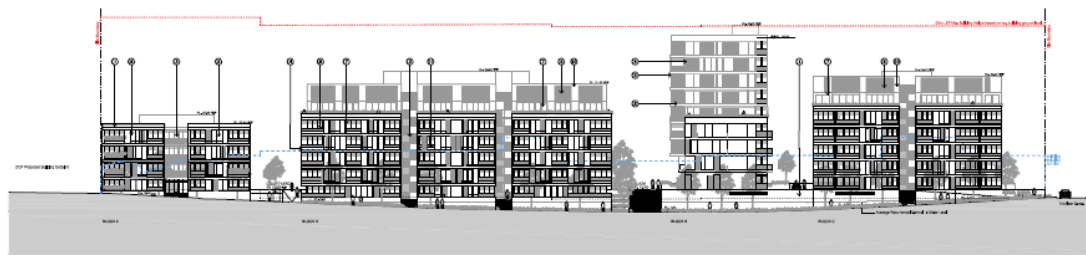
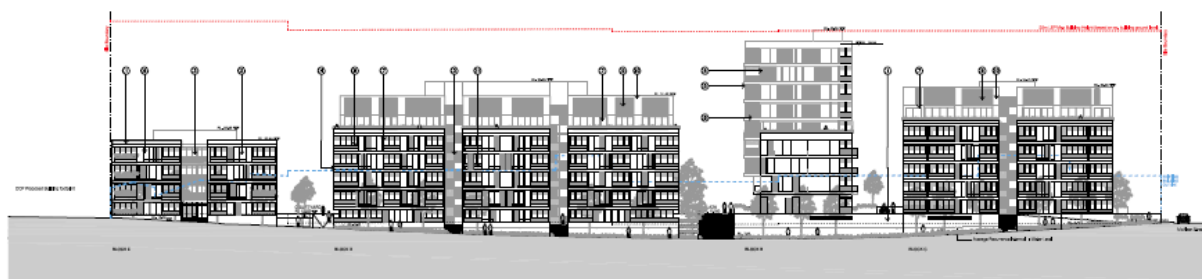


a submission to the
joint regional planning panel
by
leichhardt council



22 george street, leichhardt

submission to the joint
regional planning panel



22 george street, leichhardt
the 'kolotex' site

prepared for

Leichhardt Council



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Executive Summary

In October 2014, Leichhardt Council commissioned Willana Associates Pty Ltd (Willana) to provide an independent appraisal of Development Application D/2014/312, 22 George Street, Leichhardt (the Site). The proposal was for site preparation works (including diversion of services, remediation, demolition of existing structures and excavation) and construction of a mixed use development of five (5) buildings of four (4) to nine (9) storeys in height. The buildings were to comprise two (2) commercial tenancies and 288 residential units above a basement car park containing 272 parking spaces, an additional three (3) at- grade parking spaces, associated landscaping and public domain works. Willana prepared a submission to the Sydney East Joint Regional Planning Panel (JRPP) on behalf of Leichhardt Councillor's, strongly objecting to the proposal.

The application was refused by the JRPP at its meeting of 23 October 2014, for reasons including:

- Site contamination – the remediation documentation did not satisfactorily demonstrate that the Site could be made suitable for residential development, particularly given the high level of contamination.
- The proposal did not perform well against SEPP 65 or the Residential Flat Design Code, principally in relation to the proportion of apartments that receive adequate sunshine in mid-winter.
- The proposal did not provide a reasonable transition of scale to the existing development on the other side of the surrounding streets.

The Applicant lodged a new Development Application (D/2014/713) on 23 December 2014. This current application is seeking approval for site preparation works (including removal of hazardous materials within site buildings, demolition of existing structures on site, removal and/or remediation of contaminated soil material, diversion of identified existing services and excavation) and construction of a mixed use development of five (5) buildings of four (4) to nine (9) storeys in height. The buildings are to comprise of eight (8) commercial tenancies and 287 residential units above a basement car park containing 250 parking spaces, associated landscaping and public domain works.

The primary differences between the application that was refused by the JRPP in October 2014 (D/2014/312) and the current application (D/2014/713) includes:

- One (1) less residential apartment and a change to the apartment mix.
- Twenty-two (22) less car spaces.
- Building C has been modified to incorporate an 'overland flow path', resulting in an increase in height by 1 storey.
- An increase in employment generating floor space (commercial GFA) from two (2) commercial tenancies with a total GFA of 175m², to the whole of the ground floor of Block B, with eight (8) commercial tenancies and an employment generating floor space of 600m².
- Living areas repositioned to outer edge of buildings to achieve improved solar access.
- Access to basement repositioned to be separate from public accessway/ through site link.
- Additional contamination reporting provided.

The current proposal (D/2014/713) remains substantially the same as the previous application (D/2014/312), which was refused by the JRPP. As a result, the Council maintains its position that the proposal has a number of significant issues, which prevent the granting of development consent.

The planning regime governing the Site, has been imposed by the Department of Planning and Infrastructure (now the Department of Planning and Environment), through the Planning Proposal and Gateway determination processes. These planning documents include:

- amendment to Leichhardt Local Environmental Plan 2013 to rezone the Site from IN2 – Light Industrial to Part B4 – Mixed Use and Part R3 – Medium Density
- Site Specific Development Control Plan (George & Upwards Streets, Leichhardt DCP 2014)
- Voluntary Planning Agreement limiting the affordable housing component to seven (7) dwellings, i.e. just 2.4% of the overall total dwelling numbers

Throughout the rezoning process, Leichhardt Council consistently expressed concern regarding the size and composition of the proposed development at the Site (and the adjoining Labelcraft site to the north) and its resulting amenity impacts on surrounding residents.

Leichhardt Councillors maintain their objections to the proposal for the following reasons:

- **Contamination:** The Site is contaminated. The applicant's Remediation Action Plan and Site Audit Statement remain inadequate. This is a threshold issue. As there is no certainty that the Site can be remediated for the proposed residential use of the land, development consent cannot be granted.
- **Inadequate employment generation opportunities as a result of limited commercial floorspace proposed:** The amount of commercial space proposed is inadequate and fails to achieve the projected employment figures that were the basis of rezoning of the Site.
- **The proposal fails against the design principles of SEPP 65:** The proposal fails in terms of its urban design and its architectural merit. The bulk and scale of the development is inappropriate for the location, given the nature of the surrounding development. The zero setback to the northern boundary to Block E is not the best planning outcome for the Site. In addition, the proposal fails to achieve access to direct sunlight requirements to main living rooms or minimum balcony depth requirements in accordance with the Residential Flat Design Code (RFDC).
- **Failure to achieve objectives of the zone:** The development fails to achieve the objectives of the B4 - Mixed Use and R3 – Medium Density Residential zones and as a result should not be approved.
- **The “weight” given to the Site Specific DCP applying to the Site:** The Site-Specific DCP, is not a Council initiated document. The Site-Specific DCP was approved by then Department of Planning and Infrastructure. The Site-Specific DCP is a “guide” rather than a document to provide certainty in the design and approval process. A merits based assessment, as guided by the higher-order planning instrument, SEPP 65, indicates that the proposal fails, particularly in terms of height, scale and lack of consideration for the context of the Site in a low-scale and low-density area and its inability to achieve minimum solar access requirements of the RFDC.
- **Traffic and Parking:** The traffic and parking impacts on the surrounding streets and intersections is considered to be unacceptable.

1 introduction

1.1 The Proposal

This application seeks consent for the Site preparation works (including diversion of services, remediation, demolition of existing structures and excavation) and construction of a mixed use development of five (5) buildings of four (4) to nine (9) storeys in height. The buildings shall comprise eight (8) ground floor commercial tenancies and 287 residential units above a basement car park containing 250 parking spaces, associated landscaping and public domain works at 22 George Street, Leichhardt (the Site).

1.2 The Site

The Site is located in Leichhardt, in the south-western corner of the Leichhardt Local Government Area and comprises the land at 22 George Street, Leichhardt (known as the 'Kolotex' site). The lots that form the Site are listed in the table below. The applicant has advised that the lots listed are currently in the process of consolidation.

Lot	Deposited Plan
Lots 6 – 9	DP 79950
Lot B	DP 327352
Lots 1 – 2	DP 102461
Lots 10 – 13	DP 83665
Lot 1	DP 104359
Lot 1	DP 1108695
Lot 5	DP 1080665
Lot 15	DP 1081840

The Site has an area of approximately 1.013ha and is bound by the Labelcraft site to the north; part of McAleer Street to the south; George Street and Upward Streets to the east and west.

The Site contains one (1) to three (3) storey, brick and concrete factory, warehouse and office facilities, approximately 40-50 years old that were formerly used for the manufacture of clothing. Some of the Site's buildings are in poor condition and in a state of disrepair. A number of the buildings are also vacant.

The Site is surrounded by R3 – Medium Density Residential zoned land to the north; R1 – General Residential zoned land to the east and west, characterised by predominately 1920s one and two storey detached dwellings, and IN2- Light Industrial land to the south.

1.3 Background Information

There is a detailed history associated with the recent rezoning of the Site from IN2 – Light Industrial to its current zoning part B4 – Mixed Use and part R3 – Medium Density Residential. The initial Planning Proposal for the Site was lodged in 2006 when the first rezoning application was submitted to Council. The gazettal of the amendment to Leichhardt Local Environmental Plan 2013, in March 2014, was based on the subsequent, January 2012 Planning Proposal (which included the Labelcraft site to the north of the Kolotex Site). It is noted that one of the underlying themes throughout the history of the rezoning of the Site was the need to address the loss of employment lands. This was a requirement of both Council and the NSW Department of Planning and Infrastructure (the Department). This is an important consideration in the assessment of the current Development Application for the Site.

In 2013, the Minister directed the Director General of Planning to be the relevant Planning Authority for the January 2012 Planning Proposal. Gateway determination was issued and amendments to Leichhardt Local Environmental Plan 2013 were gazetted in March 2014 rezoning the Site and the Labelcraft site from IN2 – Light Industrial to part B4 – Mixed Use and part R3 – Medium Density Residential, with associated maximum floor space ratio of (2.15:1) and maximum building height requirements of (32m).

The Department's support for the rezoning was predicated on the mixed use complement of the Site generating employment in order to address concerns relating to the loss of employment lands. The January 2012 Planning Proposal projected that the rezoning would generate an estimated 125 direct jobs and 238 indirect ongoing jobs during the operational phase of the development. It is noted that the January 2012 Planning Proposal included 1300m² of ground floor commercial uses.

The previous "Main Works" Development Application (D/2014/312) significantly scaled back employment generating land uses. The building, as previously proposed incorporated two (2) retail tenancies, with a combined area of 175m², located on the ground floor adjacent to the George Street vehicle entry and paved shared-zone. The two (2) retail tenancies were likely to generate only a handful of jobs, depending on the final uses.

The current proposal (D/2014/713), increases the proposed employment generating floor space to 600m², which is 46% of the employment generating floor space envisaged under the January 2012 Planning Proposal for the Site. It is estimated that the proposal will generate approximately 58 direct jobs and 110 indirect ongoing jobs during its operational phase, falling well short of the projections of the January 2012 Planning Proposal.

It is important that this historical context is not disregarded in the assessment of the application and that the objectives for the Site; the amending Local Environmental Plan and Site-Specific Development Control Plan 2014, processes are not lost in the resolution of future development for the Site.

2 the issues

Willana has undertaken an assessment of the documentation, provided to Council, as part of the Development Application. As a result of this process, a number of issues relating to the development have been identified. The most critical issue remains, being the contamination of the Site, and the Applicant's Remediation Action Plan. Council's independent expert in remediation, Dr Bill Ryall has advised that Site Audit Statement and Remediation plan remain inadequate.

Consequently, there is no certainty that the Site can be developed for residential and mixed use purposes. This is a threshold issue. As outlined in Section 2.1 below, as there is no certainty in relation to the contamination issue, the development cannot be approved.

This Report also identifies other issues that are unable to be resolved without significant changes to the scheme. The identification of the areas of concern in this submission are, in many instances, further supported by the technical assessments being undertaken by Council officers and advisors as part of the development assessment process.

2.1 Threshold Issue - Contamination

State Environmental Planning Policy No. 55 – Remediation of Land

The stated aims of State Environmental Planning Policy No. 55 – Remediation of Land (SEPP 55) include specifying certain considerations that are relevant in determining development applications in general and applications for consent to carry out remediation work in particular. Clause 7 of SEPP 55 places the obligation, to be satisfied that the land is suitable for the proposed purpose, squarely upon the consent authority.

Dr Bill Ryall, Director Ryall Environmental Pty Limited, a remediation expert, was engaged by Council to provide an independent assessment of the applicant's Remediation Action Plan (RAP) and Site Audit Statement for the previous Main Works DA (D/2014/312). Dr Ryall's assessment raised numerous, significant, concerns relating to the adequacy of the RAP and Site Audit Statement and whether the Site can be adequately remediated to ensure that the Site is suitable for residential purposes.

Dr Ryall has reviewed the documents relating to the current "Main Works" Application (D/2014/713). Dr Ryall has advised:

Environmental Strategies has compelled some additional investigation works and a risk assessment and the site auditor has issued a Section B site audit statement that requires additional investigation works to be carried out. This site audit statement is not adequate for Council's requirements.

In my opinion, at this stage what Council requires to satisfy the requirement of the Department of Planning guidelines and SEPP 55 in determining a DA is a Section B site audit statement certifying that the site can be remediated so the site is suitable for the proposed use/s if the RAP the auditor has reviewed is implemented (note that the RAP must have been completed and reviewed and found to be satisfactory).

As far as I understand, the site auditor has reviewed an RAP that outlined a "remediation philosophy". Such a document would not meet the requirements of the EPA for an RAP.

Note that the site audit statement dated 19 December 2014 does not satisfy Council's requirements and is of no real use to Council in its decision-making process in determining a DA.

To determine a DA, Council requires a Section B site audit statement certifying the site can be made suitable if the RAP is implemented. When this site audit statement is received, Council will have satisfied its obligations under the planning guidelines at that stage.

Finally, at the completion of the remedial works, Council requires a Section A site audit statement from the site auditor certifying that the site is suitable for the proposed use/s.

Given the advice from Dr Ryall, Council is not satisfied that the land will be suitable for the proposed mixed and residential uses, after remediation. Consequently, the proposal cannot be approved in accordance with Clause 7(1) of SEPP 55.

In addition, the Site Audit Statement lodged with the application includes that the "site can be made suitable for the proposed development, subject to the successful implementation of the Remediation Action Plan". It is acknowledged that most sites can be remediated, with enough time and money. However, there is no certainty of the costs and time to remediate the Site and the consequences if the Developer runs out of money during the remediation process. As there is no certainty that the Developer can fund the required remediation for the proposed residential use of the land, development consent cannot be granted.

Further, as Council has stated that it is not satisfied under Clause 7 of SEPP 55, that the Site can be remediated so that the land is suitable for the proposed purposes, if DA/2014/713 is approved, this course of action could leave Council vulnerable to third party legal challenges on the contamination issue.

2.2 Employment Generating Land Uses

The loss of employment lands was an important consideration in the Department's assessment of the Planning Proposal to rezone the Kolotex Site from IN2 – Light Industrial; to its current part B4 – Mixed Use and part R3 – Medium Density Residential zones. The August 2013 Merit Report, of the January 2012 Planning Proposal for the Site, prepared by the Department of Planning and Infrastructure, explained the intended effect of, and justification for, the proposed rezoning of the Site, to allow for residential and some employment uses.

The January 2012 Planning Proposal estimated that the rezoning would generate an estimated 125 direct jobs and 238 indirect ongoing jobs during the operational phase. It is noted that the January 2012 Planning Proposal included 1300m² of ground floor employment related development. The previous Development Application (D/2014/312) had significantly scaled back employment generating land uses. The previously refused application incorporated two (2) retail tenancies, with a combined area of 175m². The two (2) retail tenancies were likely to generate only a handful of jobs, depending on the final uses.

Under the current proposal (D/2014/713), the employment generating floor space has been increased to 600m² across eight (8) commercial tenancies and incorporates the entire ground floor of Building B. While the employment generating floor space has been increased, it is still well short of the 1300m² contemplated under the Planning Proposal for the site. It is estimated that under the current proposal approximately 58 direct jobs and 110 indirect ongoing jobs will be generated during the operational phase of the development.

In light of the increasing pressure to rezone employment lands in the Leichhardt Local Government Area, it is critical that local employment opportunities are retained where possible. While it is acknowledged that the Site is no longer classified as employment generating lands, one of the justifications for the rezoning of the Site to B4 – Mixed Use included the net community benefit of creating additional employment opportunities (as identified above, 125 direct jobs and an additional 238 in-direct on-going jobs during the operational phase of the development).

The commercial floor space, under the current proposal, significantly reduces the employment opportunities that was originally contemplated at the Site. This is at odds with best planning practice which advocates locating jobs in accessible locations; close to residential uses and is at odds with the justification for rezoning of the Site.

2.3 SEPP 65 Considerations

SEPP 65 is the higher order document above the George & Upward Streets, Leichhardt DCP 2014 (Site Specific DCP). As a consequence the aims and objectives of SEPP 65 and the Residential Flat Design Code, prevail over the local controls for the Site.

There have been reasonably minimal changes to the current application compared to the previously refused application. The proposed footprints, uncharacteristic heights and lack of transition to surrounding low density residential areas generally remain the same as the previously refused application and verify that the scheme has failed to undertake the required process for design evolution outlined in SEPP 65.

The key built form and design issues, as assessed against SEPP 65 are identified below:

Context and Scale

The development is for five (5) buildings ranging in height from four (4) to nine (9) storeys. There is no other development within the locality that has a comparable scale. The scale of the surrounding locality is low density residential and industrial development, one (1) – two (2) storeys in height. The scale of the proposal is unique for the area and consequently, must have greater regard for the adjoining low density neighbours.

The substantial size of the Site (approx. 1.03ha) means that a higher density form of residential dwellings should be able to be accommodated, while maintaining amenity to surrounding residential properties. The proposed buildings on the Site have been designed with little regard to the neighbouring low-density residential areas. The minimum height to Upward Street and George Streets is proposed to be four (4) storeys. A four (4) storey façade does not provide a reasonable transition to surrounding single and two storey development. The proposed extreme scale between the western and eastern development which is principally single and two storey is considered a severe transition and could be better resolved through urban design improvements, such as reducing the height at the boundaries of the Site.

The Residential Flat Design Code includes that: *Height is an important control because it has a major impact on the physical and visual amenity of a place. It can also reinforce an area's existing character or relate to an area's desired character.*

A reduced height is a more appropriate transition to the lower scale development surrounding the Site. A reduced height at George Street and Upward Street would assist to maintain the character of the locality. In addition, a reduced height along the boundaries of the Site would reduce environmental implications such as overshadowing and overlooking of neighbours. It is not considered that the design responds well to the scale and character of the street or local area.

Building Design – Floor Space Ratio (FSR)

The Site has numerous constraints which impact on whether a design concept could achieve compliance with the controls, without detrimental impact upon neighbouring properties. Typically, higher FSR controls (which result in higher population density) are supported where impacts on the surrounding neighbours and locality have been mitigated through best practice urban design.

The scheme has been designed to be consistent with the maximum FSR (2.15:1) and maximum building height (32m), rather than designing to protect the amenity of the surrounding locality and to ensure the amenity of future occupants of the development. A scheme with a reduced bulk and scale (and therefore reduced FSR) is likely to be more acceptable in the context of the character of the local area.

The proposal incorporates five (5) perimeter buildings of between four (4) and nine (9) storeys which have inadequate setbacks and excessive street wall lengths. The proposed design will result in an overbearing outcome for the surrounding single storey and two storey residential development. In particular the southern Block B will cast unreasonable shadow over its southern and western neighbours limiting future development potential

Solar Access

The RFDC prescribes that at least 70% of the dwellings receive not less than three hours direct sunlight between 9am and 3pm mid-winter. The solar access report lodged with the application indicates that 62% of living rooms and 75% of private open spaces receive the minimum 3 hours of direct sunlight. The proposal is therefore not compliant with the solar access requirements of SEPP 65.

As proposed, 178 apartments of the proposed 287 receive the minimum direct sunlight requirements to the main living rooms. In order to achieve SEPP 65 and RFDC requirements, at least 201 apartments must receive a minimum of 3 hours direct sunlight between 9am – 3pm in mid-winter to the main living rooms, i.e. an additional 23 apartments.

There are no constraints to the development of this large Site that should hinder the achievement of the RFDC solar access requirements, in order to ensure the amenity of future residents at the Site. There is no reasonable justification to not achieving compliance in this circumstance particularly given the size of the Site and the “blank canvas”. The design is not considered to be the best architectural design response possible and the examination of the proposal against an extended assessment profile of 8am – 4pm is not considered a reasonable justification.

Building Setbacks

Council objects to the zero lot setback to the northern boundary to Block E (See Figure 1 below). It is a poor planning outcome to have a zero setback to the northern boundary, resulting in no windows on the northern façade of Block E.

It is recommended that Block E is redesigned to provide better quality amenity for future residents, including a minimum 6.0m to the northern boundary, windows for sunlight and ventilation to the northern façade, and provision of landscaping on the northern boundary adjacent to Block E.



Figure 1| Zero setback to Block E to northern property boundary.

Private Open Space

Not all balconies achieve the minimum depth of 2.0m as required under the RFDC. Balconies are important features of high density development, providing open space, an extension of living areas and ventilation opportunities to apartments. It is particularly important to achieve minimum depth dimensions in order to ensure that the balconies are useable spaces and can accommodate outdoor furniture such as a table and chairs. The balconies that do not achieve the minimum 2.0mm depth are off a number of studio apartments in Blocks C and E and off a number of one-bedroom apartments in Block B. Given the size and nature of the units, particularly the studio apartments, it is important that useable balconies are provided, achieving the minimum depth requirement of 2.0m so that a table and chairs can be accommodated and the balcony can be used as an additional living space for these very compact units.

2.4 Failure to achieve objectives of zone

The Site is zoned part B4- Mixed Use (southern portion) and part R3- Medium Density Residential (northern portion) under the Leichhardt Local Environmental Plan 2013. The proposal is permissible in the zone however, it is considered to be inconsistent with the planning objectives as outlined in the Leichhardt Local Environmental Plan 2013 as follows:

B4- Mixed Use Objectives

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To support the renewal of specific areas by providing for quality medium density residential and small-scale retail and commercial uses.*
- *To ensure that development is appropriately designed to enhance the amenity of existing and future residents and the neighbourhood.*
- *To constrain parking and restrict car use.*

The proposal is not medium density residential, nor does it include adequate commercial and retail opportunities. The development, in its current form, will not enhance the amenity of existing and future residents and the neighbourhood. As outlined above under Section 2.3 - SEPP 65 considerations, the development is not appropriately designed to enhance the amenity of existing and future residents and the neighbourhood. The proposal is considered an overdevelopment (bulk and scale) and ignores the context of the locality, being low-scale development, one (1) and two (2)

stories in height. Consequently the development will have unacceptable impact on the physical and visual amenity of the public domain.

R3- Medium Density Residential Objectives

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To permit increased residential density in accessible locations so as to maximise public transport patronage and to encourage walking and cycling.*
- *To ensure that a high level of residential amenity is achieved and maintained.*

The characteristics of the proposed development is more akin to a High Density Residential development scenario, not a Medium Density Residential development. The development is comprised of five (5) separate buildings varying from four (4) to nine (9) storeys in height including a mix of apartment sizes and configurations - 287 residential units across a gross floor area (GFA) of 21,780m², comprising:

- 18 studio apartments
- 128 one bedroom plus study apartments
- 133 two bedroom apartments
- 8 three bedroom apartments
- 250 underground car parking spaces
- 8 commercial tenancies.

The proposal is a high-rise, high density development. It has an overall height of greater than six (6) storeys and a density of greater than 60 net dwellings /ha. The Proposal is not a medium density development and as a result is not consistent with the objectives of either the B4 – Mixed Use and R3 - Medium Density Residential zoning.

As outlined above, under the B4 – Mixed Use Zone assessment, and at Section 2.3 – SEPP 65 Considerations, the proposal does not achieve a high level of residential amenity for existing surrounding residents or future residents at the Site.

The proposal is not consistent with objectives of the zones applying to the Site. Consequently, it should not be supported in its current form.

2.5 Development Control Plans

The application has been assessed against the relevant Development Control Plans listed below:

- Leichhardt DCP 2013
- George & Upward Streets, Leichhardt DCP 2014 (the Site-Specific DCP)

In considering the spot rezoning for the Site, the Department of Planning and Infrastructure previously noted a range of fundamental planning environmental amenity issues, including:

- *building height and scale;*
- *density;*
- *traffic and parking;*
- *retail impacts; and*
- *urban design.*

The Site-Specific DCP, is not a Council initiated document. The Site-Specific DCP was approved by then Department of Planning and Infrastructure. The Site-Specific DCP includes an indicative site layout; maximum building heights; building setbacks and separation; typical cross-sections; indicative landscape areas and access and circulation. The applicant has stated that the DCP is a “guide” rather than a document to provide certainty in the design and approval process. As a result, it is entirely appropriate that the proposal is subject to a merits based assessment.

A merits based assessment, as guided by SEPP 65, indicates that the proposal fails, particularly in terms of its height, scale and lack of consideration for the context of the Site in a low-scale and low-density area and its inability to achieve minimum solar access requirements of the RFDC.

In addition, the proposal, in its current form, does not satisfy the aims of *The George and Upward Streets, Leichhardt Development Control Plan 2014 (DCP)*:

- *Communicate the objectives and controls against which the consent authority will assess future development applications*
- *Ensure the orderly, efficient and environmentally sensitive development of the site*
- *Minimise impacts on the residential amenity of adjacent properties*
- *Promote a high quality urban design outcome for the site.*

The development, in its current form, will result in unacceptable amenity impacts on the existing surrounding residents and the neighbourhood. As outlined above under Section 2.3 - SEPP 65 Considerations, the proposal is considered an overdevelopment (bulk and scale) and ignores the context of the locality. Consequently the development will have unacceptable impact on the physical and visual amenity of the public domain.

2.6 Traffic and Parking

The Councillor's concerns remain regarding the impact of the development on traffic and parking in the locality, based on anecdotal evidence from the community. It is considered that the development will increase pressure for on-street parking, reducing amenity for existing surrounding residents and causing further congestion on the narrow, surrounding streets.

3 conclusion

The previous “main works” application for the Site, 22 George Street, Leichhardt (D/2014/312) was refused by the JRPP on 23 October 2014. The reasons for refusal included:

- Site contamination – the remediation documentation did not satisfactorily demonstrate that the Site could be made suitable for residential development, particularly given the high level of contamination.
- The proposal did not perform well against SEPP 65 or the Residential Flat Design Code, principally in relation to the proportion of apartments that receive adequate sunshine in mid-winter.
- The proposal did not provide a reasonable transition of scale to the existing development on the other side of the surrounding streets.

The proposed development, in its current form, at 22 George Street, Leichhardt (D/2014/713) cannot be approved in accordance with Clause 7 of SEPP 55 – Remediation of Land. This is a threshold issue. As there is no certainty that the Site can be developed for the proposed residential and commercial land uses, Development Application D/2014/713 must be refused.

Even if the applicant provided an adequate Remediation Action Plan, ensuring the health and safety of future residents and visitors to the Site, to the satisfaction of Council, the proposal is not consistent with Council and State strategic plans and policies, and is considered an overdevelopment (bulk and scale).

The proposed “main works” development, D/2014/713, is not significantly different from the previously refused “main works” application (D/2014/312). As a consequence, Leichhardt Councillor’s objection to the proposal remain. The applicant has not provided adequate justification for the building height and scale in the context of the locality. The proposal ignores the local context of the Site, and its surrounding environment. The proposal does not provide an adequate transition to the surrounding low-density residential development.

This submission demonstrates that:

- The Site is contaminated. Council is not satisfied that the Site can be adequately remediated to protect the health of future occupants and visitors to the mixed use residential development. Consequently, the

proposal cannot be approved in accordance with Clause 7 of SEPP 55 – Remediation of Land.

- The proposal fails against SEPP 65 and the RFDC requirements, in terms of its urban design and architectural merit. It would result in poor amenity for existing surrounding residents and future residents at the Site, particularly in terms of not achieving minimum access to direct sunlight requirements.
- The proposal fails to achieve the objectives of the B4 – Mixed Use zone and the R3 – Medium Density Residential zone.
- The amount of commercial space proposed is inadequate and fails to achieve the projected employment figures that were the basis of rezoning of the Site.
- The proposal fails against the objectives of the George and Upward Streets Site-Specific DCP 2014.

On this basis the Councillors of Leichhardt Council strongly object to the proposed development at 22 George Street, Leichhardt (Development Application D/2014/713).