weak and cannot be relied on. The DCP cross sections are also not dimensioned from the boundary, do not show the full extent of the site or relationship to adjoining residential development, or the significant site slope (see Figure 6 above). This is not acceptable.</p>
Proposed DCP provisions relating to design outcomes and green walls and roofs are subjective, non-binding unquantifiable.	Agreed. Council's submission made detailed comments identifying inadequacies of the draft DCP.
Sustainability	
Sustainability commitments are lacking.	Agreed, Council's submission identified this and recommended controls for inclusion in a DCP.
Loss of industrial areas	
There is little industrial land left in the inner west.	<p>As outlined in Council's submission, the proposal is inconsistent with the objectives of the Greater Sydney Region Plan and the Eastern City District Plan and it contradicts the Greater Sydney Commission's advice on how to retain and manage industrial and urban services land in its 'A Metropolis that Works' paper. This paper stresses the importance of a "no regrets" decision making approach to the retention of industrial land and in particular warns that "introducing residential uses to the city's working spaces brings with it a change in land pricing signals which will undermine retention of employment uses over time".</p> <p>The planning proposal does not provide convincing evidence that introducing residential uses would not be detrimental to this industrial site and become a regrettable decision. This is not just a risk for this site, it would also create a high risk precedent for the Eastern City. If a large proportion of Eastern Sydney's small IN2 zones were to follow this precedent, it would</p>

	<p>have a significant negative impact for these precincts and the city's capacity to meet the industrial and urban services needs generated by future growth.</p> <p>Although the proposed development would retain employment floor space it would inhibit intensification of employment uses by capping the amount of industrial/urban services floor space. The introduction of residential apartments above would preclude the site's ability to adapt to changing industrial needs.</p> <p>The draft Employment and Retail Lands Study (2019) recommends that the Balmain Road Precinct be protected from proposals to introduce residential and other uses, in order to maintain the supply of industrial and urban services activities. It notes that the introduction of residential uses on the site, even within an IN2 Light Industry zoning, would increase the risk of eroding the industrial and urban services nature of both the site and the rest of the industrial precinct.</p>
If the industrial space is to be useable, floor to ceiling heights must be a minimum of 6m to allow truck and container deliveries.	If the space is to be flexible and adaptable to a wide range of uses, a greater floor to ceiling height is required.
<p>Old industrial premises are unattractive to potential tenants. In order for industrial property to be financially viable in this precinct, redevelopment must be multi-level and mixed use.</p> <p>Lack of evidence to support claims that redevelopment under the current controls is unviable and that the redevelopment will almost double employment opportunities.</p> <p>EIA flawed.</p>	<p>The Proponent has not demonstrated that the premises are unattractive to tenants. The accompanying EIA notes that the current uses generate 75 jobs, \$3.9m in total salaries and \$5.2m Industry Value Added (to GDP).</p> <p>While the EIA states that "redevelopment of the ageing building on the subject site is unviable under the current FSR and land use controls", no evidence has been provided.</p> <p>Council's own submission identified a number of inaccurate and misleading claims in the Planning Proposal and EIA.</p>
Creative industries	
<p>Proposal will remove available space for 40+ artists.</p> <p>Redevelopment would make the space unaffordable for artists or arts organisations.</p>	Council's submission identified that the proposal does not confirm how the new artist's studio space would be made affordable.
Social impact	
The development must include 5-10% affordable housing.	The Inner West Affordable Housing Policy was adopted in March 2017. The policy requires 15% of GFA to be dedicated to

	affordable housing when a proposed development exceeds 20 or more dwellings or a Gross Floor Area of 1,700sqm. This contribution applies to land that is subject to rezoning or amended planning controls that provide for increased density. The Policy also requires the title to be transferred to Council in perpetuity.
There will be very little community benefit associated with the proposal. The development should incorporate community space.	Agreed. Council's own submission identified flaws in the Proponent's consideration of project benefits.
Other	
Residential on the site is unnecessary as Council has already demonstrated that it can meet housing targets.	<p>The Eastern City District Plan specifies a 5-year housing target of 5,900 dwellings for the Inner West LGA between 2016 and 2021.</p> <p>Council's draft Housing Strategy (p.53) indicates that expected new dwellings in the Inner West LGA can sufficiently meet the 5-year housing target of the District Plan. Based on Council's data from a two-year period between July 2016 and June 2018, Inner West approved 3,620 dwellings. By considering projected growth for the next two years in the form of dwellings expected to be approved between 2019 and 2021 under current planning controls, Inner West has the capacity to accommodate another 2,047 new dwellings. Additionally, 1883 dwellings are expected to be delivered via private planning proposals that have been recently gazetted or are progressing (subject to merit testing under the planning proposal process). Therefore, the likely number of dwellings to be delivered in the Inner West is 7,550 between 2016 and 2021, which exceeds the 5-year housing target.</p> <p>Council has also received a letter from the Greater Sydney Commission which confirms that Council is on track in meeting the minimum 5 year target:</p> <p><i>"The DPE's housing supply forecast confirms that Inner West Council's housing supply is on track to deliver 5,790 new dwellings between 2016/17 to 2020/21 which is close to the minimum 0-5 year target of 5,900. This has been established by adding completions from July 2016 - September 2018 and a pro-rata of DPE's housing supply forecast from 2017/18 - 2021/22 (5,400 dwellings)."</i></p>