

Gateway Determination

Planning proposal (Department Ref: PP_2017_IWEST_018_00): to amend floor space ratio controls, introduce a maximum building height control, introduce an additional land use to the IN2 Light Industrial zone for the site and insert a local provision under the Leichhardt Local Environmental Plan 2013 at 469-483 Balmain Road, Lilyfield.

I, the Executive Director, Regions at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Leichhardt Local Environmental Plan (LEP) 2013 to facilitate a mixed-use development should proceed subject to the following conditions:

1. Prior to community consultation, the planning proposal is to be updated to:
 - a. address consistency with the Greater Sydney Region Plan and the Eastern City District Plan;
 - b. change the additional permitted use from 'residential accommodation' to 'residential flat building';
 - c. provide further examples and discussion on successful industrial and residential developments, and further explain how amenity will be provided to residents on the site;
 - d. include discussion on how the viability of the industrial uses will be retained if residential uses are permitted on the site;
 - e. demonstrate that the development will not have a detrimental impact on the current or future uses of the adjoining industrial area;
 - f. respond to the Sydney Eastern City Planning Panel recommendation that further consideration be given to retaining the same two 'historically important buildings' on the site and Inner West Council's heritage report that also supports retaining these buildings;
 - g. include a rationale for the height, floor space ratio, building massing and modulation for the site;
 - h. ensure mechanisms are provided for creative employment space;
 - i. include the results of testing to determine if contamination has occurred on the site and, if so, demonstrate that the site can be made suitable for the proposed land uses;
 - j. include the current height of building and floor space ratio maps from the Leichhardt LEP 2013 for the site;
 - k. include a social impact assessment that addresses the impacts of the proposal on existing employment uses and artists' studios on the site and the impact on Council services, recreational lands and activities, particularly Callan Park;

- l. update the economic impact assessment to comment on the impact of the loss of the artists' space or revise the concept to include 1200m² of artists' space;
 - m. be accompanied by a site-specific development control plan consistent with clause 6.14 of the Leichhardt LEP 2013;
 - n. revise the traffic report to demonstrate consistency with Council's development control plan, including the required on-site parking spaces for all proposed land uses in the concept;
 - o. provide more information on solar access and overshadowing that:
 - i. identifies the percentage of dwellings in the concept that will receive two hours of sunlight per day and whether this is consistent with the *Apartment Design Guide*; and
 - ii. the number of hours of solar access that will be provided to primary living areas in existing dwellings to the south and west of the site;
 - p. include a clause that requires the lodgement of a development application for a mixed-use development within three years of an LEP being made. If no development application is lodged within this time frame, the enabling provisions will cease to have effect. If the development application is lodged within three years and subsequently approved, then the local planning authority may remove the sunset clause the next time it updates the LEP to remove reliance on existing-use rights; and
 - q. include a revised timeline reflecting the 24-month period to finalise the LEP.
2. Community consultation is required under section 3.34(2)(c) and Schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**;
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016); and
 - (c) owners and residents of properties shown in the attached map (**Schedule 1**) should be notified of the planning proposal exhibition;
3. Consultation is required with the following public authorities and organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - (a) Office of Environment and Heritage – Heritage Division;
 - (b) Callan Park and Broughton Hall Trust;
 - (c) Environment Protection Authority;

- (d) Roads and Maritime Services;
- (e) Transport for NSW;
- (f) Department of Education; and
- (g) Inner West Council.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

- 4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge the Panel from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
- 5. The time frame for completing the LEP is to be **24 months** following the date of the Gateway determination.

Dated *2nd* day of *November* 2018.



Stephen Murray
Executive Director, Regions
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission

Schedule 1 Notification Map

