

PLANNING JUSTIFICATION REPORT
Draft Amendment to Leichhardt LEP 2000
and Leichhardt DCP
118-124 Terry Street Rozelle

Leichhardt Municipal Council

April 2012

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This Planning Justification Report has been prepared in accordance with the Department of Planning and Infrastructure Guidelines for Preparing Planning Proposals. It considers the planning implications of a draft amendment to Leichhardt LEP 2000 to rezone the subject land at 118-124 Terry Street Rozelle from the Industrial zone to the Residential zone and to permit some non-residential uses. It also discusses proposed changes to Leichhardt DCP.

Justification of the Planning Proposal

Section A - Need for the planning proposal.

1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is chiefly the result of the process commenced by Council when they commissioned Allen Jack + Cottier (AJ+C) to undertake an Urban Design Study for the Terry Street Precinct. Their work was supplemented by additional input from economic and environmental consultants. This process included significant community consultation and Consultation Report was prepared by Tierney Page Kirkland to document the community feedback.

The current proposal is for part of the Terry Street Precinct and is predominantly consistent with the final AJ+C scheme adopted by Council as discussed in the Urban Design Study prepared by Turner Associates at Appendix D of the Planning Proposal. However some changes were made. These have been discussed with Council and were presented to the community at a Public Meeting on 23 February 2011. The feedback has been generally positive.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

It is considered that the Planning Proposal is the best means of achieving the objectives for the site. The objectives and intended outcomes identified in this Planning Proposal are not achievable under current site zoning and approvals.

This Planning Proposal is for the amendment of the current provisions of Leichhardt LEP 2000 relating to the subject land utilising Part 3 of the *Environmental Planning and Assessment Act 1979*. The amendment to LEP 2000 will be supplemented by amendment of the Leichhardt Development Control Plan (DCP) to provide for specific planning guidelines for the site.

3. Is there a net community benefit?

In summary the net community benefits include:

- Remediation of the site;
- retaining employment generating activities on site;
- the replacement of existing industrial buildings on the site that are unsightly, derelict, un-economic and redundant in terms of current industrial practices;
- facilitate the establishment of an improved range of goods and services in the form of an expanded neighbourhood shopping centre;
- improvements to the public domain including existing streetscapes and footpaths and new public access in the form of pedestrian linkages through the site and a new public road;
- improve the interface between the site and existing residential areas
- improve diversity of housing to meet community needs;
- providing new development which achieves a high standard of sustainability, well beyond that required by relevant legislation;
- facilitating the creation of walkable, mixed use neighbourhoods;
- enhancing utilisation of existing public infrastructure by locating residents and workers in an accessible location that is close to good public transport and other goods and services

In addition to the above, a Voluntary Planning Agreement (VPA) has been offered by the applicant and accepted by Council. This VPA will provide for a community benefit beyond those matters noted above and in addition to the currently applicable Section 94 contributions payable by new development in the Leichhardt LGA. The VPA includes a cash amount of \$4,160,000, plus an additional \$270,000 for affordable housing and construction and dedication of a new public road.

Section B - Relationship to strategic planning framework.

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The site is within the area covered by the draft Inner West Subregional Strategy. The planning proposal is considered having regard to the relevant parts of the draft Strategy in the following table.

Action	Applicable	Response
A. Economy and Employment		
A1 Provide suitable commercial and employment lands in strategic areas		Council commissioned its own study by SGS Consulting on this issue. This report concludes that the proposed rezoning will not have adverse impacts arising from the loss of industrial land.
A1.2 Plan for sufficient zoned land and infrastructure to achieve Employment Capacity Targets in Employment Lands	Yes	The target for increased employment in Leichhardt is 500. The proposal includes employment generating uses will provide for increased employment numbers. Further the land is identified as Category 2 land where change of use is possible. Although in this case residential land is included as noted above, the overall impact of the proposed land use changes in the Terry Street Precinct will maintain some employment generating potential in the area.
A1.4 Contain the rezoning of employment lands to residential zonings across Sydney	Yes	As noted above, despite the proposed residential component of the proposal, employment generation in the precinct will not be diminished.
A1.9 Facilitate the use of old industrial areas	Yes	The subject site contains old and derelict buildings. The demand for traditional industrial uses in this area is reducing and a change in the types of employment generating uses is needed. The planning proposal will facilitate this change and the introduction of a mix of uses will improved the viability and demand for employment generating uses.
A1.9.2 The Department of Planning to work with councils in identifying and implementing measures to manage interface issues between industrial and residential land uses.	Yes	Both Council and DP&I have indicated support for the proposed rezoning which allows for residential use on that part of the Terry Street precinct which directly adjoins existing residential areas.
A3 Improve opportunities and access to jobs for disadvantaged communities		The proposal will not assist any specifically disadvantaged groups although the payments made through the VPA could be used by

Action	Applicable	Response
		Council in this regard.
A3.2 Integration of employment and housing markets	Yes	The proposal will provide for a range of dwelling types and also employment generating uses.
B Centres and Corridors		
B1 Provide places and locations for all types of economic activity and employment across the Sydney region	Yes	The proposal includes a new neighbourhood centre to service the new and existing population. It is noted that the large nearby Balmain Cove and Balmain Shores residential developments were zoned to include significant facilities to service these sites. However such facilities have not been provided. The retail assessment undertaken indicates a demand for additional shopping services in this area and the small neighbourhood centre proposal will only partly satisfy this demand.
B2 Increase densities in centres whilst improving liveability	Yes	The proposal includes a new small neighbourhood centre and is also close to the Rozelle centre
C Housing		
C1 Ensure adequate supply of land and sites for residential development	Yes	The subject site will make a considerable contribution to meeting the stated target of 2000 dwellings. Further the subject site is ideal as it is able to accommodate a substantial increase in population without significant impacts on existing surrounding areas.
C2 Plan for a housing mix near jobs, transport and services		The proposal provides for and appropriate mix of uses in a location close to existing jobs, transport and services.
C2.1 Focus residential development around centres, town centres, villages and neighbourhood centres	Yes	The subject site is close to the existing Rozelle village centre and will accommodate a new 'neighbourhood centre'.
C2.2 Provide self care housing for seniors and people with a disability	Yes	This is not provided.
C2.3 Provide a mix of housing	Yes	The proposal will facilitate the provision of a range of housing types and sizes.
C3 Renew local centres		The proposal will build upon the small group of shops and commercial uses on Terry Street to create a viable neighbourhood centre for

Action	Applicable	Response
		the large population in the immediate vicinity. It will also provide a significant influx of new residents that will assist existing shops.
C3.1 Renew local centres to improve economic viability and amenity.	Yes	Rozelle centre is noted as being one of the centres "functioning well as walkable, liveable and viable places". With the influx of new residents within walking distance, the proposal will contribute to this function.
C4 Improve housing affordability	Yes	The proposal will add to available stock and therefore assist in meeting demand. The specific provision of 'affordable housing' is not proposed. Notwithstanding this the VPA includes a payment of \$270,000 toward affordable housing in Leichhardt.
C5 Improve the quality of new development and urban renewal	Yes	The urban form envisaged will create a high quality public domain (see Appendix D of the Planning Proposal).

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

The Planning Proposal is consistent with the following objectives of Council's Community Strategic Plan 'Leichhardt 2020+':

1.3 "Make local facilities, open space, services and activities desirable, flexible and easy for all groups

to access and use eg childcare, recreation, cultural activities, local shopping, etc."

2.1 "Develop integrated plans to reduce our dependence on private cars for local regular community activities and trip purposes."

2.4 "Plan local community facilities, businesses and services to fit the places we live and the way we want to live."

3.1 "Our town plan and place plans optimise the potential of our area through integrating the built and natural environment with a vision of how we want to live as a community and how areas should develop to meet future needs"

5.1 "Develop integrated planning to promote thriving and diverse businesses that build on the demands and characteristics of local communities."

5.2 "Develop accessible and environmentally sustainable businesses that help to build local communities and reduce our dependence on private cars"

The proposal also needs to be considered having regard to the strategic planning that has been undertaken for the precinct bound by Victoria Road, Terry Street and Wellington Street in recent years (which includes the subject site). The rezoning of the precinct to allow predominantly residential uses on the northern part, a transitional mixed use area through the central part and a redefinition of the industrial/commercial uses in the area fronting Victoria Road, has been discussed with the local community, who support the proposed changes.

The Anka planning proposal is consistent with Council's stated intentions for the land. However a number of factors indicate that it is appropriate that the rezoning of the Anka site should proceed before the remainder of the precinct. In this regard:

- the Anka site is the largest parcel in single ownership and comprises around 40% of the precinct;
- it is the only site that is derelict and apart from some temporary community uses that have been permitted, make no contribution to the community.
- Anka has commenced work on the preparation of a DA for the site to demonstrate their commitment;
- the Anka site is the one with the greatest potential to result in community benefit as it is surrounded by residential uses on the majority of its frontages. It also accommodates the majority of the public road that Council's strategic planning has identified to link Merton and Margaret Streets;
- the above means that the site can act as a catalyst for change for the remainder of the precinct, which because of the nature of existing uses and ownership patterns will be less easily developed;
- as a result of comments by the Department of Planning and Infrastructure further investigation is required before any further changes are made to existing industrial zoning. However it is noted that the investigations already undertaken by Council confirm that the subject site is appropriate for rezoning;
- the new draft Comprehensive LEP does not propose any significant changes to existing zoning and therefore, at this stage, the remainder of the precinct will adopt the IN2 industrial zoning in the draft Comprehensive LEP.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The proposal is consistent with all relevant state planning policies (SEPP's). Those most relevant are noted and commented upon below:

SEPP 55 Remediation of Land –The remediation of the site will be in accordance with the provisions of State Environmental Planning Policy (SEPP) 55 – remediation of Land. A Preliminary Site Contamination Assessment Report has been prepared and will be placed on public exhibition with the Planning Proposal. The Remediation Action Plan from Douglas Partners (Appendix J of the Planning Proposal) indicates that remediation suitable for residential use can be achieved.

SEPP 65 Design Quality of Residential Flat Buildings – the Masterplan on which the planning proposal is based indicates that development of the site can occur in compliance with the requirements of SEPP 65. In this regard appropriate building separation, cross ventilation and solar access can be achieved.

In regard to overshadowing impacts, the revised concept plans show that the reduced building heights (in particular the reduction of Building C from 8 to 4-6 storeys) will ensure there is no increase in overshadowing of Crystal Street properties (see Appendix A). In this regard it should be noted that the impact of a 5 storey building was tested however a building of 6 storeys stepping down to 4 storeys has less impact (the shadow is cast by the 4 storey element not the 6 storey element). The number of storeys will be measured from existing ground level as defined in LEP 2000. In places within the site, such as the southern end of the frontage to Terry Street, existing ground level is not the same as street level.

SEPP BASIX – All future residential development will be required to comply with this SEPP and the proponent is proposing to meet the higher standard 4 star Green Star Australian Excellence rating.

State Environmental Planning Policy No 32—Urban Consolidation (Redevelopment of Urban Land) - This policy applies as the subject site is urban land. Clause 6 of the Policy states:

'6 Identification of land for urban consolidation

Each council must consider and the Minister must consider whether urban land is no longer needed or used for the purposes for which it is currently zoned or used, whether it is suitable for redevelopment for multi-unit housing and related development in accordance with the aims and objectives of this Policy and whether action should be taken to make the land available for such redevelopment.'

The Planning Proposal demonstrates that the land is no longer needed for the purposes for which it is currently zoned and that it is suitable for redevelopment for multi-unit housing and related development. In particular Council commissioned a study from SGS Consulting on the loss of industrial land in Leichhardt which

concludes that the rezoning of the subject land will not unreasonably affect the overall employment generating capability of the LGA.

Further the Planning proposal is consistent with the aims and objectives of the SEPP as:

- It will promote the orderly and economic use and development of land by enabling urban land which is no longer required for the purpose for which it is currently zoned or used to be redeveloped for multi-unit housing and related development;
- It will promote a policy of urban consolidation which will promote the social and economic welfare of the State and a better environment by enabling:
 - § the location of housing in areas where there are existing public infrastructure, transport and community facilities, and
 - § increased opportunities for people to live in a locality which is close to employment, leisure and other opportunities, and
 - § the reduction in the rate at which land is released for development on the fringe of existing urban areas.
- It will facilitate urban land suitable for multi-unit housing and related development being made available for that development in a timely manner;
- It will result in an increase in the availability of housing within the locality and the LGA and provide for a greater diversity of housing types within the locality and LGA to meet the demand generated by changing demographics and household needs.

The proposal is considered to be potentially of regional significance, however as an REP is not required the provisions of Clause 8 are not relevant.

State Environmental Planning Policy (Infrastructure) 2007 - This policy applies however none of the provisions are of direct relevance to the Planning Proposal.

Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 - This is a deemed SEPP and applies to the site as it is located within the catchment of Sydney Harbour. However the site is not within the Foreshores and Waterways area and as such only the planning principles for the catchment need to be considered. The proposal is considered to be consistent with these principles as:

- It will improve the hydrological, ecological and geomorphological processes on which the health of the catchment depends as there will be improved stormwater management and remediation undertaken;

- It will not affect any natural assets of the catchment;
- It will not have a cumulative environmental impact of development within the catchment as it will only have positive impacts on the environment;
- It will assist in achieving relevant water quality targets;
- It will not impact on functioning of natural drainage systems on floodplains and will comply with the guidelines set out in the document titled *Floodplain Development Manual 2005* (published in April 2005 by the Department),
- It will not be highly visible from the waterways or foreshores and will maintain, protect and enhance the unique visual qualities of Sydney Harbour,
- It will increase the number of publicly accessible vantage points for viewing Sydney Harbour through facilitating the creation of a new road through the site from where views of Iron Cove are available;
- It will improve the water quality of urban run-off, reduce the quantity and frequency of urban run-off, prevent the risk of increased flooding and conserve water;
- It will not impact on watercourses, wetlands, riparian corridors, remnant native vegetation or ecological connectivity within the catchment;
- It will not impact on land affected by salinity;
- It will not affect land containing acid sulfate soils.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal is consistent with all relevant Section 117 Directions. Those most relevant are noted and commented upon below:

1.1 Business and Industrial Zones – whilst the proposal will result in the loss of part of the employment generating zone in the area, the greater employment capability of the proposed employment generators (ie shops etc) means that there will not be a significant loss of employment capacity on the site. Further the intended change in zoning and development potential elsewhere in the Terry Street precinct could enhance the employment capability of this area. This issue is discussed in greater detail in the submitted Economic Impact Assessment (see Appendix K of the Planning Proposal).

3.1 Residential Zones – in accordance with this direction:

- the proposal will result in increase in housing diversity in the area;

- the proposal makes use of existing infrastructure in that it involves reuse of a derelict industrial site and is located close to existing services and facilities;
- the proposal will assist in meeting metropolitan housing targets aimed at reducing the need for development on the urban fringe;
- the proposal will be of good design;
- the subject land is adequately serviced.

3.4 Integrating Land use and Transport - in accordance with this direction:

- the proposal improves access to housing, jobs and services by providing a mix of uses on site and being located close to existing facilities and transport links;
- the proposal will have reduced dependency on cars as it is close to transport and within walking distance of new and existing services and car parking on site will be reduced compared to that typically provided;
- the proximity of the site to transport will contribute to the viability of these services.

6.3 Site Specific Provisions – the proposal involves site specific provisions in the form of an inclusion within Schedule 1 of the LEP. This is required because LEP 2000 has very broad zoning provisions that do not adequately control the future development of the site.

7.1 Implementation of the Metropolitan Strategy

The proposal is generally consistent with the Metropolitan Strategy as indicated in the discussion of the draft Inner West Subregional Strategy above. Further where it is inconsistent, the variation has been adequately justified.

Section C - Environmental, social and economic impact.

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

The site contains little vegetation and no significant native vegetation. As such it is extremely unlikely that any of the above would be issues in this case. In any event, due to the contamination on the site all vegetation will have to be removed.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

The key issues and impacts have been addressed in specific reports forming part of the Planning Proposal as follows:

- Urban Design Study (see Appendix D);
- Draft Amendments to Leichhardt Development Control Plan (DCP) (see Appendix E);
- Heritage Impact Study (see Appendix F);
- Access, Transport and Traffic Report (see Appendix G);
- Environmental Performance Report (see Appendix H);
- Stormwater Management Plan and Water Sensitive Urban Design Study (see Appendix I);
- Remediation Action Plan (see Appendix J);
- Economic Impact Assessment (see Appendix K);
- Active Transport and Open Space Study (see Appendix L);
- Social Impact Assessment (see Appendix M);
- Community Consultation Strategy (see Appendix N);
- Voluntary Planning Agreement (VPA) (see Appendix O).

The main implications of the Planning Proposal are discussed below.

Traffic and Parking

Council specifically considered the matter of traffic and parking at the meeting of 22 November 2011 where it resolved to allow the provision of 250 car spaces on the site. The assessment was based on the provision of around 200 apartments and 1300sqm of non-residential floor space (this excludes the Crystal Street work

lofts which are included in unit calculations) and represent a number around the midpoint between the minimum and maximum permitted under Council's DCP.

Based on 250 car spaces, the estimated traffic generation is around 150 vehicles per hour two-way during peak hours. This is significantly less than the 250 vehicles per hour two-way at peak times estimated for the approved bulky goods/gymnasium use on the site and well within the traffic 'budget' for the site of around 456 vehicles per hour two-way during peak hours, based on the conclusions of Council traffic consultant's Arup. Therefore the proposal will have even less impact on the surrounding road network.

The provision of 250 spaces (230 spaces for the residential component, including the work lofts and 20 spaces for the non-residential component). This generally equates to a provision of:

- 1 space/65sqm of non-residential floor space;
- 1 space per 1 bedroom apartment;
- 1 space per 2 bedroom apartment; and
- 1.5 spaces per 3 bedroom apartment;
- 1 visitor space per 10 apartments.

These rates are included in the proposed amendments to the DCP (see Appendix E of the Planning Proposal). Under Council's Parking scheme parking and visitor permits would not be issued for this development. The level of parking provision in the Planning Proposal is considered to be an appropriate balance between the accessibility of the site to public transport and ensuring that the development does not increase the demand for on-street parking, consistent with the objectives of the DCP below.

Adoption of lowest parking rate in the DCP is not appropriate as many dwellings in this area do not have off-street parking and therefore on-street parking is limited. This was a specific issue that has been raised in various community meetings. The proposal will be consistent with the Principles for parking outlined in Council's DCP as discussed in the following table:

Principle	Comment
<i>To ensure that safe and sufficient parking for all modes of transport is provided to meet anticipated demands.</i>	In a location such as this, future residents are likely to have relatively high rates of car ownership, despite the access to public transport. In order not to reduce the availability of already minimal on-street parking in the area, it is important that the

	proposal provide for a sufficient number of car spaces. The proposal will also accommodate an appropriate amount of bicycle parking.
<i>Improve access by walking, cycling and public transport to housing, jobs and services.</i>	The proposal provides for 2 new public access points through the site – the proposed road is envisaged to eventually link Merton and Margaret Streets and a pedestrian path links this new road to Crystal Street. This will facilitate easier pedestrian and cycle access to employment generating areas, local shops and public transport.
<i>Ensure access for people with disabilities.</i>	An appropriate amount of parking for people with disabilities has been provided and appropriate access is provided to this parking and the public and private domain. The DCP also contains objectives and controls to ensure access to the development for people with disabilities.
<i>Increase the choice of available transport and reducing dependence on cars.</i>	As noted above accessibility to public transport and the local pedestrian and cycle network will be improved and the new street can be used to accommodate a car sharing scheme.
<i>To make cycling a viable transport alternative.</i>	The proposal provides for improved links to existing and proposed cycleways.
<i>To restrain employee off-street parking provisions to discourage car travel.</i>	The DCP rates are already reduced to meet this objective and the proposal provides slightly less than the DCP minimum.
<i>To improve the design and quality of the urban environment.</i>	Vehicular entries are to be designed to minimise the visibility of garage doors on the street. This will be achieved through providing parking below ground level and setting doors back from the street boundary and building edge. Where service vehicles require access at or above ground level, other methods will be employed to reduce the visual impact of parking access

Active Transport

Active transport includes public transport, walking and cycling. Further, good planning and urban design can also encourage the use of active transport. The

proposal has been designed having regard to The Planning and Design Guidelines for Active Living prepared by the NSW Premier's Council for Active Living.

Public transport

In relation to public transport, the broader issues cannot be resolved by the proposal, the following points indicate that it is consistent with the Design Guidelines for Active Living:

- The proposal is a medium density mixed use development within 400m of public transport;
- The proposal provides for a new road that is envisaged to connect Margaret and Merton Street when adjoining sites are redeveloped. This will provide the first stage of an east/west link that will improve access to public transport on Darling Street. The proposal also provides a north/south link in the form of a pedestrian path from the new street to Crystal Street. This will provide improved access to public transport on Victoria Road;
- The proposed access both in the public domain and within the site will be designed for wheelchair access where appropriate and possible. The only exceptions will be where the existing public domain is already at gradients which are non-compliant eg the link to Crystal Street as Crystal Street is non-compliant.
- The proposal provides for a reduced level of parking on site to encourage public transport use;
- As part of the DA process, a Travel Access Guide will be prepared (see discussion below).

Walking and Cycling

In relation to pedestrians and cyclists, the draft DCP provisions include details of how the public domain within and adjoining the site can be improved to facilitate a safer environment for pedestrians and cyclists. Appropriate treatment of the intersection of Terry Street and the new road will facilitate the integration of the proposed neighbourhood centre with the existing business across Terry Street.

The new street will eventually (subject to redevelopment of the sites along Wellington Street), create a strong pedestrian and cycle link between the high pedestrian traffic environments of Darling Street and the Rozelle markets and the harbour front pedestrian network.

The broader issues for the walking and cycling network cannot be resolved by the proposal however the funds provided through the VPA can be used for improving these networks. Further, the following points indicate that the proposal is consistent with the Design Guidelines for Active Living:

- It will improve the existing public domain making it more attractive and significantly safer by replacing derelict industrial buildings with mixed use development that will activate the streetscape and provide excellent surveillance of the surrounding streets;
- It will provide new opportunities for pedestrian and cycle use through the creation of a new road and through site link;
- It provides for a reduced level of parking on site to encourage walking and cycling;
- It provides bicycle storage on site in accordance with Council's requirements;
- As part of the DA process, a Travel Access Guide will be prepared.

Planning and Urban design

The following points indicate that the proposal is consistent with the Design Guidelines for Active Living in regard to planning principles:

- The proposal is a medium density mixed use development within 400m of public transport;
- The mix of uses include places to live, recreate and work in a highly accessible location;
- The proposal provides for a high quality public domain including new links to improve permeability and accessibility;
- The proposal provides for a reduced level of parking on site to encourage public transport use and walking and cycling';

- The proposal provides for a neighbourhood shopping centre that will reduce car trips by surrounding residents and workers and create a focal point for the local community. This centre will be integrated with the existing businesses across Terry Street through the provision of traffic calming and urban design elements at the intersection of Terry Street and the new road. It will also be a 'destination' for people moving through the area as they access the primary attractors of Darling Street and the harbour foreshore.

Building form and design

The draft amendment to the LEP provides for a maximum FSR of 1.5:1 and maximum height of 6 storeys. The more detailed controls for building form are to be provided in the draft amendments to the DCP (see Appendix E of the Planning Proposal). These controls ensure that the proposal will have an appropriate relationship with the surrounding buildings on existing streets and neighbouring properties.

There will also be specific controls in the DCP to protect privacy, provide for appropriate landscaping, to ensure quality building design, material and finishes and to provide for a high level of internal amenity.

The proposal is generally consistent with the building forms recommended by Council's Urban Design consultants, Allen Jack + Cottier as discussed in the Urban Design Study at Appendix D of the Planning Proposal and also the Planning Proposal previously endorsed by Council. The Master Plan drawing in Figure 1 was prepared to replicate the plans prepared by AJ+C and to provide an indication of the distribution of building bulk on the site and how the FSR of 1.5:1 was achievable. This plan did not form part of the 'Gateway' submission to DP&I. However development controls are required and apart from FSR (which is included in the draft LEP amendments), they will be provided through the provisions of the draft amendments to Council's DCP (see Appendix E).

Height

The building heights will be measured by the number of storeys above existing ground level as defined in LEP 2000. In places within the site, such as the southern end of the frontage to Terry Street, existing ground level is not the same as street level. As such the building heights in this location will be set from existing ground level.

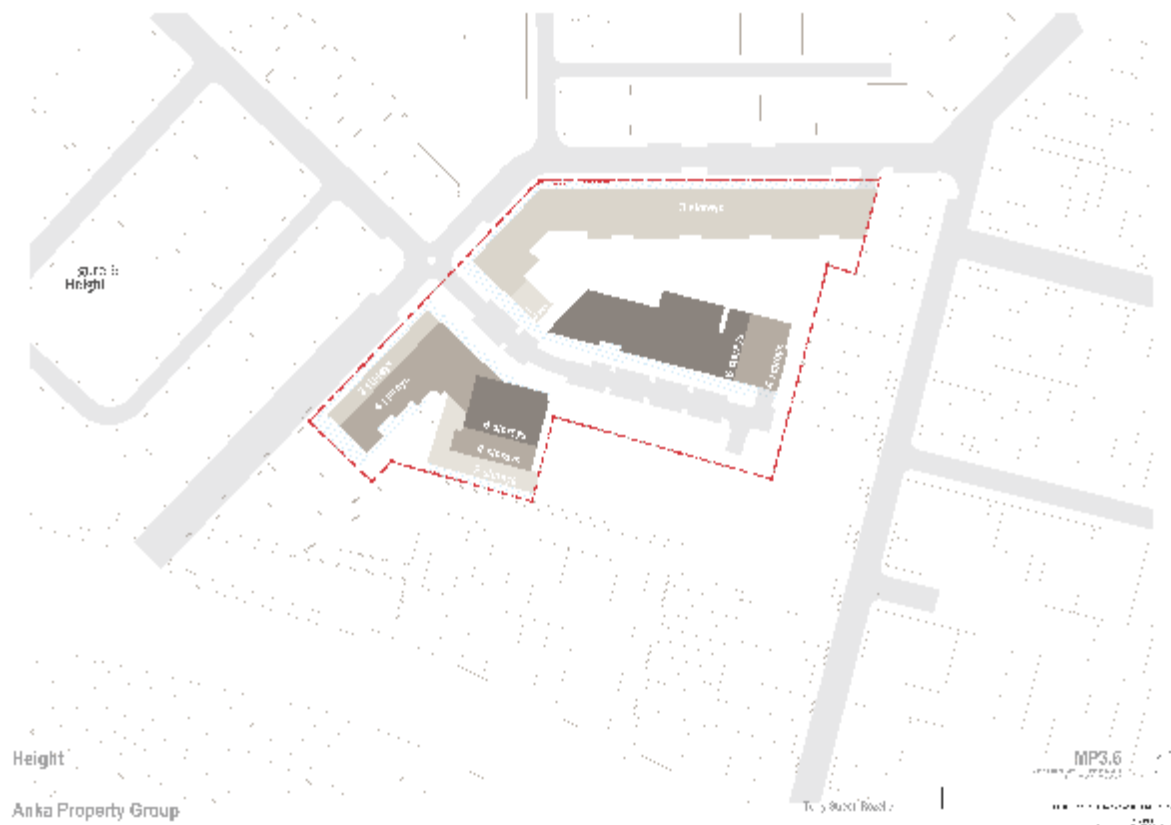


Figure 1 – Building heights

Setbacks

Building setbacks are to be consistent with the setbacks set out in Appendix A of the Report to 19th April 2011 Council meeting and endorsed by Council Resolution 128/11. The draft DCP sets out the objectives and controls for setbacks.

Landscaping

As the landscaped area requirements of LEP 2000 will not apply to the proposal as it involves mixed used development and the existing DCP provisions are not relevant or applicable, the proposed amendments to the DCP include a requirement for a minimum area of open space on the site of 2690sqm which is what Council required in its resolution of 22 March 2011. This area was identified as being generally between the proposed northernmost building fronting Terry Street (Building A) and the building centrally located in the site to the north of the new street (Building B). Deep soil areas and other areas above the basement car park form part of the open space on the site. In addition to the above the proposed amendments to the DCP include requirements for a minimum deep soil component of 2000sqm and a minimum communal space requirement of 2000sqm.

The open space on the site has a variety of roles and includes:

- streetfront space which is publicly accessible including a substantial area along the southern side of the new road;
- private areas that provide recreation space for future residents and where located at ground level provide opportunities for planting to add to the landscaped character of the site when viewed from the public domain;
- communal spaces for residents including potential 'green roof' areas that will provide highly useable recreation spaces and non-accessible spaces specifically dedicated to planting.
- it should not be fragmented

The total provision of 'landscaped area' as defined in the LEP is around 20% of the site area with the majority of the area being available for deep soil planting.

Potential impacts on surrounding properties

View issues

Due to the existing topography and existing buildings there are unlikely to be views available over the subject land. The adjoining large scale residential developments to the north and west are generally orientated to take advantage of views of the harbour and so face away from the site (see Appendix B).

In terms of outlook, the proposed building heights have been moderated to provide a compatible scale when viewed from the surrounding streets. In this regard, streetfront buildings along Terry Street are 3 storeys with a 4th storey setback so that it is not significantly visible from the opposite side of the street. The taller 6 storey elements are set further back and are also setback from neighbouring residential properties in Wellington and Crystal Streets to reduce visual impact (see Appendix B).

The proposed DCP sets out objectives and controls that address any potential issues associated with views.

Overshadowing

As can be seen at Appendix A the overshadowing relating to the draft DCP controls are similar to those indicated in the Gateway submission. As previously noted the envelope required for the draft DCP controls do not increase overshadowing and in particular result in no material change in relation to adjoining residential properties in Crystal Street and Wellington Street.

Privacy

Where there is the potential for overlooking the DCP provides for generous setbacks for the 4-6 storey building to Crystal Street and the building adjacent to the Wellington Street properties. Further in relation to the Wellington Street properties, additional measures are provided in the draft DCP provisions which specify that main orientation is not to be toward the boundary and that either highlight windows and/or fixed louvres are provided to windows of habitable rooms facing the boundary to minimise overlooking.

Public Domain

The Voluntary Planning Agreement (VPA) provides for creation of a 16m wide public road through the site that will be constructed by the applicant and dedicated to Council. In the longer term it is intended to link Margaret and Merton Street, creating a more direct path of travel for pedestrians and cyclists between the high street (Darling Street) and the harbour. This has been a foundation principle of the scheme and originally proposed by Council's consultant, AJ+C. The draft DCP provisions requires the new street to be a slow road or shared zone.

The proposal also includes a new pedestrian link from the new street to Crystal Street. This will provide future residents with alternative access to Victoria Road and Crystal Street residents and works access to the shops and facilities in the Neighbourhood Centre. This link will be privately owned but publicly accessible.

Any future development will also be required to upgrade the Terry Street frontages of the site and to ensure that the new intersection of the new road and Terry Street is safe and provides a safe environment for pedestrians and cyclists. The development will also realign Terry Street slightly to further enhance road safety.

In order to provide a lively and safe public domain the draft DCP has provisions requiring active frontages for the proposed commercial and light industrial uses and, where topography allows, for individual access to ground floor streetfront apartments.

The public domain requirements are detailed in the draft DCP at Appendix E of the Planning Proposal.

Residential amenity

The future residents will have a high level of amenity provide through the application of SEPP 65 and the associated Residential Flat Design Code and also specific provisions of the draft DCP that deal with issues such as cross ventilation, solar access and landscaping. Additionally draft DCP requires the achievement of the current best practice 4 star Greenstar Australian Excellence environmental performance rating. This is discussed in detail below and in Appendix H of the Planning Proposal.

Environmental Performance

Council's resolution of April 2011 required the provisions of an Environmental Performance Report to demonstrate *'how the development will incorporate ecologically sustainable development principles in the design, construction and ongoing phases of the development with a view to achieving a minimum 5 Star rating.'*

As detailed in Appendix H of the Planning Proposal, it is intended to exceed minimum requirements by providing 'Best Practice' sustainable outcomes in design, construction and operation and through targeting a 4 star Multi-Unit Residential v1 Green Star design rating. This rating is considered best practice in residential design and will benchmark the development as one of few residential developments to achieve a Green Star Australian Excellence rating.

Given the above, it is assumed that the reference in Council's resolution relates to a NatHERS rating and in this regard the Environmental Performance Report indicates that an outcome equivalent to 7.5 stars is achieved. However if Council was referencing the recent Lilyfield Department of Housing development which was granted a 5 star Greenstar rating, it is noted that this was only achievable as no car parking was provided and the rating tool was only a 'pilot' version. Taking into account these facts, the proposed development will achieve a higher level of environmental performance than the Lilyfield project.

Heritage

The subject site does not contain any heritage items or any elements of significance. The adjacent land to the east of Wellington Street is within a conservation area, however the distance from the site is such that the proposal will have minimal potential for adverse impacts. As noted above the draft DCP includes provisions that require the design of future development to have appropriate regard to the existing character of the area which is partly the result of historical development. This is discussed in further detail in Appendix F of the Planning Proposal.

Site contamination

A Remediation Action Plan (RAP) has been prepared following on from previous site investigations (see Appendix J of the Planning Proposal). This report concludes:

“Subject to acceptance of the RAP by the Site Auditor (Mr Graeme Nyland of Environ Pty Ltd), it is proposed that the remediation method will involve the removal of contaminated soil followed by disposal to an appropriate landfill.

Following completion of the remediation activities, a validation assessment report will be prepared by a qualified environmental consultant in accordance with the NSW DEC Contaminated Sites Guidelines for Consultants Reporting on Contaminated Sites (1997) and other appropriate guidelines. The validation report shall confirm that the site has been remediated to a suitable standard to support occupation of the proposed development.”

Economic Effects

This issue has been addressed in detail in the Economic Impact Assessment prepared by Urbis (see Appendix K of the Planning Proposal).

The EIA concludes that at 2013, when the proposal is most likely to be fully operational, the impact of the proposed retail uses on existing traders will be in the range of 0.4-3%, an amount that is insignificant in terms of viability. The following comments are also provided in relation to the proposed ‘neighbourhood centre’.

The proposal is consistent with the Council’s previous resolution regarding the intended change to the land uses in the Terry Street precinct. This resolution notes:

“That land uses should comprise:

- employment activities e.g. retail and commercial, along the Victoria Road frontage*
- mixed use e.g. complimentary residential and employment, in the transition area across the Crystal Street section of the site*
- residential plus a potential pocket of small scale ancillary retail across the balance of the site”*

The proposal includes the provision of a ‘neighbourhood retail centre’ to supplement the existing retail and commercial uses near the intersection of Terry and Margaret Streets. Discussions with the local community indicate support for the provision of a walkable convenience shopping area. However in discussions with the Balmain Rozelle Chamber of Commerce, some members indicated concerned about the impact on the existing Darling Street shops. In response to the concerns raised the size of the retail area was reduced as noted above.

A small convenience retail centre is being proposed for two reasons:

- there is an existing undersupply of retail floor space in the area
- there are urban design and amenity benefits in having an active focal point for the local community who at present are somewhat isolated from existing services.

The amount and design of the retail floor space to be provided has been designed to balance:

1. the need to create a nexus for a viable centre
2. discourage non-local visits to the area
3. minimise impacts on existing retailers in the area.

In regard to 1, a critical mass is needed to ensure that a range of daily goods and services can be offered. If the range is lacking, people will need to go elsewhere, and the traders that are present will suffer. This seems to be the existing situation where there is a small group of traders near the corner of Margaret and Terry Streets that offer an eclectic mix of services and create no sense of place or activity.

In regard to 2, traffic is a major issue for the local community and the desire is to minimise car use whilst ensuring that on-street parking in the area is not diminished. This issue will be addressed by a number of measures:

- limiting the overall amount of retail floor space to 1,300sqm;
- providing for reduced parking on-site;
- encouraging use of public transport, cycling and walking as discussed in the Active Transport and Open Space Study at Appendix L of the Planning Proposal.

Further, the proposal will result in benefits for the existing retailers at Darling Street. The provision of the 'New Street' which is envisaged to link Margaret and Merton Streets as redevelopment of adjoining sites occur, as well as a pedestrian link to Crystal Street, will provide a more direct and pleasant link both for the existing major residential developments and the Terry Street Precinct to Darling Street. The new population and new public infrastructure will increase the customer base for the existing Darling Street traders.

In terms of loss of employment generating land, the proposal provides for employment generating uses that will not significantly reduce the current

employment potential of the subject site. The changes proposed by Council to the zoning of the remainder of the Terry Street precinct would lead to an overall increase in employment opportunities in the area.

Council has also commissioned its own study by SGS Consulting on this issue. This report concludes that the proposed rezoning will not have any adverse impacts arising from the loss of industrial land.

Social impacts

This issue has been addressed in detail in the Social Impact Assessment prepared by Urbis (see Appendix M of the Planning Proposal). This report concludes:

It is anticipated that the proposed development is likely to maximise benefits for the community, as it will:

- *Positively contribute to the local economy through the provision of local employment opportunities generated from the proposed commercial component of the development.*
- *Contribute to the demand for additional retail space in the Rozelle area.*
- *Enhance the activation of the site during the day as a result of the commercial component.*
- *Improve the overall amenity of the site and surrounding areas by providing a form of development that is more consistent with the surrounding residential development.*
- *Contribute to the provision of affordable housing stock.*

Potential negative impacts of the proposed development may include:

- *Traffic / pedestrian conflict and associated safety concerns arising as a result the internal road and cul-de-sac on site if adequate mitigation measures such as suitable turn around areas, designated drop-off and pick-up areas and signage are not implemented.*
- *A shortage of on-street parking for users of the retail facilities unless adequate parking and drop-off/pick-up provisions are included in the design.*
- *Greater demand for already stretched public transport in the area as a result of an increased population.*

- *Disruption to local areas during construction in the form of noise, pollution and traffic.*

In seeking to maximise the positive benefits and minimise negatives impacts, the following mitigation measures are suggested:

- *The proposed road connection to Wellington and Merton Streets in the sites east should be secured to limit traffic and safety concerns. In the event that the road connection cannot be secured, inclusion of suitable turn around areas, designated drop-off and pick-up areas and signage should be implemented.*
- *A Construction Management Plan and notification system should be established to guide construction phases and ensure residents are aware of likely impacts.*

Ultimately, it is considered that the proposed development will have predominantly positive impacts in the local area. Some of the potential negative impacts identified may be mitigated through measures listed above, further enhancing the social benefits of the development.

Stormwater

The existing site is predominantly covered with hard stand areas and is drained to Terry Street. The redevelopment of the site will significantly reduce the amount of hard surfaces on the site and therefore stormwater runoff will also be reduced. The quality of the runoff will be improved through the removal of contaminated material from the site. Further the Environmental Performance requirements will provide for the reuse of stormwater and there will also be on-site detention. The proposed drainage will utilise the existing drainage points in Terry Street. Therefore the overall outcome that will result from the redevelopment of the site in relation to stormwater will be very good.

10. How has the planning proposal adequately addressed any social and economic effects?

Yes. See above.

Section D - State and Commonwealth interests.

11. Is there adequate public infrastructure for the planning proposal?

In summary the key items of public infrastructure required in support of the additional population are:

Public transport

The subject site is located within walking distance of Victoria Road and Darling Street where there are significant bus services as can be seen on Figure 2.



Figure 2 – Bus services adjacent to site

Whilst these services are well patronised at peak times, changes resulting from works to Iron Cove Bridge provide an opportunity for increased capacity. The manner in which the site relates to public transport is addressed in the Open Space and Active Transport Study at Appendix L of the Planning Proposal. The preparation of a Travel Access Guide as part of the DA process will ensure that use of active transport is maximised.

Roads

The potential impacts on the local road network and traffic management implications of the redevelopment of this area (including the Tigers scheme) have been previously considered by Council. Specific analysis of the planning proposal indicate that the proposal is well within the traffic 'budget' determined for the site in Council's analysis (see Appendix G of the Planning Proposal).

Cycleways/Pedestrians

The subject site is located on existing and proposed cycleways (see Figure 3). Further the proposed new road provides the first stage of an opportunity for a more direct east-west link between the bay and Darling Street. The new street will be constructed to meet Council's requirements and when the link through to Wellington Street is complete, Council may make provision for a cycleway.

In addition to the new street a new pedestrian link is provided between the new street and Crystal Street. The manner in which the site relates to walking and cycle paths public is also addressed in the Open Space and Active Transport Study at Appendix L of the Planning Proposal.

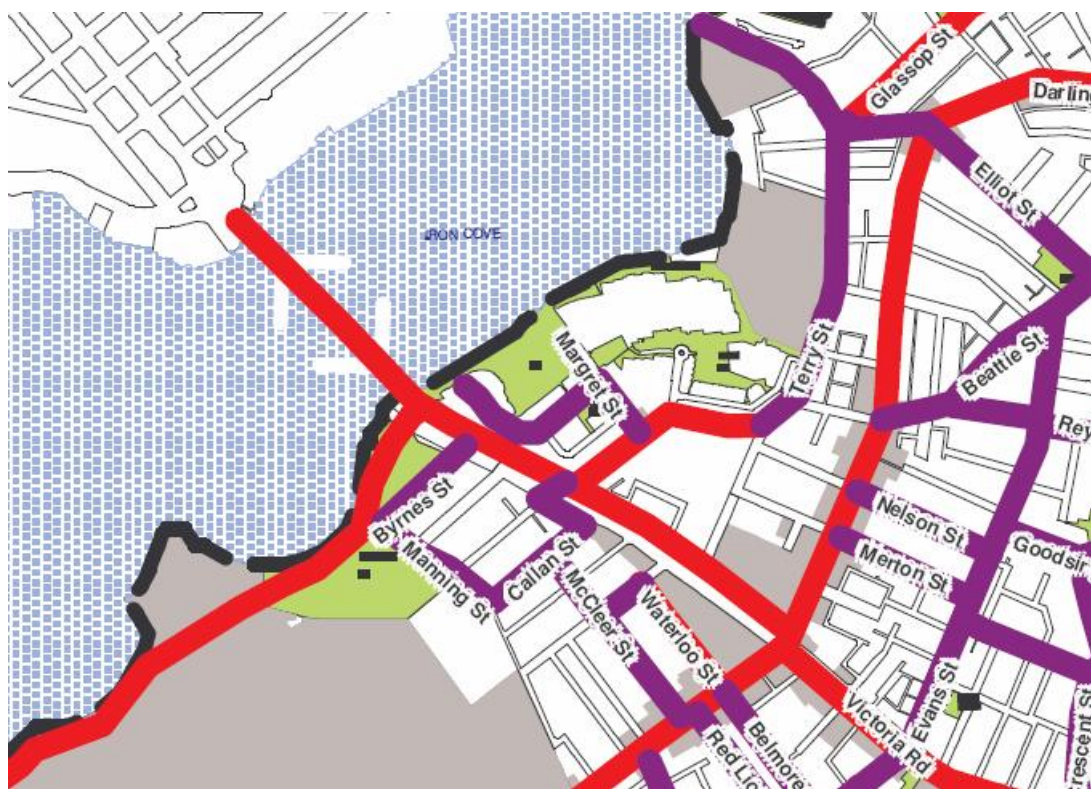


Figure 3 – Extract from Council's Bicycle Strategy showing existing paths (red) and proposed paths (purple)

Utilities

The subject land is located within an established urban area and is already provided with water, gas, sewer, power and telecommunications infrastructure. Consultation to confirm capacity (or otherwise) with the relevant servicing authorities will need to be commenced following the Gateway determination. Discussions will be required to identify if any necessary augmentation of existing utilities will be a requirement of rezoning or can be dealt with as part of the Development Approval process.

Waste management and recycling

A detailed Site Waste Minimisation and Management Plan will be required under the proposed DCP amendment. The layout of the site provides for a public road to facilitate waste management and recycling services that are available through the Council.

Health Education and Emergency Services

The subject land is located within walking distance of Rozelle village where medical and associated professional consulting rooms are located. Regional level health facilities are located at or near the Royal Prince Alfred Hospital which is located within a reasonable distance of the subject land.

Open space

The planning proposal will increase the demand for open space in the area however the site is not suitable for the provision of the type of open space that is required. Further there are significant open space opportunities in close proximity of the site at the harbour foreshore and Callan Park. Appropriate contributions will be made via the Voluntary Planning Agreement which allows Council to fund whatever infrastructure it considers is most in need.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Consultation with the NSW Department of Planning and Infrastructure (DP&I) and the community (see comments below) has previously been initiated. The Gateway Determination (see Appendix A of the Planning Proposal) indicates that the following agencies will be consulted as part of the Planning Proposal consultations:

- Catchment Management Authority – Sydney Metro
- Office of Environment and Heritage
- Housing NSW
- Department of Transport NSW
- Roads and Traffic Authority
- State Transit Authority of NSW
- Sydney Water
- Adjoining LGAs

Part 4 – Community Consultation

There has been significant community consultation already undertaken by both Council and the proponent in relation to the rezoning of the site and discussed in Section A above.

Whilst the Gateway Determination indicates a requirement for a minimum public exhibition period of 28 days, Council has advised that it will require a longer exhibition period. In any event, the applicant has agreed to a Community Engagement Framework by way of a letter to Council dated 28 June 2011 (see Appendix N of the Planning Proposal). This allows for a 56 day exhibition period.

The process for changing the zoning of the site commenced as a result of the community response to a major redevelopment proposal by Multiplex. Council recognised the benefits of a change from the present industrial use and so embarked on a process of urban design and other investigations and community consultation. The conclusion of this process was that both the community and Council supported a change of use to residential with some ancillary employment generating uses including retail and buildings of 3-6 storeys. Following the purchase of the site by Anka the process of further investigation and consultation with the community and Council has continued however the details of the Planning Proposal remain very much the same as that originally determined as being appropriate by Council and their consultants.

This report concludes that the Planning Proposal is justified having regard to a wide range of issues and in most cases will result in significant benefits to the local community including the removal of the contamination on the site and generating far less traffic than would result from the currently approved bulky goods/gymnasium proposal. The small neighbourhood centre will provide a focal point for this community and unattractive derelict industrial buildings will be replaced by new well designed buildings and a revitalised public domain including a new public road. This road will be a main feature of the site and provide a dynamic new streetscape giving an address to the taller 6 storey buildings. The road is intended to eventually link Merton and Margaret Streets if adjoining land is redeveloped and will provide a link from the 'high' street of Darling Street to the harbour.

Appendix A

Shadow diagrams



Figure 7: Indicative Shadows as at 21 June

Anka Property Group

Terry Street_Rozelle

MP3.7-1
 JOHN HADFIELD ARCHITECTS
 100/102/104/106/108/110/112/114/116/118/120/122/124/126/128/130/132/134/136/138/140/142/144/146/148/150/152/154/156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000

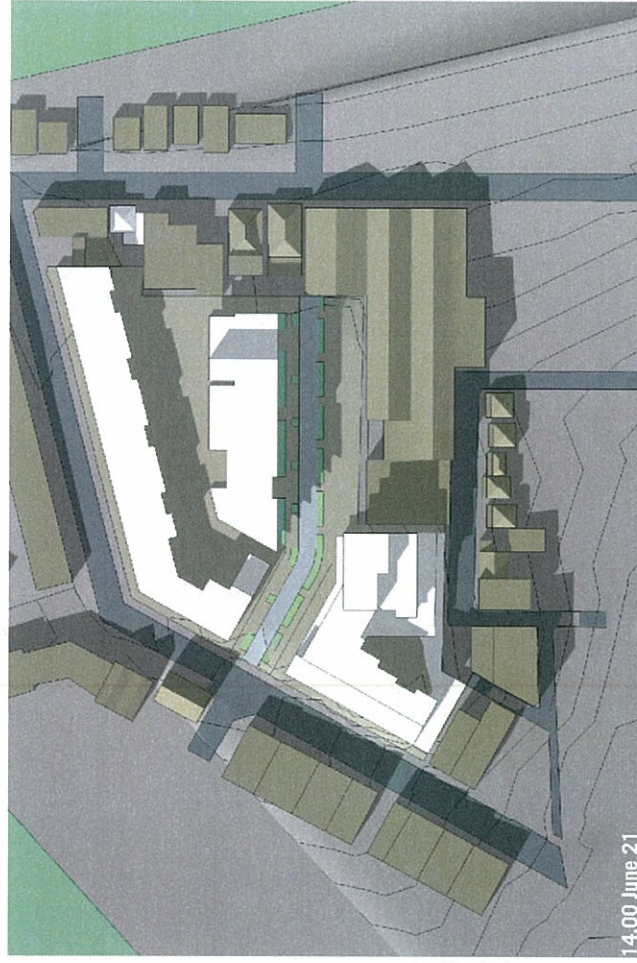


Figure 7: Indicative Shadows as at 21 June

Anka Property Group

Terry Street_Rozelle

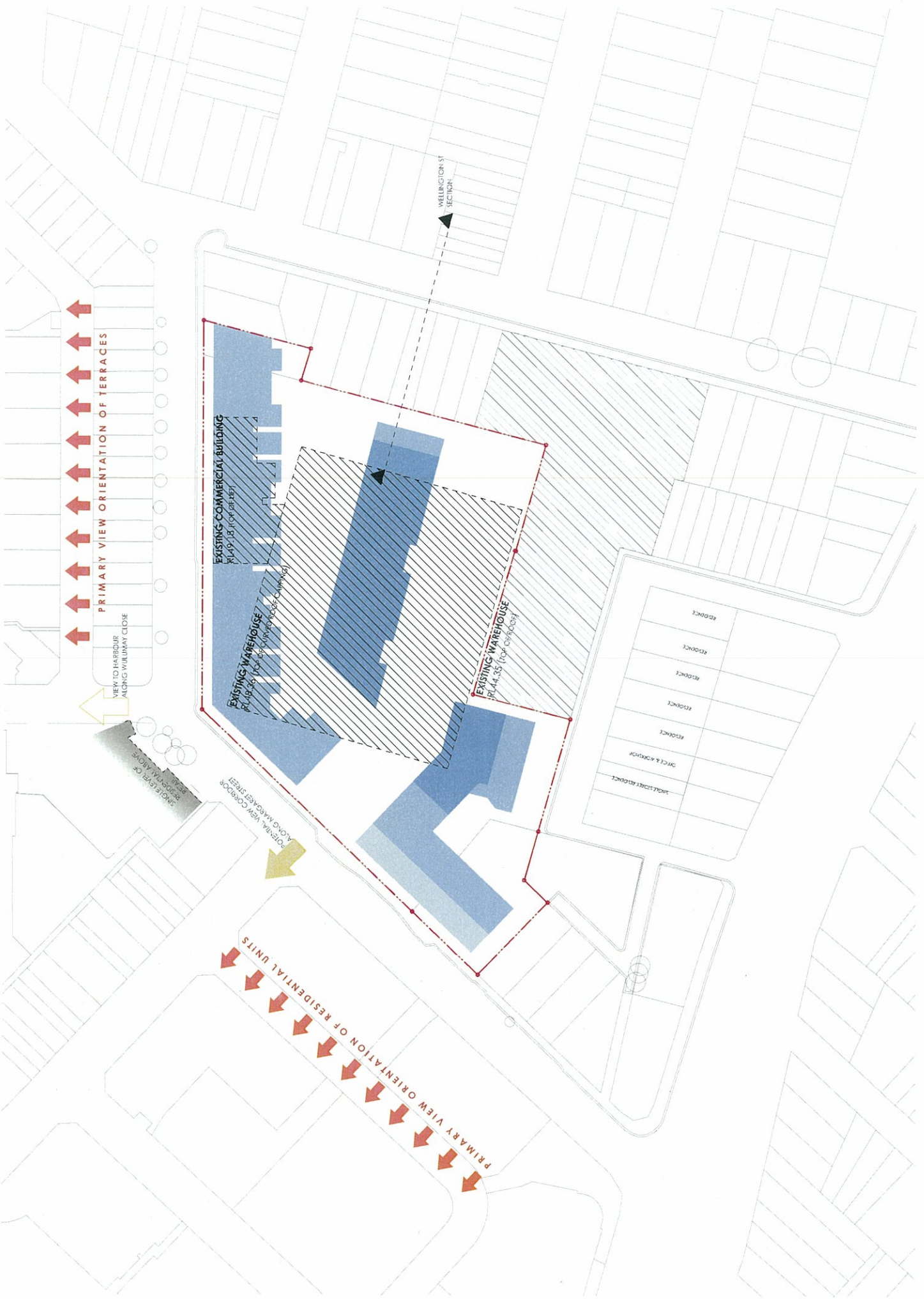
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 Scale 1:200 (A1) 1/15 (A3)



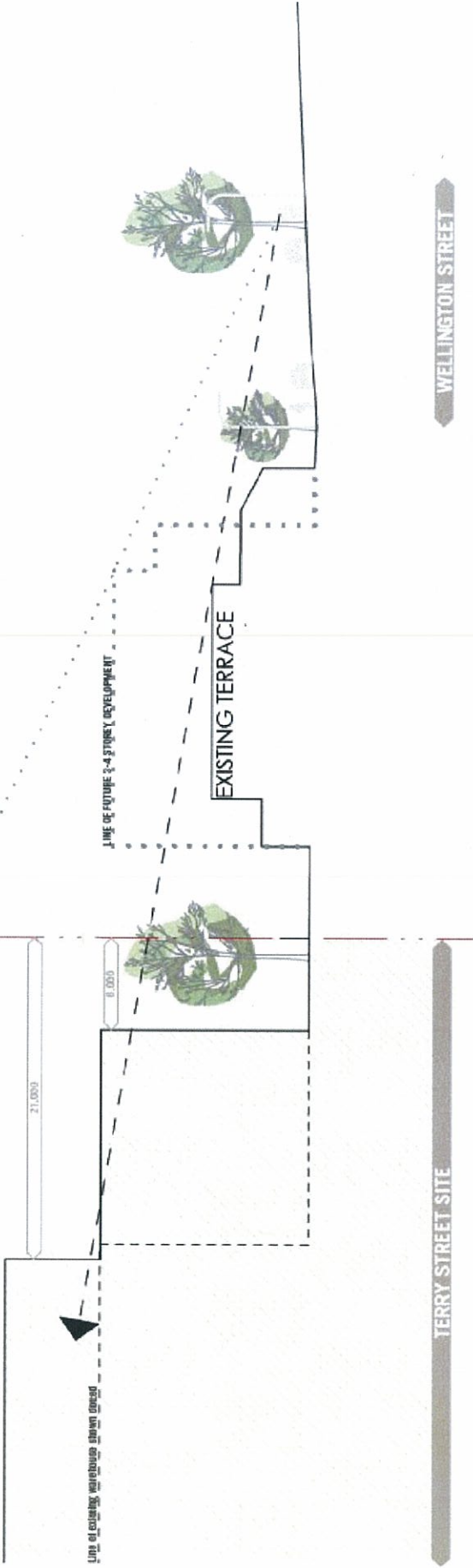
TURNER+ASSOCIATES
 100 WILLOWHILL ROAD SYDNEY NSW

Appendix B

View diagrams



SEE BOUNDARY



LINE OF EXISTING WAREHOUSE SHOWN ABOVE

LINE OF FUTURE 3-4 STOREY DEVELOPMENT

EXISTING TERRACE

21.000

8.000

TERRY STREET SITE

WELLINGTON STREET

Figure 9
Terry Street View Impact

