
To: Sydney Eastern City Planning Panel
From: Eastern and South District, Eastern Harbour City
Topic: 469-483 Balmain Road, Lilyfield Planning Proposal
Date: 2 November 2020

Planning Proposal: **PP_2017_IWEST_018_00 planning proposal to amend floor space ratio controls, introduce a maximum building height control, include residential accommodation as an additional permitted use in the IN2 Light Industrial zone and insert a local provision under the Leichhardt Local Environmental Plan 2013.**

Purpose

To advise the Sydney Eastern City Planning Panel (the Panel) of amendments undertaken to the planning proposal at 469-483 Balmain Road, Lilyfield.

Amendments have been undertaken in response to the decision of the Panel on 17 September 2020 (**Attachment A**) to defer the matter to allow the proposal to be refined to address concerns raised by the community and the Panel.

The proponent has submitted an amended scheme (**Attachment B**) which is considered to appropriately respond to the Panel recommendations. The Department requests the Panel consider the revised planning proposal and provide a final determination.

Current Status

On 17 September 2020, the Panel held a public meeting to consider submissions from the public regarding the planning proposal at 469-483 Balmain Road, Lilyfield. The Department previously provided a submissions report (**Attachment C**) which summarised comments received from the community, public agencies, Council and the proponent.

Following the public meeting, the Panel determined that further work was needed to be undertaken by the proponent in response to concerns expressed by the community and to address issues raised by the Panel. This included:

- The amount and distribution of floor space and massing across the site to be reconsidered to provide a number of built form elements. In the process, consideration must be given to the character of the locality and impacts such as solar access to both neighbouring properties and the open space areas within the site.
- A through-site link that provides greater permeability, functionality and legibility with regard to CPTED principles.
- 6,000sqm of light industrial and employment floor space.
- Increased setbacks and a better interface with adjoining residential properties in the vicinity. The Panel supports deep soil landscaping to be provided on the site, particularly near the Southern boundary.

The Panel also advised that:

- The proponent is to enter into discussions in amending the proposal that must be design led to address the above points. This will result in a decrease in the FSR which is seen to be excessive, even at 2.3:1. The height of the proposal may not be unreasonable if it is limited to smaller floor plates and a six-storey maximum.
- The proposal is to include 5% residential GFA as affordable housing. The mechanism for delivering this should be articulated in any resubmission.
- The applicant is to submit an amended proposal within 4 weeks and the matter is to be referred back to the Panel in a timely manner.

Amendments to planning proposal

Since the Panel determination, the proponent has worked with Department staff to address the recommendations of the Panel. This has resulted in an amended planning proposal being developed as shown in **Attachment B**.

In summary, the amended planning proposal provides the following:

- a reduction in total maximum FSR from 2.54:1 to 2.22:1;
- a reduction in potential residential floor space by approximately 2,618m²;
- reduced floor plates to taller building elements;
- an additional site link to allow the development to be broken into three separate elements;
- increased ground level setback to the rear of the site with improved pedestrian connections;
- increase in internal “plaza” area from 229m² to 792m²;
- provision of deep soil area of 311m² (previously no deep soil proposed).

Department advice

Issues with previous scheme

The Department raised concerns with the previously exhibited planning proposal, these are outlined in the submissions report (**Attachment C**). The concerns were primarily about the overall built form outcome being sought.

The Department questioned the design strategy of the scheme which restricted opportunities for optimal amenity outcomes to be realised for residents and workers in terms of access to ground level open space and landscaping. Rather than separating uses, the exhibited scheme attempted to integrate the uses which in turn negated separation and legibility. This resulted in a building form that covered most of the site and restricted opportunities for open space and landscaping.

At the time, the Department recommended the Panel explore opportunities for improved separation of uses. The Department advised this would likely involve a reduction in floor area and consideration of dedicated residential and industrial addresses.

The Department also recommended that the exhibited design embodies some key principles that should be explored further to provide a greater contribution for the public life of the area. The Department advised this could include aspects such as

supporting increased pedestrian permeability through the site, increased deep soil planning and open space within the development.

Response to Panel comments

The Department considers the amended planning proposal responds positively to the previous concerns that were raised. Table 1 provides a response to all matters raised in the Panel's decision.

Table 1: Response to Panel recommendations

Panel requirement	Amended proposal
The amount and distribution of floor space and massing across the site needs to be reconsidered to provide a number of built form elements. In the process consideration must be given to the character of the locality and impacts such as solar access to both neighbouring properties and the open space areas within the site.	<p>The built form has been separated and disaggregated across the site. Solar access to the surrounding neighbourhood on balance has been improved, neighbouring buildings receiving greater than 2 hours of solar access throughout the day.</p> <p>Improved provision of ground level open space with deep soil allocation is provided. Communal open space for residential apartments remains at upper levels which can be further refined as part of any future development application.</p>
A through-site link that provides greater permeability, functionality and legibility having regard to its context.	Significant improvements have been made to the permeability, functionality and legibility having regard to its context.
Improvement to the quantity and quality of public open space particularly with regard to CPTED principles.	The quantity of publicly accessible open space has been improved. The quality of these spaces and the safety of the area can be further refined if necessary, as part of a future development application assessment.
The proposal is to contain 6,000 square metres of light industrial and employment floor space. This will require space over 2 levels in the redesign.	A quantum of 6,000m ² of employment floor space is provided. The Department is satisfied the location and arrangement of this space is generally acceptable including the proposed floor to ceiling heights.
The proposal is to provide for increased setbacks and a better interface with adjoining residential properties in the vicinity. The Panel supports deep soil landscaping to be provided on the site,	The setbacks to the southern boundary have been improved and provided with a deep soil interface to adjoining properties, whilst working with site permeability and site topography.

particularly near the Southern boundary.	
The Applicant is to enter into discussions with the Department in amending the Proposal that must be design lead to address the above points. This will result in a decrease in the FSR which is seen to be excessive, even at 2.3:1. The height of the Proposal may not be unreasonable if it is limited to smaller floor plates and a six-storey maximum.	<p>The amended scheme reflects a maximum of 2.22:1 FSR.</p> <p>This should be understood to be a theoretical maximum for the site and the development may not reach this maximum subject to compliance with the ADG, DCP and a detailed design assessment at the development application stage</p>
The Panel notes the Applicant's proposal is to include 5% residential GFA as affordable housing. The mechanism for delivering this should be articulated in any resubmission.	<p>The proponent has advised that a clause could be introduced into the Leichhardt LEP 2013 to require an equivalent of 5% of the residential GFA as affordable housing.</p> <p>According to section 7.32(3)(b) of the <i>Environmental Planning & Assessment Act 1979</i>, any condition imposed relating to contributions for affordable housing on a development consent must be authorised by an LEP and must be in accordance with a scheme for dedications or contributions set out in or adopted by the LEP.</p> <p>To date, Inner West Council has not sought to amend the Leichhardt LEP 2013 to reference an affordable housing contribution scheme to levy for affordable housing.</p> <p>Therefore, in the absence of an endorsed affordable housing contribution scheme, the Department recommends the Panel request the proponent and Council engage in discussions regarding a voluntary planning agreement (VPA) to facilitate the provision of affordable housing.</p>

Amendments required to LEP

The following matters can be addressed as part of any LEP amendment and will require consultation with NSW Parliamentary Counsel.

Additional permitted use

An additional permitted use to allow residential flat buildings under the current IN2 Light Industrial zoning.

Minimum employment floor space

A requirement that development consent must not be granted that results in less than 6,000m² of the gross floor area of all buildings on the subject land being used for employment floor space. 1,200m² of this floor space is to be allocated for creative employment/artists.

Height provision

Introduce a height of buildings map which generally reflects the maximum heights shown in the amended scheme. To accompany this, the Department suggests a clause be included that allows flexibility where:

- (a) the development is within 1 metre of a part of the subject land that is subject, under clause 4.3, to a greater maximum building height, and
- (b) the development does not result in that greater maximum building height being exceeded, and
- (c) the development does not result in any unreasonable massing or amenity impacts to the surrounding area.

Development Control Plan

The Department notes the proponent has provided an updated draft DCP to support the amended scheme. The Department recommends a site specific DCP provision apply to the land prior to development consent being issued.

Clause 6.14 of the Leichhardt LEP 2013 already requires development control plans to be prepared for the erection of new buildings or significant alterations to existing buildings on land over 3,000sqm.

In the drafting of any LEP for the site the Department will liaise with Parliamentary Counsel to determine whether Clause 6.14 is suitable for this planning proposal or an additional clause should be developed to apply specifically to the subject site.

Mapping

To ensure the scheme is delivered as part of a future planning proposal, the Department's GIS team will prepare mapping as follows:

- FSR map to reflect a maximum of 2.2:1;
- Height of buildings map to reflect the concept design (with a 1 metre horizontal variation permitted as described); and
- Identification of site on Key Sites Map.

Conclusion

The amendments undertaken to the development scheme have positively responded to previous concerns raised by the Department, the Panel and the community.

The amended proposal will facilitate a future mixed-use development that ensures the retention of employment floor space in the area whilst introducing additional housing opportunities. The amendments provide a suitable response to the context of the site and ensures acceptable amenity can be maintained to adjoining properties.

The amended scheme has been provided for the Panel's consideration as the alternate Planning Proposal Authority.

Endorsed by:

A handwritten signature in black ink, appearing to be 'LR' or similar, with a stylized flourish.

3 November 2020

Laura Locke

Director, Eastern and South District

Attachment A: Panel Determination – 17 September 2020

Attachment B: Amended Planning Proposal

Attachment C: Previous Submissions Report