



PLANNING PROPOSAL

118-124 Terry Street Rozelle

Prepared for Anka Property Group

By

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Job No. 09123

July 2011

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This document has been prepared in accordance with the Department of Planning (Department of Planning) Guidelines for Preparing Planning Proposals. It outlines a proposal to rezone the subject land at 118-124 Terry Street Rozelle from the Industrial zone to the Residential zone under Leichhardt LEP 2000.

This Planning Proposal aims to provide the statutory planning mechanism for facilitating development outlined in the Terry Street Rozelle Rezoning/Masterplan Report at **Appendix A**. This document provides the background to the proposal and details the intended development for the site.

It is noted that the Masterplan may also provide the basis for a Stage 1 Development Application (DA) that is intended to be submitted with Council to allow its public exhibition with the draft Amendment to LEP 2000, should the Planning Proposal receive 'Gateway' approval. Consideration of a DA in conjunction with a new or amended environmental planning instrument is permitted under Division 4B of the Environmental Planning and Assessment Act 1979.

Local Government Area: Leichhardt

Address of land: 118-124 Terry Street Rozelle being Lot 3 in DP119 Section Development, Lot 2 in DP 234045 and Lot 1 in DP 540118.

The site has an area of 14,180sqm and is located a short distance from Victoria Road which cuts across the Balmain Peninsular (see **Figure 1**). It is within a block bound by Victoria Road, Terry Street and Wellington Street that is zoned Industrial and is used for a variety of industrial and commercial purposes (see **Figure 2**) as well as some pockets of residential dwellings.

The site was formerly owned by Carrier Air Conditioning as used for manufacturing, warehousing and administration. More recently the land was owned by Multiplex who gained an approval through the Land and Environment Court for a bulky goods and gymnasium development and sought to redevelop the site for a large scale retail and residential development. Council rejected various redevelopment proposals in this regard. The history of the site is discussed in Section 4.

The site is presently unused and some of the buildings are in poor condition and require demolition.

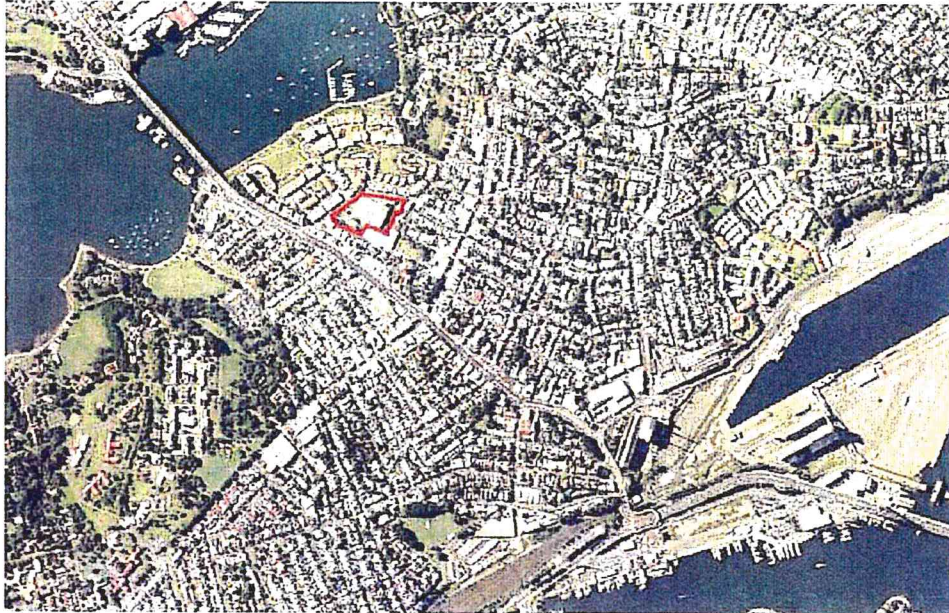


Figure 1 - Context



Figure 2 – The site

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Surrounding Environment

As noted above, the site is located within a block that zoned Industrial under Leichhardt Local Environmental Plan 2000. Surrounding this block are primarily residential uses. To the west and north across Terry Street are the large Balmain Shores and Balmain Cove residential developments. At the corner of Margaret Street are some small scale retail/commercial uses. To the east across Wellington Street are dwellings and at the corner of Wellington and Merton Streets, Rozelle Public School (see **Figure 2** above).

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The Proposal

4.1 Background

Multiplex

The recent planning history of the site commence with various proposals by Multiplex, the previous owners of the site.

The two submissions by Multiplex may be summarised as follows:

a) May 2007 - Gained approval through LEC for bulky goods and gymnasium. This includes 3130sqm for bulky goods retail, 1652sqm of gym and 172 car spaces. This consent remains valid and due to minimal remediation costs is a viable alternative to residential development.

b) 2006/2007 – Prepared draft Masterplans for mixed use development of the site. The site was extended to include the Kennards site to the south over which Multiplex had an option to purchase. The last draft Masterplan included:

- 10,703sqm of retail floor space
- 4,872sqm of commercial floor space (including gym)
- 27,000sqm of residential floor space.

At this time Council commissioned ARUP to undertake a traffic assessment and its conclusions were based on the above scenario. The community and Council strongly rejected the Multiplex proposals.

Council

Following the rejection of the Multiplex scheme, Council undertook its own review of the Terry St precinct and commissioned Allen Jack and Cottier to undertake an urban design review with other consultants providing economic viability and sustainability report. This process involved significant community consultation, and resulted in general agreement about the land uses and built form for the Precinct. This included retention of industrial/commercial uses along Victoria Road, a 'transition' area around Crystal St and residential uses in the northern part of the site. A new street was provided through the area linking Margaret St and Merton St, and different development options were presented to community.

Council's economic consultants advised that based on remediation costs of around \$5M, an FSR of 1.5:1 was required to make redevelopment viable. Whilst the AJ + C analysis

indicated that 3 to 4 storey perimeter buildings with up to 8 storeys internally were appropriate, as a result of community feedback, Council resolved to allow a maximum of 6-storey buildings and adopted the plan at **Figure 3**.

3 Storey Perimeter, plus 6 Storey Centre = min 1.5:1 FSR

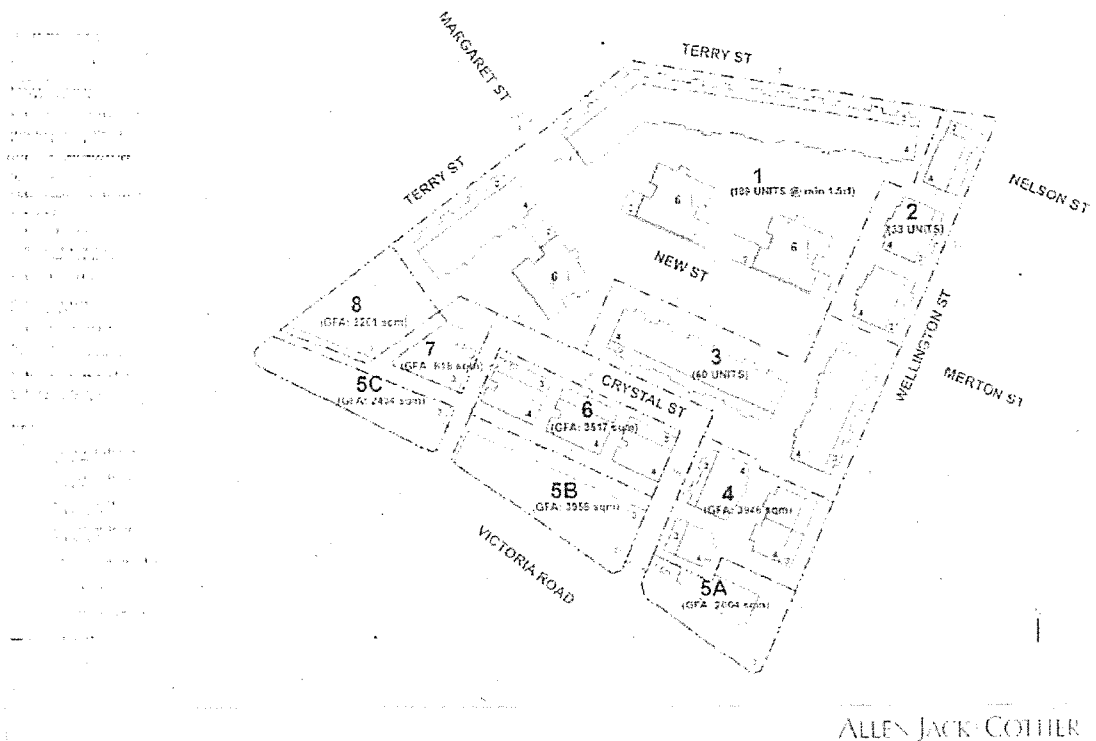


Figure 3 AJ + C Masterplan for the Terry Street precinct

Anka

Anka became the owner of the land in October 2009. They immediately engaged with Council, and created a project team to commence a review of the previous work. Council, and in particular the Mayor, encouraged Anka to involve the community in the process. Since purchase Anka have:

- undertaken significant additional contamination testing and received a preliminary quote for the cost of remediation
- engaged Urbis to undertake a Market Research report to determine the most appropriate land uses for the site and also to prepare Economic and Social Impact Assessments
- engaged 2 urban designers to review the AJ+C work with Turner Architects being involved with working up a new Master Plan
- engaged Ingham Planning to undertake a planning review and to manage the planning process
- engaged Colston, Budd, Hunt and Kafes Pty Ltd to consider traffic issues
- engaged Cundall & Partners to provide advice about sustainability issues

- met with Council on numerous occasions
- met with members of the local community on 2 occasions as a group and also individually
- presented the proposal to a meeting of the Rozelle/Iron Cove Precinct Committee and approximately 80 local residents and
- presented the proposal to members of the Rozelle/Balmain Chamber of Commerce.

The draft Planning Proposal was presented to Council on 7 December 2010. Council considered the matter at its meeting on 7 December 2010, at which time it resolved to defer consideration of the draft Planning Proposal to allow for a Councillor Briefing and a Public Meeting. The Public Meeting was held on 23 February 2011. The draft Planning Proposal was again listed for consideration by Council at the meeting on 22 March 2011, at which Council resolved that:

"That:

(a) That Council defer the proposal for a redesign subject to the following being addressed:

- *parking rates as they apply to the site*
- *the size of the proposed supermarket and the total amount of*
- *retail floor space*
- *FSR 1.5:1*
- *Street front buildings to be no more than 3 storeys and internal buildings to be no more than 6 storeys*
- *Minimise overshadowing with submission of detailed shadow diagrams in relation to Crystal Street*
- *Voluntary Planning Agreement to be renegotiated with the applicant to consider issues of affordable housing, the development application, and take into account the reduced FSR.*
- *Minimise bulk and scale*
- *That an amount of open space no less than currently proposed be retained (that is, the building footprint should not increase)*
- *Leading Environmental Sustainable Design principles be incorporated*
- *Review the need for the new Street but specify pedestrian and cycle access through the site to Merton Street and Margaret Street*
- *More detailed information to be provided in regards to retail tenancy*
- *Unit size of commercial properties not to exceed a maximum of 300 square metres*
- *The issue of privacy in relation to the private open space of adjoining properties be addressed.*

(b) In relation to the ongoing assessment of the Planning Proposal the applicant be requested to submit a consolidated set of the following documents for endorsement by Council prior to the commencement of the Statutory public exhibition process:

- Planning Justification Report:** *The report is to include a full justification for the rezoning and analysis of planning and landuse choices and issues, particularly as they depart from Council's previous requirements.*
- Environmental Performance Report:** *This report should demonstrate how the development will incorporate ecologically sustainable development principles in the design, construction and ongoing phases of the development.*
- Parking, Traffic, Transport and Accessibility Study:** *This study to be prepared by a suitably qualified transport consultant, is to provide advice regarding the proposed parking rates, car share, cycle paths, cycle storage facilities, road layout for the site, integration with the*

existing road network and analysis of any local traffic impacts resulting from redevelopment. In addition, the study should include an analysis of opportunities to integrate the redevelopment of the site with the local public transport networks, new and existing cycle paths and pedestrian networks. The study should also address the issue of parking rates for peer review on behalf of Council by ARUP. Any change to the parking rates must be endorsed by Council prior to the Planning Proposals Statutory exhibition period.

- (iv) **Heritage Impact Study:** This study would be prepared by a suitably qualified heritage consultant and advise of any heritage impacts on nearby heritage items and conservation areas on the site.
- (v) **Stormwater Management Plan and Water Sensitive Urban Design Study:** To be prepared by a suitably qualified engineer to analysis the stormwater management of the proposal and any potential flooding issues. This plan would also examine opportunities for water sensitive urban design.
- (vi) **Contamination Study:** Prepared by a suitably qualified environmental consultant in accordance with the requirements of the NSW EPA Guidelines for Consultants Reporting on Contaminated Sites to determine if the site is suitable for the proposed use in accordance with SEPP55, or alternatively advise if remediation works are necessary to make the site suitable for the proposed use by way of a Remediation Action Plan
- (vii) **Retail, Economic Impact Study:** Prepared by a suitably qualified economic consultant, this study is to address the issue of the size of the supermarket and advise of a suitable scale of non-residential uses so as to have minimal impacts on surrounding commercial centres. Any change to the size of the proposed supermarket must be endorsed by Council prior to the Planning Proposals Statutory exhibition period.
- (viii) **Active Transport and Open Space Study:** Prepared by a suitably qualified consultant to provide advice on open space provision and linkages between the site and surrounding recreation, open space and community destinations.
- (ix) **Social Impact Assessment:** Prepared by a suitably qualified consultant in accordance with Council's Social Impact Assessment Policy.
- (x) **Community Consultation Strategy:** The statutory Local Environmental Plan preparation process incorporates a minimum public exhibition period of twenty-eight (28) days to allow community input into a draft Local Environmental Plan. However, given the history of the site, it is recommended that a comprehensive community consultation program that goes beyond the minimum statutory requirements be prepared.
- (xi) **Development Control Plan:** The Development Control Plan is to be based on an Urban Design Study. The Urban Design Study should draw on the results of the Allen Jack + Cottier study and examine appropriate built form for the site, including proposed building envelopes, open space provision, heights and floor space ratio. The study should also address solar access, acoustic privacy, visual privacy, view loss and environmental and residential amenity of the site and adjoining properties. The Development Control Plan is to be drafted and endorsed by Council prior to the Planning Proposals Statutory exhibition period. The Development Control Plan will be placed on exhibition concurrently with the Planning Proposal during the Statutory exhibition period.
- (xii) **Floor Space Ratio:** Provide details of the proposed Floor Space Ratio, in terms of both the current Leichhardt LEP 2000 definition and the New Standard Template definition.
- (xiii) **Voluntary Planning Agreement:** A Voluntary Planning Agreement is to be drafted and endorsed by Council prior to the Planning Proposals Statutory exhibition period. The Voluntary Planning Agreement will be placed on exhibition concurrently with the Planning Proposal during the Statutory exhibition period."

The proponent has considered the above resolution and responded to each of the relevant matters as outlined below:

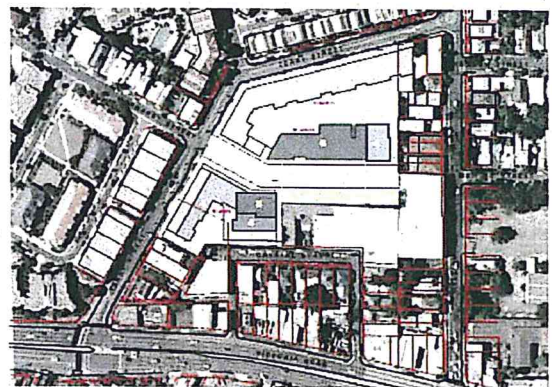
Item of Council resolution	Response
parking rates as they apply to the site	The proposed parking rate is 1.25 space/dwelling which a significant reduction of the rate of 1.5 spaces per dwelling previously provided. Further as discussed in Section 3 below, this is at the lower end of the range permitted by Council's DCP. As indicated in the letter from the proponent's traffic consultant at Annexure C, the proposed parking rates will not result in any unreasonable impacts on the surrounding road network and will ensure that the lack of on-street parking identified by local residents is not exacerbated by the proposal.
the size of the proposed supermarket and the total amount of retail floor space	These issues have been addressed previously and the community has raised no significant concerns in this regard. In response to issues raised by Council staff, the total amount of retail space has been reduced to 1300sqm and the maximum supermarket size limited to 300sqm. As indicated in the comments below, the plans have been further amended to show that the maximum size of any retail unit is no greater than 300sqm.
FSR 1.5:1	The concept plans show that the scheme has an FSR of 1.5:1.
Street front buildings to be no more than 3 storeys and internal buildings to be no more than 6 storeys	The concept plans show that the buildings have been reduced in height to be a maximum of 3 storeys at the street frontage (stepping up to 4 storeys as per the AJ+C scheme)(see Figure 5 and Drawing SK226 of Appendix A) with buildings of 4-6 storeys in the central parts of the area. Overall the proposed buildings are of lower scale than the AJ+C scheme.
Minimise overshadowing with submission of detailed shadow diagrams in relation to Crystal Street	The revised concept plans show that the reduced building heights (in particular the reduction of Building C from 8 to 4-6 storeys) will minimise overshadowing of Crystal Street properties (see Drawings SK224-225 of the revised Master Plan at 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 result is that these residential properties will be predominantly unaffected between non-3pm at midwinter. Given that this impact is no greater than would result from a 2 storey industrial building on the site (at current levels equivalent to a 3 storey building), the impacts are not unreasonable.
Voluntary Planning Agreement to be renegotiated with the applicant to consider issues of affordable housing, the development application, and take into account the reduced FSR.	The VPA has been amended through discussions with Council staff. The details of the revised offer are contained in the separate report prepared by Council staff on this matter. The revised offer is summarised in Section 4.2.3 below. In relation to affordable housing, the independent report by Hill PDA commissioned by Council concludes that at an FSR of 1.5:1, it would be unreasonable to require any further contributions for affordable housing.

Item of Council resolution	Response
Minimise bulk and scale	The revised concept plan goes further than simply complying with the height parameters laid out in Council's resolution. In this regard buildings of 4-6 storeys are now proposed in the central parts of the site. That part of the building closest to the Wellington Street properties has been reduced to 4 storeys. The setback of the 6 storey element has increased from 6m to 21.7m. Also the driveway access has been removed from this setback so that significant tree planting can occur. The building closest to Crystal Street has been reduced from 8 to 4-6 storeys. The 4 storey element is setback 9.4m from Crystal Street and the 6 storey element is setback 18.7m. The 6 storey building in the AJ+C scheme was setback only 5.2m.
That an amount of open space no less than currently proposed be retained (that is, the building footprint should not increase)	Drawing SK228 at Appendix A shows a comparison of the open space in the previous and revised schemes. Note that the only change to the building footprints has been in that part of the site north of the new road and so only this area has been calculated. The revised scheme provides for more open space than the previous scheme.
Leading Environmental Sustainable Design principles be incorporated	As detailed in Section 4.2.2 below, it is proposed to achieve a better sustainability outcome than BASIX (which would normally apply to such residential development). In this regard it is proposed to meet a 4 star Green Star rating.
Review the need for the new Street but specify pedestrian and cycle access through the site to Merton Street and Margaret Street.	The new street provides the potential for the creation of a significant public benefit in urban design terms. In the longer term it will be a highly legible link from Darling Street to the harbour and will assist in redistributing traffic flows. In the short term it will provide a focus for the proposed neighbourhood retailing, creating a better 'sense of place' and will give a clearer identity for the proposed new buildings. Due to the configuration of the site, removal of the street would not create any opportunities for significant redistribution of building bulk. In any event the reduced building heights and increase setbacks now provided ensure that surrounding properties will not be unreasonably affected.
More detailed information to be provided in regards to retail tenancy	Adequate control is provided by the intended wording of the draft LEP ie: <i>"Despite any other provision of this Plan consent may be granted for small-scale Non-Residential that are not permitted in the Residential zone including shops, commercial premises, industry and refreshment rooms that serve the needs of people who live or work in the surrounding neighbourhood"</i>. Within this framework it is intended that uses such as a small supermarket (max of 300sqm), a café or cafes, a bakery, newsagent, take-away food premises, beauty salon/day spa, and laundromat would occupy the centre. Small work studios would occupy the ground level of the Crystal Street frontage and a child care centre is envisaged for the ground floor of the central building on the northern side of the new street.

Item of Council resolution	Response
Unit size of commercial properties not to exceed a maximum of 300 square metres.	The plans now indicate that the maximum size of any tenancy is 300sqm.
The issue of privacy in relation to the private open space of adjoining properties be addressed.	As indicated in Figure 6 below, the building closest to the Wellington Street dwellings has been designed with the main living areas orientated to the north or south. If any windows face Wellington Street to provide the necessary solar access, louvres will be provided to ensure no overlooking of adjoining properties is permitted.



AJC PROPOSAL FOR COUNCIL _ 1.5:1



ANKA PROPOSAL _ 1.5:1

Figure 5 – comparison of AJ+ C scheme and the April 2011 Turner scheme for Anka

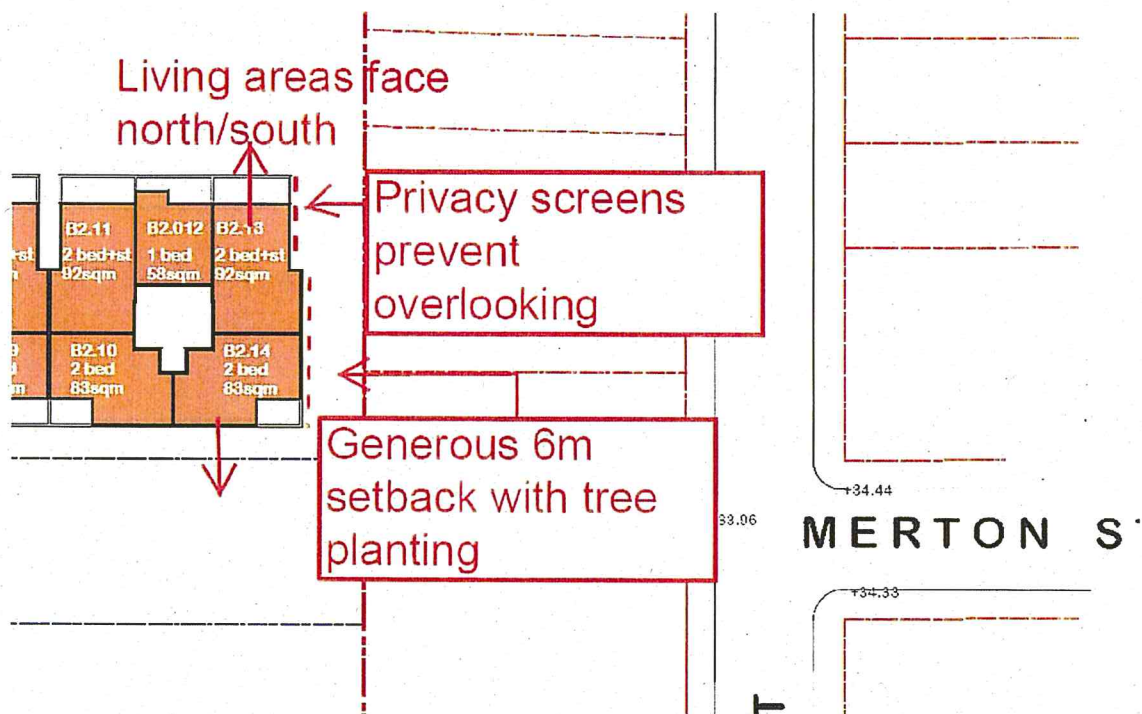


Figure 6 – proposed privacy measures

4.2 Summary of the Proposal

4.2.1 Land Use and Building form

The revised scheme arising from the above resolution of Council is now of lesser bulk and scale than suggested by Council's own Urban Design consultants AJ+C, in 2009. A comparison of the AJ+C scheme previously supported by Council and the latest Anka proposal is shown in **Figure 4**.

The revised proposal is detailed below and in the Masterplan at **Appendix A**. It should be noted that the 'Planning Proposal' itself only constitutes an amendment to an LEP and as such the level of detail it can contain is limited. The Planning Proposal (ie the manner in which LEP 2000 is proposed to be amended) is detailed in **Section 5** below.

The following details provide a summary of the proposal as it currently stands. There may be changes to aspects that are not part of the Planning Proposal (draft LEP amendment) as a result of further feedback from Council or DoP or updated market information (for example changes to unit mix).

The proposal is summarised as follows:

- a new public road through the site that will (subject to future development on adjoining land), link Merton and Margaret Streets;
- 3 storey streetfront buildings stepping up to 4 storeys on Terry Street south of the new road and 2 buildings within the central part of the site being a 4-6 storey along the northern side of the new road and a 4-6 storey building on the southern side of the new road;
- an FSR of 1.5:1;
- 1300sqm of neighbourhood retail/commercial space at the intersection of the new road and Terry Street including specialty shops and a small supermarket no larger than 300sqm;
- a 40 place child care centre;
- 450sqm of commercial/light industrial space in the form of live/work terrace style development along Crystal Street;
- 179 dwellings comprised of 4 'work lofts', 43 x 1 bed, 112 x 2 bed and 20 x 3 bedroom apartments; and
- parking for around 250 cars.

Full details of the proposal are shown in the Masterplan drawings at **Appendix A**.

4.2.2 Sustainability

In response to Council's resolution of March 2011, the proponent is proposing sustainability criteria higher than those applicable through BASIX which provide a 40% water saving and 20% energy saving. In this regard it is proposed to achieve a minimum 4 star Green Star rating using the multi-unit residential tool which equates to a 50% water saving and 30% energy saving.

4.2.3 Voluntary Planning Agreement (VPA)

The proposal also includes an offer to enter into a Voluntary Planning Agreement (VPA) with Council. The draft VPA is the subject of a separate report by Council however its general terms are:

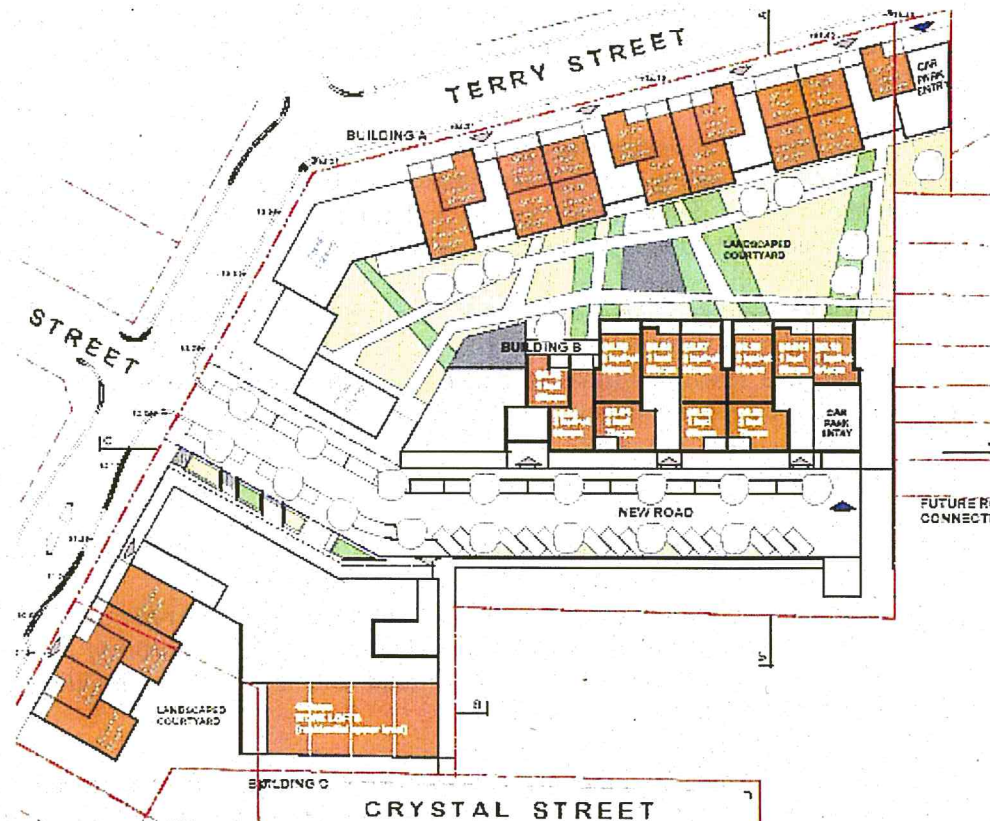


Figure 7 – Proposed ground floor plan of proposal

- full payment of Council's Section 94 contributions, estimated to be \$4,157,126 and;
- a payment of \$270,000 towards affordable housing in Leichhardt;
- construction of a new road through the site at a cost of \$1,210,000 which in the longer term will link Merton and Margaret Streets.

It is noted that in normal circumstances, due to the State government 'cap' of \$20,000 per dwelling, the amount of s94 contributions payable would be only \$3,580,000.

As noted above, Hill PDA has been commissioned by Council to investigate the provision for an affordable housing component within the VPA. This report concludes that at an FSR of 1.5:1, any additional contribution would make the project unfeasible.

Part 1 - Objectives or Intended Outcomes

The general objective of this planning proposal is to amend Leichhardt LEP 2000 ("LEP 2000") to rezone land at 118-120 Terry Street Rozelle (being Lot 3, Sec D, DP 119, Lot 2, DP 234045 and Lot 1, DP 540118) ("the Land") from Industrial to Residential, with some additional uses and controls, to facilitate the remediation and redevelopment of surplus industrial land.

Part 2 - Explanation of Provisions

In addition to the change of zoning to Residential (as indicated in the map at **Appendix B**), the Plan proposes additional uses and controls to apply to the Land (once consolidated) as follows.

Additional uses

In addition to the table of uses set out in clause 18 of LEP 2000 (see **Appendix B**), the following uses will also be permissible with consent:

- Shops, commercial premises and refreshment rooms with a gross floor area less than 300m² provided the total gross floor area of all such uses on the land do not exceed 1,300 m²; and
- Light industry where the total gross floor area does not exceed 450sqm.

The definitions of "shops", "commercial premises" and "refreshment rooms" are already included in LEP 2000 (see **Appendix B**). It is proposed to include the Standard Instrument LEP definition of 'light industry' in LEP 2000 as part of the Planning Proposal given that it is proposed to be a permitted use on the site. This definition includes 'high technology industry' and 'home industry' (also defined in the Standard Instrument LEP) and so these definition are also to be inserted into LEP 2000 as part of the Planning Proposal. Details of these definitions are provided at **Appendix B**.

Additional Controls

LEP 2000 will be amended to apply the following additional controls to the Land:

Where:

- (a) the design of the development will result in built form that:
 - is of high architectural and urban design merit;
 - is respectful of the scale of the adjoining and nearby existing industrial and residential development with articulated height and massing providing a high quality transition to the existing streetscape; and
 - does not exceed 6 storeys;
- (b) the external impacts of the development are well mannered and minimises overshadowing of Crystal Street properties;

- (c) the development minimises the use of private motor vehicles and the traffic generated by the development does not have an unacceptable impact on traffic on Terry Street, Wellington Street, Merton Street, Nelson Street and Victoria Road, Rozelle;
- (d) the non-residential uses serve the needs of people who live and work in the surrounding neighbourhood and does not adversely impact on the high street;
- (e) the development provides and facilitates pedestrian and cycle access through the site to Merton Street and Margaret Street;
- (f) the development incorporates leading environmental sustainable design principles;
- (g) the development includes the necessary design and acoustic measures to ensure the existing industrial uses do not adversely impact on the amenity of future residents; and
- (h) the Floor Space Ratio of the whole development is not more than 1.5:1

The provisions of clause 19(2) (see extract at **Appendix B**) will not apply to the development.

Part 3 – Justification

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. We understand that 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 predominantly consistent with the final AJ+C scheme adopted by Council as indicated in **Figure 5**. However some changes have been made and these have been discussed at length with Council and presented to the community as discussed above and the feedback has been generally positive. The manner in which the proposal fits within the overall context of the changes to the Terry Street precinct is shown on **Figure 8**.

Council has included details of the proposed changes to the zoning of the remainder of the Terry Street precinct in the draft Comprehensive LEP currently being prepared.

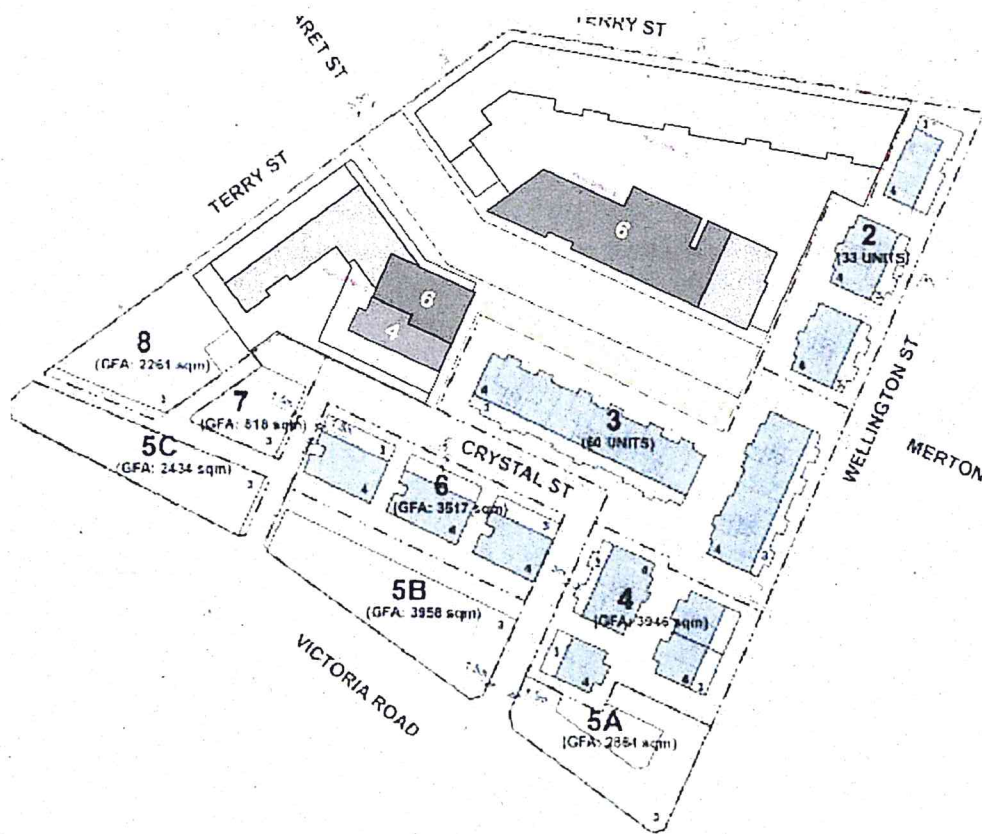


Figure 8 - Proposal as it relates to the Terry Street precinct Masterplan by AJ+C

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. Implementation of existing approvals under the current zoning would involve the construction of a significant bulky goods and gymnasium development and would result in increased traffic, low employment generating potential and adverse impacts on the amenity of surrounding residential areas.

This Planning Proposal is for the amendment of the current provisions of LLEP 2000 relating to the subject land utilising Part 3 of the *Environmental Planning and Assessment Act 1979*. Also subject to achieving a 'gateway' approval from DoP, the applicant intends to accompany the formal draft Local Environmental Plan amendment which a Stage 1 DA in order to provide the community with an actual proposal on which to base their consideration.

3. Is there a net community benefit?

The Planning Proposal identifies potential net community benefits. The form and extent of those community benefits will be identified in detail subsequent to further technical studies. In summary the net community benefits include:

- 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 a neighbourhood centre with retail uses and a child care 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 (housing diversity to be refined in conjunction with Council);
- the provision of significant employment opportunities – only slightly less than the 244 ongoing/operational jobs and an additional 1227 construction jobs including multiplier effects estimated for the previous 1.7:1 scheme;
- providing new development which achieves a high standard of sustainability as 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 excellent public transport and other goods and services
- avoid the implementation of current planning approvals for the site which could result in a development with greater impacts on nearby residences.

In addition to the above, an offer to enter into a Voluntary Planning Agreement (VPA) accompanies this Planning Proposal. This VPA will provide for a significant 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.

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 any 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 only 500. The proposal includes employment generating uses will provide for increased employment numbers compared to the approved bulky goods use. Further, given that significant parts

Action	Applicable	Response
		of the Terry Street precinct are intended to be retained for employment uses and provided with increased development potential, there is unlikely to be a net loss of employment in the Terry St Precinct. 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 the employment generating potential of 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 and in fact compared to the approved bulky goods use, it will be increased.
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 improve 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 DoP 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 Council in this regard. Further the existing community are disadvantaged in terms of convenient access to neighbourhood shopping. There is a significant population nearby and the proposed retail will assist in minimising unnecessary travel.
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

Action	Applicable	Response
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	Whilst it is not intended to provide such housing at this stage, this remains an alternative.
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 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 and has been independently assessed as being not viable at the proposed 1.5:1 FSR.
C5 Improve the quality of new development and urban renewal	Yes	The masterplan on which the planning proposal is based has been prepared by highly regarded Architects Turner Associates. As discussed in the submitted documentation the urban form envisaged will be of high quality and create a high quality public domain (see Appendix A).

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 widely discussed with the local community, who strongly support the proposed changes. It is also a subject of a Council resolution to proceed with the rezoning.

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 by far 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 is a strong local family company that have specifically purchased the site to redevelop it in the short term and therefore any new development is likely to proceed quickly following approval;
- 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;
- by the end of 2011, Council is expected to finalise its draft Comprehensive LEP and the rezoning of the remainder of the precinct is a logical and desirable part of the consideration of this draft Plan. However this is just the start of the draft LEP process and it is likely to be more than a year before gazettal is achieved. It would not be appropriate to delay the consideration of the Anka site for the reasons given above.

Council has already indicated its preferred zonings for the precinct under the Comprehensive LEP being:

- Enterprise Corridor (B6) Zone fronting Victoria Road
- Business Park (B7) Zone (Crystal Street)
- General Residential (R1) Zone - balance of triangle

The proposed interim zoning of the Anka site to residential is consistent with these zonings.

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 subject land is contaminated and will be required to be remediated to an appropriate degree before it can be used for the intended purpose. The attached letter from Douglas Partners (**Appendix D**) 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 minimise overshadowing of Crystal Street properties (see **Drawing SK224-225 of the revised Master Plan at 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 result is that these residential properties will be predominantly unaffected from noon-3pm at midwinter. Given that the impact is no greater than would result from a 2 storey industrial building on the site (at current levels equivalent to a 3 storey building), the impacts are not unreasonable.

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 rating.

There are no REP's of relevant to the proposal.

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 employment generating zone in area, the greater employment capability of the proposed employment

generators (ie shops and child care centre) means that there will be no loss of employment capacity on the site. Further the intended change in zoning and increase in development potential elsewhere in the Terry Street precinct will further enhance the employment capability of this area. This issue is discussed in greater detail in the submitted Economic Impact Assessment.

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 3 of the LEP. This is required because the LEP has very broad zoning provisions that do not adequately control the future development of the site. The intent of the provisions is to provide a level of control consistent to that which could be achieved under the Standard LEP Template. In this case the template provides the R1 General Residential or R4 High Density Residential zones which would be appropriate to the residential component of the proposal and the B1 Neighbourhood Centre zone which would be appropriate to the proposed retail/commercial component. It also provides for height and FSR controls.

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. Further if DoP believes it is warranted, as part of the conditions of Gateway, additional investigation can be required.

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

The following key issues and impacts were addressed in the original Planning Proposal relating to the 1.7:1 scheme.

- Traffic and parking matters
- Building form
- Site contamination
- Economic effects
- Social effects

These are reconsidered below having regard to the revised scheme based on an FSR of 1.5:1.

Traffic

The previous proposal was estimated to generate 150-200 vehicles per hour two-way during peak hours based on provision of 199 apartments and 1750sqm of non-residential space. The revised proposal maintains the amount of non-residential space but reduces the number of units to 179. This reduces the estimated traffic generation to 130 - 180 vehicles per hour two-way during peak hours. The original scheme sat 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 revised, smaller scheme will have even less impact on the surrounding road network.

In relation to parking, the revised scheme has 70 less spaces than the original proposal. Therefore compared to the reduced number of dwellings (20), there has been a much greater reduction in the number of car spaces. In this regard the original scheme provided an average of 1.5 spaces per unit whilst the revised scheme provides 1.25 spaces per dwelling. This includes visitor parking and assumes 47 spaces for non-residential uses. Under the DCP the proposal could provide between 149 and 298 residential spaces. Therefore the provision of 203 residential spaces is significantly less parking than the median rate within the permitted range.

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. Further there is no justification for treating this site differently than the rest of the LGA. In this regard the traffic assessments by both the applicant's and Council's traffic consultants have assessed the impacts based on the number of car spaces proposed and conclude that the impacts are well within the traffic 'budget' set for the site. This issue is discussed in further detail in **Appendix C**.

Building form

The revised concept plan goes further than simply complying with the height parameters laid out in Council's resolution. In this regard buildings of 4-6 are now proposed in the central parts of the site. Further that part of the building closest to the Wellington Street properties has been reduced to 4 storeys. Also the driveway access has been removed from this setback so that

significant tree planting can occur. Such planting will assist in reducing the visual bulk of the building when viewed from the Wellington Street properties as well as reducing the potential to overlook private open space. As indicated previously, other measures including orientation of living areas away from these properties and provision of screening devices will further protect privacy.

Importantly, as indicated in the revised Master Plan at **Appendix A**, the redefined building bulk which reduces the scale of that part of the building closest to Crystal Street from 8 to 4 storeys, ensures that the overshadowing of properties along Crystal Street will be minimised.

Site contamination

Reporting has already occurred which indicates the site can be made suitable for commercial uses. Further on-site investigation has been undertaken by Anka and further areas of contamination have been found (see **Appendix D**). However the nature of the contaminants has not changed and they are not particularly problematic in terms of being able to remediate the site. This is indicated in the letter from Douglas Partners (**Appendix D**) that indicates that the site can be made suitable for residential use.

Further investigations will be undertaken to determine what measures are required to make the site suitable for the proposed uses once they have been more specifically determined following Gateway approval.

Economic Effects

This issue has been addressed in detail in the Economic Impact Assessment prepared by Urbis (see **Appendix E**). Whilst this report was prepared in relation to the previous 1.7:1 FSR scheme, the letter from Urbis at **Appendix G**, indicates that the conclusions remain applicable to the current 1.5:1 FSR scheme.

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 -1.7%, an amount that is insignificant in terms of viability. Further, this assessment was based on a retail area of 1777sqm and since this the area has been reduced to 1300sqm in response to issues raised by the Chamber of Commerce and Council. 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. Our discussions with the local community indicate support for the provision of a walkable convenience shopping area. However in our discussion 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 has been 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 design team strongly believes that the provision of such a focus will result in a superior planning outcome for the precinct. The amount and design of the retail floor space to be provided has been carefully balanced between:

1. the need to create a nexus for a viable centre
2. discouraging non-local visits to the area
3. minimising 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
- limiting the size of any one tenant to 300sqm. Whilst an anchor tenant is essential for a viable centre, the size required to service daily community needs is not very large
- limiting the type of retailing to that which services the daily needs of the local community. In this regard, the Planning Proposal suggests an amendment to the LEP allows only for non-residential uses that: *"serve the needs of people who live or work in the surrounding neighbourhood"*.

Further, the proposal will result in benefits for the existing retailers at Darling Street. The provision of the 'New Street' linking Margaret and Merton Streets, 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 F**). This report concludes:

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

- *Positively contribute towards meeting the high demand for child care services in the local community.*
- *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.*
- *Reduce traffic compared with existing zoning/approved uses and the improvements to amenity which will result from reduced truck movements.*

Potential negative impacts of the proposed development may include:

- *A shortage of on-street parking for users of the child-care centre and 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:

- *Both Council and the proponent should seek to facilitate the completion of the new road link to Wellington Street.*
- *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."

The above conclusions were based on the previous 1.7:1 FSR scheme however they would similarly apply to the revised scheme (as indicated in the attached letter from Urbis at **Appendix G**).

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 9**.

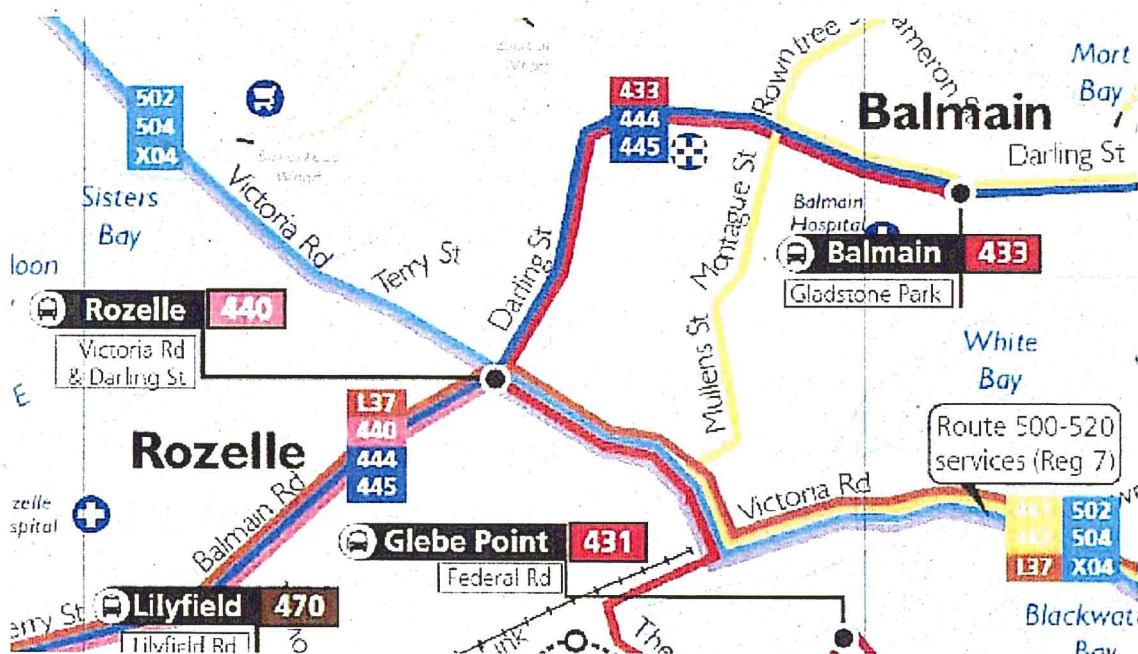


Figure 9 – Bus services adjacent to site

Whilst these services are well patronised at peak times, changes resulting from works to Iron Cove Bridge may provide an opportunity for increased capacity

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. Issue relating to the provision of road widening is current unresolved.

Council's desire for road widening along the site's frontage to Terry Street in the vicinity of Wulumay Close will be considered in the detailed Traffic Assessment that will be prepared for consideration with the draft LEP, if the proposal receives Gateway approval.

Cycleways/Pedestrians

The subject site is located on existing and proposed cycleways (see **Figure 10**). Further the proposed new road provides the 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 which will provide for pedestrian paths and may include provision for a cycleway.

In addition to the new street a new pedestrian link is provided between the new street and Crystal Street.

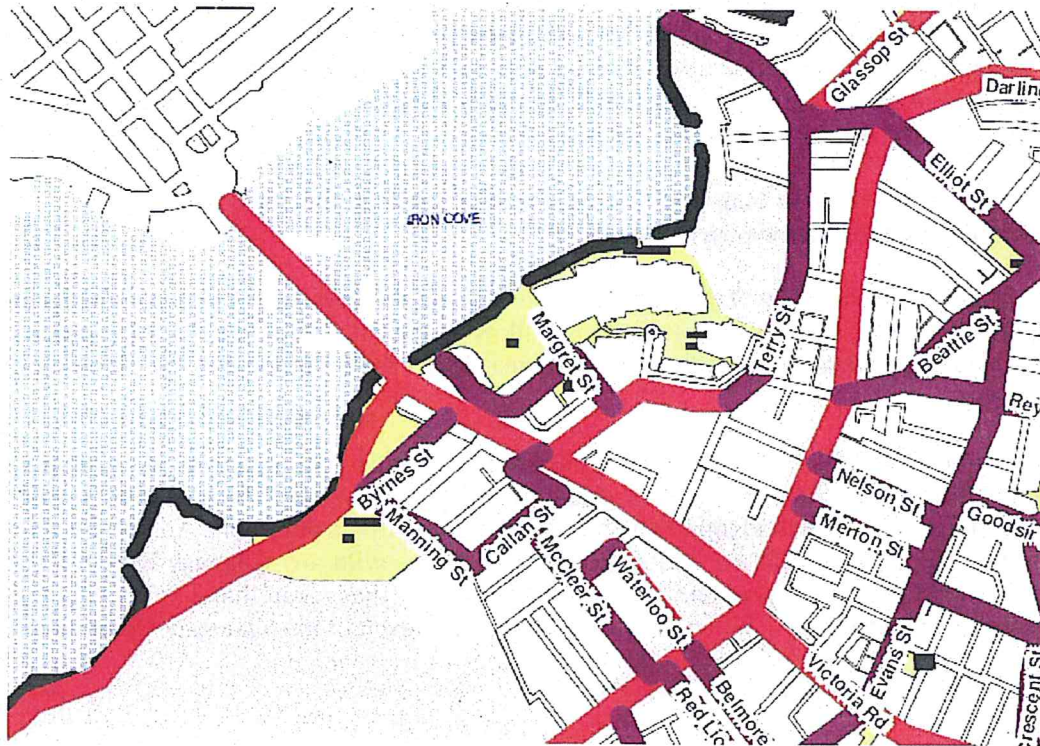


Figure 10 – Extract from Council's Bicycle Strategy showing existing paths (red) and proposed paths (purple)

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 Waste Management Plan has not been prepared at this stage. However, the layout of the site provides for a public road to allow waste to be collected by a standard Council service.

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 towards Council providing adequate open space for the broader community via Section 94 levies or a Voluntary Planning Agreement.

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 the community (see comments below) has previously been initiated. Most recently, following their rejection of a Planning proposal on a site in George Street Leichhardt, DoP have reaffirmed their support for the rezoning of the Anka site.

Consultation with other State and Commonwealth authorities and agencies in relation to this Planning Proposal has not been carried out at this stage. A Gateway Determination arising from this Planning Proposal will identify which State and Commonwealth Public Authorities are to be consulted. Consultation will be undertaken in accordance with any Gateway Determination. It is noted that due to the nature and location of the subject sites mean that it is unlikely that any Commonwealth agencies will need to be consulted as a result of the 'Gateway Determination'.

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.

In terms of consultation during the formal public exhibition stage should 'Gateway' approval be granted, the statutory exhibition period is likely to be a minimum of 28 days. Further the applicant has agreed to a Community Engagement Framework by way of a letter to Council dated 28 June 2011.

