

Balmain Leagues Club – Resubmission

Revised Statement of Environmental Effects for mixed use development



On behalf of
Heworth
December 2019



Project Director

Kate Bartlett

Contributors

Alicia Desgrand
Camilla Firman

Revision	Revision Date	Status	Authorised	
			Name	Signature

** This document is for discussion purposes only unless signed and dated by the persons identified. This document has been reviewed by the Project Director.*

Contact

Mecone
Suite 1204b, Level 12, 179 Elizabeth Street
Sydney, New South Wales 2000
info@mecone.com.au
mecone.com.au

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Table of Contents

Executive Summary	1
1 Introduction	9
1.1 Proponent and Project Team.....	10
1.2 Planning Background.....	12
1.2.1 Masterplan.....	12
1.2.2 Development Application D/2009/352 (DKO Scheme)	12
1.2.3 Major Project Application MP11_0015.....	13
1.2.4 Development Application DA2015/428 (AJC Scheme)	14
1.2.5 Development Application DA2018/19 (Previous Scott Carver Scheme)	16
1.2.6 Voluntary Planning Agreement	17
1.2.7 Key Issues from previous refusals and our response	17
1.2.8 Site – Specific DCP Amendment 2018-2019	20
1.3 Pre-lodgement Meetings	20
1.3.1 Initial project meeting 7 September 2017	20
1.3.2 Initial project meeting 18 October 2017	20
1.3.3 Preliminary Masterplan meeting 12 February 2018	21
1.3.4 Pre-DA meeting 22 February 2018	21
1.3.5 Voluntary Planning Agreement	24
2 The Site	26
2.1 Site Location	26
2.2 Site Description	26
2.3 Local Context	31
2.4 Surrounding Landuses.....	33
2.5 Transport infrastructure.....	36
2.5.1 Westconnex, Western Harbour Tunnel and proposed RMS Acquisition.....	36
2.5.2 Local Road Network	40
2.5.3 Pedestrian and Cycle Network	40
2.5.4 Public Transport	41
2.6 Heritage.....	42
3 The Proposal	44
3.1 Development Summary	44
3.2 Built form.....	49
3.3 Land uses.....	50
3.3.1 Tigers Club.....	50
3.3.2 Retail.....	50
3.3.3 Food and beverage premises	50

3.3.4	Specialty retail.....	50
3.3.5	Supermarket	50
3.3.6	Commercial.....	51
3.3.7	Residential.....	52
3.4	Basement, Access and Parking	53
3.4.1	General Basement Access.....	53
3.4.2	Access from Victoria Road and Loading Dock	54
3.4.3	Pedestrian Access	54
3.4.4	Car parking.....	55
3.4.5	Motorcycle Parking	55
3.4.6	Bicycle Parking	55
3.5	Landscaping.....	55
3.6	Public Open Space	56
3.6.1	Public Plaza	56
3.6.2	Laneways.....	57
3.7	Communal Open Space	57
3.7.1	Primary Communal Open Spaces	57
3.7.2	Secondary Communal Open Space	58
4	Planning Assessment.....	59
4.1	Section 138 of the Roads Act 1993.....	59
4.2	State Environmental Planning Policies (SEPPs)	59
4.3	State Environmental Planning Policies (SEPPs)	59
4.3.1	SEPP No. 55 – Remediation of Land	59
4.3.2	SEPP (Building Sustainability Index: BASIX) 2004	60
4.3.3	SEPP (Infrastructure) 2007	60
4.3.4	SEPP No. 64 – Advertising and Signage	62
4.3.5	SEPP 65 – Design Quality of Residential Apartment Development	62
4.3.6	Sydney Regional Environmental Plans (SREPs)	70
4.4	Local Environmental Plans (LEPs)	70
4.4.1	Leichhardt LEP 2000.....	70
4.4.2	Development Control Plans (DCPs)	79
	Street frontage height (Victoria Road)	82
5	Environmental Assessment.....	84
5.1	Built Form and Urban Design	84
5.2	Aboricultural Impact Assessment	86
5.3	Site Audit Advice – Remedial Action	87
5.4	Heritage.....	87
5.5	Traffic and Parking	89
5.5.1	Traffic improvements.....	89
5.5.2	Westconnex M4-M5 link	90
5.5.3	Traffic Generation and Impact	90

5.5.4	Car parking.....	92
5.5.5	Sustainable transport	92
5.5.6	Loading dock	93
5.5.7	Green Travel Plan	93
5.6	Economic Impact	93
5.7	Crime Prevention Through Environmental Design	95
5.8	BCA/Fire Safety Schedule	96
5.9	Access	96
5.10	Waste Management Provisions	96
5.11	Acoustic	97
5.12	Geotechnical	97
5.13	Wind testing	98
5.14	ESD and BASIX Report.....	98
5.15	Plan of Management – Tigers Club	99
5.16	Trolley Management Plan.....	99
5.17	Building Services	99
5.18	Structural	99
5.19	Civil Drainage Report	100
5.20	Construction Management Plan	100
5.21	Staging	101
5.22	Social Impact Assessment	101
5.23	Site Suitability	101
5.24	Public Interest	102
6	Section 4.15 Compliance.....	103
7	Conclusion.....	105

Schedule of Figures and Tables

Figure 1 Land use concept.....	13
Figure 2 Waterloo Street Elevation	13
Figure 3 Photomontage for the proposed scheme of M11_0015	14
Figure 4 View of the proposed envelope from Victoria Road.....	15
Figure 5 View of the scheme originally proposed under D/2018/219 from Victoria Road	16
Figure 6 Subject site.....	26
Figure 7 The site as viewed from Victoria Road	28
Figure 8 The site as viewed from Waterloo Street.....	29
Figure 9 The site as viewed from Darling Street.....	29
Figure 10 A laneway entry via Victoria Road providing access to the rear of the retail premises fronting Darling Street.	30
Figure 11 The Club building as view from Victoria Road	30
Figure 12 Preferred Design Scheme for Gladesville Shopping Centre (view from south east)	32
Figure 13 Gladesville Shopping Village tower form and north south skyline.....	32
Figure 14 Street view from Waterloo Street fall from the southern boundary towards the northern corner	33
Figure 15 Street view of Victoria Street to the east of the site	34
Figure 16 Existing 7-eleven petrol station and convenience store west of site on Victoria Road	34
Figure 17 The Rozelle Public School opposite Victoria Road	35
Figure 18 Intersection of Victoria Road and Darling Street looking north	35
Figure 19 Commercial/retail shops on Darling Street.....	36
Figure 20 Western Harbour Tunnel and Warringah Freeway upgrade design	37
Figure 21 WestConnex M4-M5 Link Concept Design	38
Figure 22 Staging and local context for the M4-M5 link project.....	39
Figure 23 The 2007 bike network and proposed bicycle network.....	41
Figure 24 Existing Bus Routes Map.....	42
Figure 25 Subject site within the Heritage Conservation Map Leichhardt LEP 2000. ...	43
Figure 26 Upper ground floor plan.....	47
Figure 27 North-east elevation – Victoria Road	48
Figure 28 South-west elevation – Waterloo Street	48
Figure 29 North-east elevation – Victoria Road	48

Figure 30 Lower ground floor plan	51
Figure 31 Level 1 floor plan	52
Figure 32 Level 2 floor plan – Typical residential floor plans	53
Figure 33 Typical basement layout (Basement 2)	54
Figure 34 Proposed Landscape Scheme viewed from Waterloo Street.....	56
Figure 35 Proposed landscaping	57
Figure 36 Proposed building separation to the north western boundary.....	66
Figure 37 Proposed building separation to the north western boundary.....	67
Figure 38 Proposed building separation to the north western boundary and three (3) metre setback.....	88
Figure 38 Proposed overshadowing and solar compliance to the plaza during mid winter 81	
Figure 39 Heritage Zoning under LLEP 2000	88
Figure 39 Road modifications.....	90
Figure 40 Adopted trip generation rates	91
Figure 41 Maximum car parking rates and proposed spaces	92
Figure 42 Balmain Leagues Club Local Context.....	94
 Table 1. Summary of Proposed Development.....	4
Table 2. Summary of Proposed Development.....	11
Table 3. Key reasons for previous refusals	17
Table 4. Issues raised by Council at the Pre-DA meeting.....	21
Table 5. Site Description	26
Table 6. Neighbouring heritage items listed under LLEP 2000	43
Table 7. Summary of Proposed Development.....	44
Table 8. Required building separation	65
Table 9. Proposed and Permitted GFA and FSR	77
Table 10. Section 4.15 Assessment Summary	103

Executive Summary

This Statement of Environmental Effects (SEE) report is prepared on behalf of Heworth and supports an Integrated Development Application (DA) to Inner West Council (Council) for the redevelopment of the Balmain Leagues Club which fronts Victoria Road, Darling Street and Waterloo Street, Rozelle (the 'site').

This SEE has been prepared to support a revised scheme, in response to:

- A Request for Information provided by *Inner West Council* on 21 November 2019;
- A Request for Information provided by a concurrence authority Transport for NSW on 27 November 2019;
- A Request for Information provided by the organisation formerly known as the Roads and Maritime Services (RMS) dated 28 November 2019, an Integrated Development Approval Authority; and
- A Submission by the Leichhardt Local Area Command of the NSW Police.

The revised application responding to the above requests includes the following changes to the scheme originally-submitted in May 2018, and then revised in August 2019;

- Confirmation that the Development Application is Integrated Development under Section 138 of the Roads Act, as it proposes access for traffic off a state classified Road, Victoria Road, as well as access for traffic off a Local Road, Waterloo Street.
- Relocation of the basement access for all vehicles, except service vehicles, to Waterloo Street as required by RMS and TfNSW;
- Redesign of the Victoria Road frontage to remove the deceleration lane and prioritise pedestrian movement;
- Amendments to the Building C lobby to improve access arrangements on the Victoria Road frontage;
- Increase to the setback above the podium for the Victoria Street frontage to comply with the DCP 3m setback requirement;
- Removal of turntable to the loading dock;
- Redesign of the basement layout, including the car parking, waste facilities, bicycle parking, motorcycle parking to address Council's requirements;
- Provision of additional deep soil areas and further enhancements to the landscaping to comply with Council's DCP;
- Dedication of the footpath widening on Victoria Street and Waterloo Street in stratum; and
- Design comments to the architectural expression to respond to Council's AEP comments.

This SEE describes the proposed development of the site and surrounding area in the context of the relevant planning controls and policies. In addition, the SEE provides an assessment of those relevant heads of consideration pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Planning background

The site has a substantial planning history to date including a total of three (3) development/ Major Project applications lodged and refused on the site.

1. **Development Application D/2009/352 (DKO Scheme):** The first application was refused by the Joint Regional Planning Panel (JRPP) on 9 July 2010 on the basis of non-compliance with the FSR and height controls, excess bulk and scale, and traffic. A SEPP 1 objection to vary the overall development FSR was not supported;
2. **Major Project Application MP11_0015:** A Major Project Application was lodged with the NSW Department of Planning and Infrastructure under the now-repealed 'Part 3A' of The Act in April 2012. The application was refused by the Planning Assessment Commission (PAC) on 11 April 2014 on the following grounds:
 - The development will have adverse impacts on the operation of the surrounding road network;
 - The development will have adverse impacts on bus services, including significant increased travel times for routes along Darling Street;
 - The development does not allow vehicles to exit the site from Victoria Road in a safe and efficient manner; and
 - The development was not considered to be in the public interest.
3. **Development Application DA2015/428 (AJC Scheme):** A new application for the site was lodged in 2015 which was largely compliant with the applicable local planning controls – in particular the FSR and mix of land uses. However, the application was refused by the *Land and Environment Court* (LEC) for the following merit-based reasons:
 - Non-compliances with the objectives of the LEP with regards to:
 - Connections with Darling Street;
 - Interface with Waterloo Street;
 - Traffic impacts; and
 - Ensuring the long-term viability of the club.

SEPP 65 non-compliances including satisfying the planning principles for built form and landscape and ADG requirements for deep soil, solar access, cross ventilation, communal open space and public open space.
4. **Application to Amend Site Specific Controls:** In March 2018, the Proponent prepared an application to amend the site-specific controls of the Leichhardt DCP. The DCP amendment sought to give effect to a masterplan prepared by Scott Carver for the site. The application was amended by Council, who endorsed their own site-specific *Development Control Plan* (DCP) for the site in June 2019, which formally came into effect in July 2019. Further discussion regarding the applicability of the site-specific DCP is provided below.
5. **Development Application DA2018/219 (Scott Carver Scheme):** In May 2018, the Proponent submitted a DA based on their site-specific DCP application submitted in March 2018. The application was publicly notified from 12 June 2018 to 11 July 2018 and is currently under assessment with Council. The subject application was formally amended in August 2019 under Clause 55 of the EP&A Regulations to be consistent with the site-specific DCP endorsed by Council in June 2019. The subject information and amendments respond to

Council and other NSW Government requests for further information in November 2019.

Leichhardt Council LEP Amendment (2015)

In addition, the former Leichhardt Council lodged a Planning Proposal to undefer the site from the *Leichhardt Local Environmental Plan 2013* and *Leichhardt Development Control Plan 2013* and to introduce the following controls on the site;

- Land to be zoned B2 – Local Centre;
- Reduce the maximum FSR control to 1.91:1, with 13,865sqm of GFA;
- Reduce the maximum height control to 6-8 storeys; and
- Reduce the maximum parking control to 329 spaces.

The Planning Proposal was not supported for a Gateway Determination by the Department of Planning and Environment (DP&E) due to its inconsistency with the then relevant 117 Directions and 'A Plan for Growing Sydney' as the proposal resulted in "a significant reduction in development potential for the site...and its potential to contribute to the renewal of identified Parramatta to Sydney CBD via Ryde urban renewal corridor." Council appealed this decision to the Planning Assessment Commission, who supported the DP&E's recommendation to not support the Planning Proposal.

Site Specific DCP Amendment (2018-19)

In March 2018, the Proponent submitted an application to Council to amend the DCP for the Balmain Leagues Club precinct. The proposed amendments related to the following;

- Relocation of the future town square;
- Amendments to the waste management and design excellence provisions; and
- Revisions to the built form, setbacks and access arrangements.

Subsequently, Council undertook a strategic merit assessment of the proposed draft DCP and appointed independent external consultants to undertake a peer review. On 11 December 2018, Council endorsed the preparation and exhibition of the draft DCP which aligned with the recommendations made by Council's independent reviewers. A total of 106 submissions were received during the exhibition period. Following a consideration of the engagement report, the draft DCP was formally adopted by Council at its meeting held on 25 June 2019 and came into effect in July 2019. The August 2019 resubmitted application and proposed revisions have been considered against this site-specific DCP.

Subject site

The subject site is located in the heart of Rozelle and is approximately 4.8km west of Sydney CBD. It is situated on Victoria Road opposite the Rozelle Primary School. The site has an irregular shape with an overall area of approximately 7,330m². It is currently vacant and abandoned. The site and surrounding development comprises of a number of residential, commercial, educational and light industrial uses.

Westconnex and proposed RMS Acquisition

In 2017 Roads and Maritime Services (RMS) proposed to construct and operate the Western Harbour Tunnel and Warringah Freeway Upgrade. The project comprises new twin tolled motorway tunnels crossing Sydney Harbour and connecting to the WestConnex at the Rozelle Interchange. The tunnel is proposed to run underneath Sydney Harbour between Birchgrove and Waverton and connect with the Warringah

Freeway at North Sydney. Upgrade and integration works would also be carried out along the existing Warringah Freeway.

The current owner, Heworth, was notified on Thursday 8 March 2018 that RMS may be seeking to compulsorily acquire the site for a 'dive site' for the future Western Harbour Crossing Tunnel and Beaches Link project. If the site was acquired by RMS for the Western Harbour Tunnel dive site, it would have significant negative traffic, amenity and environmental implications for Rozelle and the wider Inner West area. It is considered that the subject proposal would enable a significantly better outcome for the site by providing a new 'home' the Tigers can return to, and delivering important local housing, commercial and retail uses to the Rozelle area. It should be noted that the WHT project EIS, nominating the site for a 'dive site' is expected to go on public exhibition in January 2020

Proposed Development

The proposal includes the following works;

- Demolition of the existing buildings;
- Remediation of the site;
- Erection of a mixed-use development which includes;
 - Two basement levels with Basement 1 and Basement 2 accessible via Waterloo Street and a service loading dock accessed off Victoria Road;
 - Three pedestrian laneways (Tigers Lane, Little Darling Lane and Heritage Lane) which connect Victoria Road, Waterloo Street and Darling Street;
 - Public plaza to the centre of the development;
 - Fine-grain built form along Waterloo Street which is 2-3 storeys and incorporates live/work spaces, residential apartments and roof top landscaping/green walls;
 - Along Darling Street the façade to 697 Darling Street will be reinstated and speciality retail will be provided along Darling Street with a supermarket underneath; and
 - Three buildings along Victoria Road between 11-12 storeys in height, with residential accommodation to the upper levels and retail, commercial and Balmain Leagues Club to the lower levels.
- Landscaped communal rooftop gardens with seating and shade are incorporated into the design on Levels 1 (Building C podium), 5, 10 and 11.
- Staged construction of works.

The table below provides a summary of the proposed development.

Table 1. Summary of Proposed Development	
Item	Total
Gross Floor Area (GFA)	Total GFA is 28,414m² with it broken down into the following uses: <ul style="list-style-type: none"> • Retail 5,272 m² <ul style="list-style-type: none"> ○ Supermarket 3,092 m²

Table 1. Summary of Proposed Development

Item	Total
	<ul style="list-style-type: none"> ○ Speciality retail 277m² ○ Food and beverage 670m² ○ Ancillary 1,233m² • Club 3,047m² <ul style="list-style-type: none"> ○ Club 1,873m² ○ Ancillary 1,174 m² • Residential 18,514 m² <ul style="list-style-type: none"> ○ Building A 8,077m² ○ Building B 5,030m² ○ Building C 4,789m² ○ Building D 288m² ○ Storage 329m² • Commercial 1,581m² <ul style="list-style-type: none"> ○ Commercial 1,027 m² ○ Live/work spaces 554m²
FSR	<p>Total FSR is 3.88:1 with it broken down into the following uses;</p> <ul style="list-style-type: none"> • Retail 0.72:1 • Club 0.42:1 • Residential 2.53:1 • Commercial 0.22:1
Height	<p>Overall maximum height under LEP: RL 82</p> <p>Building A RL 81.5 / 12 storeys</p> <p>Building B. RL 80.8/ 12 storeys</p> <p>Building C RL 74.5 / 11 storeys</p> <p>Development along Darling Street less than RL52 / 2 storeys.</p> <p>Development along Waterloo Street less than 12.5m (RL 46.85) for 1m from the front of the site (Part 2/Part 3 storeys)</p>
Residential units	<p>Total 164 number of residential units plus 4 live/work totals 168</p>

Table 1. Summary of Proposed Development

Item	Total
Public Open Space	Total 2,540 m² / 35% of site area, comprising; <ul style="list-style-type: none"> Public domain open space proposed – Covered: 440m² (17% of public domain). Public domain open space proposed – Uncovered: 2,100m² (83% of public domain).
Communal Open Space (COS)- for residential component	Total 3,084m²/41.5% inclusive of the uncovered public open space, comprising; <ul style="list-style-type: none"> 1,425m² (19.4%) for residential use; and 1,623m² (22.1%) associated with the plaza
Deep Soil Landscaping	550m ² / 7.5% of site area which is supplemented by a 3% (226m ³) of continuous soil vault.
Vehicle access	<p>Waterloo Street – ingress and egress for club/supermarket/speciality retail and residential (Basement 1 and Basement 2)</p> <p>Victoria Road - ingress and egress for servicing access and loading dock.</p>
Car parking	Total 273 spaces with the following break down: <ul style="list-style-type: none"> Basement Level 1 (club use/supermarket/speciality retail): 131spaces <ul style="list-style-type: none"> 115 publicly accessible retail/club parking spaces (inclusive of 4 accessible spaces) 6 car share parking spaces 2 taxi (5min) parking spaces 2 community bus parking spaces 6 small car parking spaces Basement Level 2 (commercial / residential): 142 spaces <ul style="list-style-type: none"> 27 commercial 17 accessible parking spaces 96 residential parking spaces (including accessible)
Bicycle parking	Total 198 spaces with the following break down:

Table 1. Summary of Proposed Development

Item	Total
	<ul style="list-style-type: none"> • Residential Bicycle Parking: 84 residential bike spaces are located at Basement Level 2. • Residential Bicycle Parking (Visitor): 18 residential bike spaces with 12 located on Basement 2 and 6 on Ground Level. • Retail Bicycle Parking (Staff): 36 bike spaces are located at Basement Level 1. • Retail Bicycle Parking (Visitor): <ul style="list-style-type: none"> ○ 42 retail (visitor) bicycle parking spaces located at Basement 1 level. ○ 18 retail (visitor) provided at ground level.
Motorcycle Parking	<p>Total 16 spaces with the following break down:</p> <ul style="list-style-type: none"> • 8 motorcycle parking spaces located at Basement Level 2. • 8 motorcycle parking spaces provided at ground level.
Adaptable/liveable apartments	<ul style="list-style-type: none"> • Adaptable: 16 apartments (10%) • Silver Liveable: 33 (20%)

Planning and Environmental Assessment

Planning and environmental assessments have been undertaken in Sections 4 and 5 (respectively) of this report, supported by additional consultant studies. The assessments and consultant studies have found that the associated impacts of the proposal are acceptable and manageable.

Overall, the proposal;

- Is capable of being granted Terms of Approval under Section 138 of the Roads Act;
- Has been granted Concurrence subject to Conditions by Transport for NSW under Section 88 of the Infrastructure SEPP 2007;
- Is consistent with the objectives for development in the LLEP2000, Schedule 1, Part 3 'Amended controls on specific sites – Balmain Leagues Club Precinct site', Clause 2 and will enable a high-quality redevelopment of the site;
- Is generally compliant with the key development standards outlined in the LLEP2000 Schedule 1, Part 3 'Amended controls on specific sites – Balmain Leagues Club Precinct site', Clause 4. Where it proposes to vary from these development standards (with respect to the mix of uses), the application has been accompanied by a SEPP 1 Objection that demonstrates that the proposal:
 - Notwithstanding, the non-compliance with the development standard, will achieve the objectives of the development standard; and

- Is unreasonable or unnecessary in the circumstances;
- Is consistent with Council's amended site-specific DCP and will deliver an improved built form development for the site that is still consistent with the LLEP2000 Objectives (Clause 2) and Development Standards (Clause 4);
- Will enable Wests Tigers to return to their historic site and will deliver a financially viable Club as a key community facility and social space;
- Will provide an appropriate mix of uses including commercial, retail, Club and residential that will contribute to the local Rozelle Commercial Centre, while protecting residential amenity and supporting transit-oriented development principles;
- Will contribute to local employment growth in creative, innovation and technology-based industries in accordance with Council and State priorities including the Eastern District Plan;
- Is well-designed to provide appropriate articulation of height and massing, while enabling significant public domain benefits through the delivery of a new Town Square and associated laneways;
- Will assist in placing downward pressure on housing prices in Sydney by contributing approximately 164 new dwellings and 4 additional live/work dwellings towards the Inner West's dwelling targets within a highly accessible location;
- Is consistent with the 9 Design Principles outlined within *State Environmental Planning Policy No. 65* and the relevant provisions contained within the Apartment Design Guide;
- Will cater for a mix of households by providing a mix of dwelling types and sizes;
- Will provide dwellings achieving high amenity outcomes with respect to unit size, outlooks, solar access and natural ventilation;
- Will appropriately manage any environmental impacts associated with the development, particularly with respect to traffic generation to ensure that the development does not have unacceptable impacts on surrounding streets; and
- Is a suitable development for the site and is therefore considered to be in the public interest.

Accordingly, we consider that the proposal meets the requirements under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPA Act) and request that it be recommended for approval.

1 Introduction

This *Statement of Environmental Effects* (SEE) report is prepared on behalf of *Heworth* and supports an Integrated Development Application (DA) to *Inner West Council* (Council) for the redevelopment of the Balmain Leagues Club which fronts Victoria Road, Darling Street and Waterloo Street, Rozelle (the 'site').

There have been four development proposals submitted for the site since 2008, with the most recent currently under assessment. The main reasons for refusal of those submitted prior were due to planning and design impacts including traffic and parking; impact on the surrounding Rozelle commercial centre; and inadequate public domain and amenity outcomes. The subject site is currently in a vacant and derelict state following the relocation of the Balmain Leagues Club in 2010 due to announcements for the Sydney Metro.

This SEE describes the proposed development of the site and surrounding area in the context of the relevant planning controls and policies. In addition, the SEE provides an assessment of those relevant heads of consideration pursuant to section 4.15 of the *Environmental Planning and Assessment Act 2017* (EP&A Act).

Specifically, the SEE includes the following information:

- Description of the site in its local;
- Identification of the proposed works;
- Assessment of the project against Council's controls and policies;
- Assessment of all environmental impacts of the project; and
- Identification of measures for minimising or managing the potential environmental impacts.

WT Partnership has calculated the cost of development for the proposal to be \$132,800,000 (including GST). Refer to **DA Appendix 2** for the Detailed Cost Summary Report.

The August 2019 re-submitted SEE and application was supported by the following environmental assessment reports and management plans, which are provided separately in the following DA Appendices;

- Appendix 1: Survey
- Appendix 2: Revised QS Cost Summary Report
- Appendix 3: Updated Architectural Plans (including Landscape Plans)
- Appendix 4: BASIX Certificate
- Appendix 5: Phase 1 Preliminary Site Investigation
- Appendix 6: Remediation Action Plan
- Appendix 7: Updated Economic Impact Assessment
- Appendix 8: Updated Urban Design Report (including Design Verification Statement and ADG Compliance Table)
- Appendix 9: Revised LLEP 2000 Compliance Table
- Appendix 10: Revised SEPP 1 Objection – Floor Space Ratio
- Appendix 11: Revised Site Specific DCP Compliance Table
- Appendix 12: Updated Transport, Traffic and Parking Assessment Report
- Appendix 13: Addendum Acoustic Report

- Appendix 14: Updated Waste Management Plan
- Appendix 15: Wind Report
- Appendix 16: Access Report
- Appendix 17: BCA Report/Fire Safety Report
- Appendix 18: Draft Plan of Management – Tigers club
- Appendix 19: Addendum Heritage Impact Assessment
- Appendix 20: Civil Drainage Report
- Appendix 21: Updated ESD and BASIX Report
- Appendix 22: Geotechnical Report
- Appendix 23: Trolley Management Plan
- Appendix 24: Structural Report
- Appendix 25: Building Services
- Appendix 26: Construction Management Plan
- Appendix 27: Social Impact Assessment
- Appendix 28: Green Travel Plan
- Appendix 29: Updated Hydrology Report

In addition, the current RFI that responds to Council and other Authorities' requests for information, includes these RFI Attachments;

- Attachment 1: Revised Operational Waste Management Plan and relevant correspondence;
- Attachment 2: Revised Architectural Plans;
- Attachment 3: Response to submissions from public notification;
- Attachment 4: Revised Landscape Plans;
- Attachment 5: Revised Civil and Stormwater Plans & MUSIC Model and Report;
- Attachment 6: Updated Transport, Traffic and Parking Assessment Report, including Construction Traffic Principles;
- Attachment 7: Parking Study;
- Attachment 8: Interim Site Audit Statement;
- Attachment 9: Revised Statement of Environmental Effects;
- Appendix 10: Written response by Scott Carver to AEP & Council Heritage and Design comments (including Heritage Renders);
- Attachment 11: Updated Statement of Heritage Impact
- Attachment 12: Revised Access Report;
- Attachment 13: Aboricultural Impact Assessment

1.1 Proponent and Project Team

The DA and SEE Report have been prepared on behalf of *Heworth* and the project team is outlined in the table below.

Table 2. Summary of Proposed Development

Item	Total
Urban Planning Assessment	Mecone
Architect	Scott Carver
Surveyor	LTS Lockley
Site contamination	Aecom
Landscaping	Scott Carver
Heritage Consultant	Heritage 21
Waste Management Assessment	Elephants Foot Recycling Solutions
Economic Impact Assessment	Location IQ
Traffic and Transport Assessment	Ason Group
Quantity Surveyer	WT Partnership
BASIX/ Section J / Sustainability	IGS
Water Management	IGS
Structural engineer	Webber Design
BCA / Fire Safety consultant	Steve Watson & Partners
Acoustic consultant	Acoustic Logic
Stormwater / Civil Engineer / Water Sensitive Urban Design	Webber Design
Wind Consultant	Windtech
Geotech Consultant	JK Geotechnics
Building service consultant	IGS
Access consultant	Morris Goding Accessibility Consulting
Social Impact	Urbis
Green Travel Plan	The Transport Planning Partnership

Table 2. Summary of Proposed Development	
Item	Total
Aboriginal Impact Assessment	Redgum Horticultural

1.2 Planning Background

The site has a substantial planning history to date including a total of three (3) development applications lodged and refused on the site.

1.2.1 Masterplan

The site benefits from specific controls under the *Leichhardt Local Environmental Plan 2000* and *Leichhardt Development Control Plan 2000* (revised in 2008).

A Masterplan for the site was prepared by Multiplex Developments in 2005 to inform Council of a rezoning process. Council initially resolved not to support the Masterplan due to issues with parking, urban design, and the built form, but showed support in principle for the redevelopment of the site and requested a revised scheme. After various revised proposals, amendments to the LEP and a site specific DCP were gazetted and adopted for the site to enable increased height and FSR in 2008. The amendment was supported by a Voluntary Planning Agreement entered into between Council and the land owner.

1.2.2 Development Application D/2009/352 (DKO Scheme)

The first application was prepared by *DKO Architecture NSW Pty Ltd* and a DA was lodged to *Inner West Council* (previously *Leichhardt Council*) for a mixed-use development comprising;

- 145 dwellings within townhouses and apartments up to three storeys on Waterloo Street and three residential apartment buildings located on the northern, southern and western portions of the site;
- Retail shops, restaurants, a supermarket and commercial offices, public plaza, a new leagues club and a new infill building on Darling Street;
- 6 basement levels with 550 parking spaces for cars and loading and unloading bays; and
- Construction of a pedestrian bridge across Victoria Road and located partly on Rozelle Public School.

The exhibited proposal included an FSR of 4.8:1 and a maximum height of 14 storeys (including a 2 storey podium) and the revised scheme proposed an FSR of 3.9:1 and a maximum height of 12 storeys.

The application was refused by the Joint Regional Planning Panel (JRPP) on 9 July 2010 on the basis of non-compliance with the FSR and height controls, excess bulk and scale, and traffic. A SEPP 1 objection to vary the FSR was not approved. Refer to the figures below which illustrate the proposed scheme.

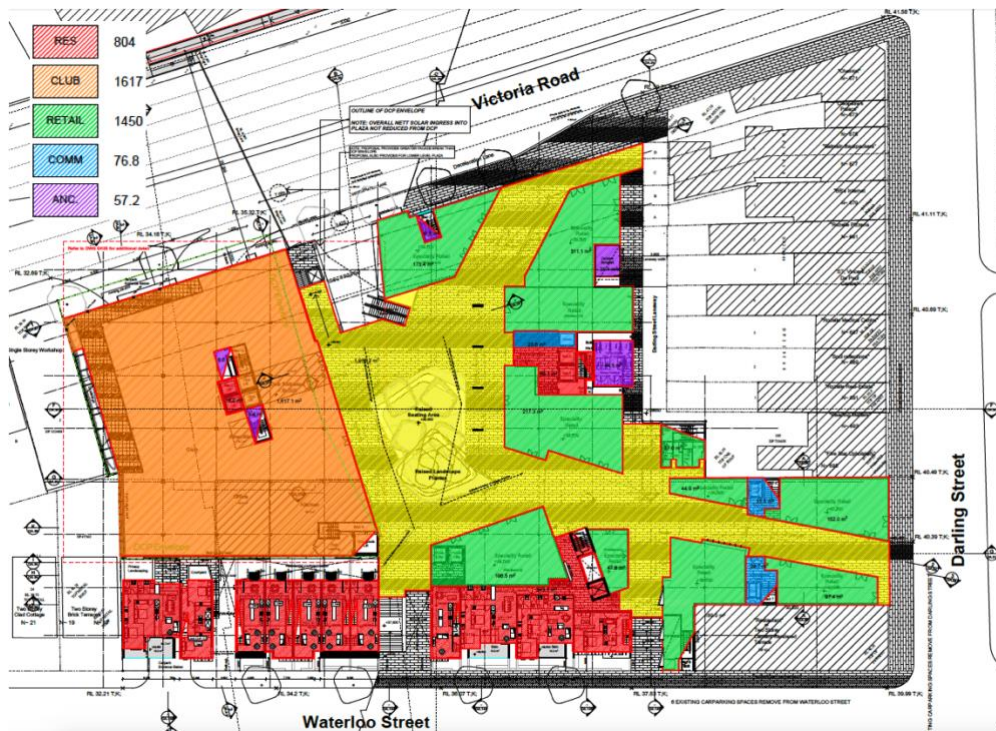


Figure 1 Land use concept

Source: DKO Architecture

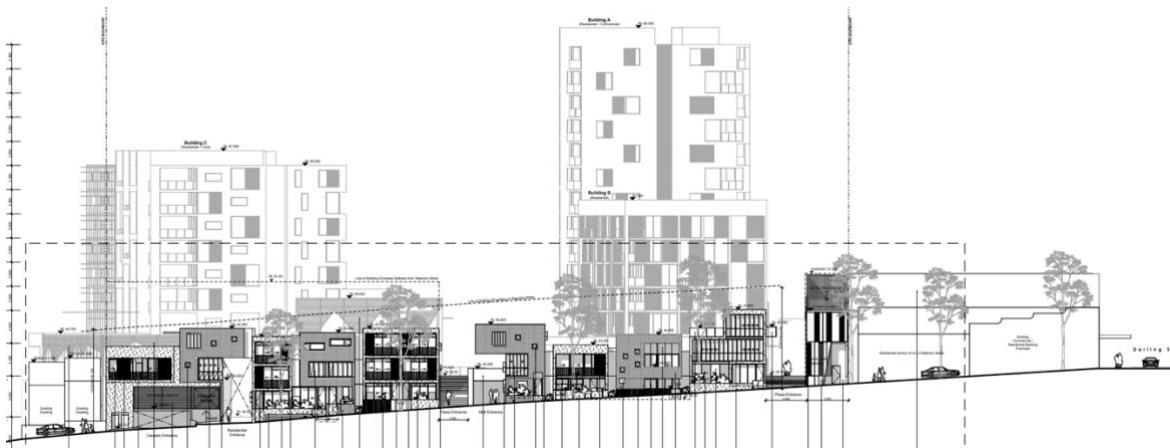


Figure 2 Waterloo Street Elevation

Source: DKO Architecture

1.2.3 Major Project Application MP11_0015

A Major Project Application was lodged with the NSW Department of Planning and Infrastructure (former) under Part 3A of The Act in April 2012. The application significantly departed from the approved masterplan and site-specific planning controls for the site and sought consent for the following;

- A three (3) storey podium with two towers with a total gross floor area of 36,587m²;
- 247 residential apartments;
- 10,982m² of retail floor space including a supermarket, mini-major and specialty retail;
- A new Balmain Leagues Club;

- Community and commercial facilities, including a childcare centre, medical centre and commercial office space;
- 488 on site car parking spaces (300 non-resident parking spaces and 188 resident parking spaces); and
- New traffic arrangements, including access for non-residential vehicles via Victoria Road and Wellington Street and access for residential vehicles via Waterloo Street.

The application proposed an FSR of 4.5:1 and a maximum height of 24 storeys.

The application was refused by the Planning Assessment Commission (PAC) on 11 April 2014 on the following grounds:

- The development will have adverse impacts on the operation of the surrounding road network;
- The development will have adverse impacts on bus services, including significant increased travel times for routes along Darling Street;
- The development does not allow vehicles to exit the site from Victoria Road in a safe and efficient manner; and
- The development was not considered to be in the public interest.

The Balmain Leagues Club was listed as a '*deferred matter*' from the Leichhardt LEP 2013 until such time that the major project application had been determined. Refer to the figures below which illustrate the proposed scheme.



Figure 3 Photomontage for the proposed scheme of M11_0015

Source: Stanisic Associates 2012

1.2.4 Development Application DA2015/428 (AJC Scheme)

A new application for the site was lodged in 2015 which was largely compliant with the applicable local planning controls, in particular the maximum FSR and mix of uses. The proposal included;

- 12 storey mixed use tower with retail, commercial and residential apartments to the eastern portion of the site;
- 8 storey mixed use tower with the Balmain Leagues Club and residential apartments to the western portion of the site;
- 5 levels (including mezzanine) basement levels for 369 cars;

- Central plaza with access from Victoria Road, Darling Street, Waterloo Street, and includes at grade access to the towers; and
- 3,658m² club space / 9,529m² retail / 1,445 m² commercial / 135 new dwellings.
- A pedestrian bridge

The application proposed an FSR of 3.9:1 and a maximum height of 12 storeys. However, the application was refused by the Land and Environment Court (LEC) on the following grounds:

- Non-compliances with the objectives of the LEP with regards to:
 - Connections with Darling Street;
 - Interface with Waterloo Street;
 - Traffic impacts; and
 - Ensuring the long-term viability of the club.

Other issues were raised concerning solar access to the Plaza and the number of units which receive no solar access, and cross ventilation. The Commissioner stated that while the DCP details the envelopes and setbacks there is flexibility (particularly to the West Tower) to better achieve solar access and cross ventilation requirements.

Given the proposal's consistency with both the maximum permitted FSR control and the land use mix, the refusal of the DA indicated that the existing mix of uses permitted in the controls is inherently conflicts with the LEP Objectives relating to traffic impacts and enabling the vibrancy of the Rozelle Darling Street precinct.

Refer to the figure below which illustrates the AJC scheme.



Figure 4 View of the proposed envelope from Victoria Road

Source: Urbis

1.2.5 Development Application DA2018/19 (Previous Scott Carver Scheme)

In May 2018, the Proponent submitted a DA based on an amended scheme prepared by Scott Carver Architects. The proposal was informed by a proponent prepared amended site-specific DCP for the precinct that was submitted to Council for assessment in March 2018. The proposal originally included;

- Demolition of the existing buildings;
- Remediation of the site;
- Erection of a mixed use development, including:
 - Two (2) basement levels with Basement 1 accessible via Victoria Road and Basement 2 accessible via Waterloo Street;
 - Three laneways (Tigers Lane, Darling Lane and Heritage Lane) which connect Victoria Road, Waterloo Street and Darling Street;
 - Public town square to the centre of the development;
 - Fine grain built form along Waterloo Street which is 23 storeys and incorporates live/work spaces and affordable housing;
 - Along Darling Street, the façade to 697 Darling Street will be reinstated and specialty retail will be provided along Darling Street with a supermarket underneath; and
 - Three buildings along Victoria Rod between 11-12 storeys in height, with residential accommodation to the upper levels and retail, commercial and the Balmain Leagues Club to the lower levels.
- Staged construction of works.

The application was publicly notified from 12 June 2018 to 11 July 2018 and is currently under assessment with Council. The proponent's site-specific DCP application lead to Council endorsing the preparation of their own draft site-specific DCP for the precinct. This DCP came into effect in July 2019. The original DA proposal was then amended and re-submitted in August 2019 to comply with the adopted DCP. The current revisions respond to RFI requests from Council and NSW Government bodies in November 2019 based on the August 2019 re-submitted scheme.



Figure 5 View of the scheme originally proposed under D/2018/219 from Victoria Road
Source: Scott Carver

1.2.6 Voluntary Planning Agreement

In June 2008, the former *Leichhardt Municipal Council* approved a modification to the Leichhardt LEP 2000 (Amendment 16) to permit increased height and density on the subject site, along with a site-specific DCP to guide future development. As part of these amended controls, a VPA was negotiated and executed with the then landowner / developer to deliver additional community benefits including a pedestrian bridge across Victoria Road for access between a supermarket on site and residents opposite the road, along with other items.

The pedestrian bridge would require the approval of both Department of Education (DoE) and RMS, who have both subsequently advised they object to the proposed bridge. As such, this item is proposed to be removed, with its equivalent value in 2018 terms to be re-directed for other benefits.

An amended VPA offer has been prepared and submitted to Council for finalisation. Finalisation of the amended VPA is not required for determination of the current application as the existing VPA already sits as a requirement on title of the land. Any revised VPA will need to be finalised prior to issue of the first construction certificate related to the project.

1.2.7 Key Issues from previous refusals and our response

The table below summarises the key reasons for refusal to date on previous applications, and their consideration for the proposed scheme.

Table 3. Key reasons for previous refusals	
Issues	Our response
Traffic impacts Traffic impacts have largely influenced the refusal for previous applications due to the sensitivity of the local traffic network. It is noted that Council considered the retail mix for the first application (2009/352) to be too high and unable to be supported by the surrounding road network. The grounds of refusal of the major project application (MP11_0015) were all related to traffic, including impacts on bus services, increased travel times for routes along Darling Street, and lack of safe and efficient exit from the site. The most recent application (2014/428) placed reliance on Waterloo Road as the only point of vehicle of entry and exit which was considered to be a key issue for refusal (noting that RMS concurrence was achieved).	The proposed development provides separate vehicle access to the site. An all movement vehicular access driveway to both the public and private carpark is accessed via Waterloo Street. Only the servicing accessed is proposed by way of an access driveway on Victoria Street given the low traffic volumes associated with servicing requirements.
Height, bulk and scale of the proposal While Council has shown support in principle for the redevelopment of the site at greater height and scale, there were issues raised with the previous proposals in relation to overdevelopment and poor design. The first application included non-compliant height in storeys of up to 14 storeys and FSR of 4.8:1 (exhibited proposal) while it was revised to 12 storeys with an FSR of 3.9:1. It was considered	The proposed scheme is consistent with the site specific DCP building envelope controls set out in section D1.5 Built Form, Height and Density. Further the proposal complies with the varying building height limits nominated by the LLEP 2000.

Table 3. Key reasons for previous refusals

Issues	Our response
<p>to be an overdevelopment of the site. The design review panel did not like the overall impact of bulk, scale and overshadowing. The second proposal included an FSR which was significantly greater at 4.5:1, and offered higher, more slender buildings. The Planning Assessment Commission found the height and FSR to be excessive, however the issues associated with the built form and design were noted as secondary and not relevant to the determination.</p> <p>The third proposal included a compliant FSR of 3.9:1 and maximum height of 12 storeys, and was refused for reasons unrelated to the height, but was also considered to have a poor interface with Waterloo Street.</p>	<p>Consistent with the previous scheme, the proposal introduces smaller-scale frontages to Waterloo Street and Darling Street, and a main podium and three residential buildings along Victoria Road. This design allows the massing to fall within the height controls and reduces bulk, scale and overshadowing impact on surrounding neighbouring sites.</p> <p>The proposal adopts an 'L' shape configuration which frames the centrally located plaza. A reduced building envelope which decreases to seven storeys (RL 60) is provided for the rear of Building C towards Waterloo Street in order to protect solar access to this important space.</p> <p>The proposal provides a variation to the FSR development standard. Further justification is provided in the SEPP 1 – Objection. It is noted the proposal does not exceed the maximum FSR for the site. Rather it seeks a variation to the distribution of GFA across the mix of land uses. In this respect, the proposal is of an appropriate bulk and scale.</p>
<p>Ability to secure the long term viability of the Balmain Leagues Club</p> <p>A sensitive issue has been the retention and viability of the Balmain Leagues Club on site. In regards to the first application, the Council raised that inadequate information and detail had been provided to determine occupancy rates for the club. The application did not demonstrate its reinstatement of the Balmain Leagues Club on the site, and therefore did not demonstrate that the proposal satisfactorily addressed this requirement.</p> <p>The second application included a new premises for the Balmain Leagues Club located in the three storey podium building on the site. This was considered to be an acceptable</p>	<p>The proposed development secures the long term viability of the Balmain Leagues Club by positioning the new premises at ground level, fronting the main public open space area. The spatial plan dedicates a generous portion of floor area to the Balmain Leagues Club, and allows for the premises to become the centre point of the development, close to the retail and commercial activity, pedestrian circulation and open space.</p>

Table 3. Key reasons for previous refusals

Issues	Our response
<p>approach for the Club as it was not raised as a cause for refusal.</p> <p>The third application also proposed the establishment of a new and revitalised Balmain Leagues Club premises within one tower on the Plaza Level and Level 1. While the scheme promoted the long term viability of the Balmain Leagues Club on the site, it was refused on the basis of not meeting other LEP objectives – particularly related to traffic and economic viability of the Rozelle area.</p>	
<p>Relationship of the proposal to the surrounding locality and specifically, the pedestrian links to the surrounding network and retail centres</p> <p>As a corner site, development is required to address multiple frontages. The site is particularly sensitive to low scale development to the south on Waterloo Street. Given the size of the site, there are also expectations to provide pedestrian links and public space.</p> <p>Previous schemes have provided a public plaza area on site. The first scheme included three storey terrace housing along Waterloo Street to address the street.</p> <p>The most recent application (DA2015/428) included the most comments for refusal related to the surrounding locality – including the connections with Darling Street, and poor interface with Waterloo Street. The LEP commented that the eastern forecourt provided limited visual connection between the Plaza and Waterloo Street. Access to the entry lobbies of the residential towers off Waterloo Street through the forecourt could provide an appropriate transition to Waterloo Street, subject to satisfactory detailed design. The absence of deep soil landscaping is a negative feature and deep soil landscaping between the development and Waterloo Street could be increased.</p>	<p>The proposed development responds to the surrounding locality with sympathetic and high quality design. The bulk of the built form fronts Victoria Road, while more sympathetic design is providing fronting low-scale built forms along Waterloo Street and Darling Street. In particular, the building proposed on Darling Street does not exceed the height of the existing adjacent development, and the building frontage to Waterloo Street is broken up with lane entrances and upper storey setbacks have been applied.</p> <p>The proposed site layout also incorporates 550m² (7.5%) of site area for deep soil landscaping, as noted by the comments of the previous application. The 550m² (7.5%) is supplemented by a 3% (226m²) of continuous soil vault which is capable of accommodating substantial canopy cover.</p>
<p>Pedestrian bridge</p> <p>Previous applications have offered to include a pedestrian bridge across Victoria Road, as required under the VPA and LDCP 2000. The bridge would be located partly on Rozelle Public School. Comments from the LEP during assessment of the second application (M11_015) stated that owners consent by Council could be provided if the pedestrian bridge is considered acceptable. The pedestrian bridge in this particular application was flagged as not corresponding to the exact location in the DCP and there were issues given it did not connect</p>	<p>The pedestrian bridge would require the approval of both <i>Department of Education</i> (DoE) and RMS, who have both advised they object to the proposed bridge. As such, this item is proposed to be removed, with its equivalent value in 2018 terms to be redirected for other benefits.</p>

Table 3. Key reasons for previous refusals

Issues	Our response
with the Laneway to better facilitate access through the Plaza and to Darling Street South.	

1.2.8 Site – Specific DCP Amendment 2018-2019

In March 2018 the Proponent submitted an application to Council to amend the site specific DCP for the Balmain Leagues Club precinct. Following its submission, Council at its meeting on 11 December 2018, endorsed the preparation and exhibition of amended DCP provisions for the Precinct. This draft DCP was subsequently peer reviewed by Council-appointed consultants, and revised amendments prepared.

- Rearrangement of the built form, building setbacks and access;
- Relocation of the future town square to the centre of the site; and
- Updated controls related to environmental and waste management, and design excellence.

On 11 December 2018, Council endorsed the preparation and exhibition of the draft DCP which aligned with the recommendations made by Council's independent reviewers. A total of 106 submissions were received during the exhibition period. Following a consideration of the engagement report, the draft DCP was formally adopted by Council at its meeting held on 25 June 2019, and came into effect in July 2019.

1.3 Pre-lodgement Meetings

The project team has been working with Council officers since mid 2017 to determine the optimal development scheme and planning pathway for the site's redevelopment. A number of pre-lodgement meetings have been undertaken with Council which is consistent with Council's *Development Advisory and Assessment Process Improvement Policy*. Below we have provided an outline of the items discussed in each meeting and the feedback from Council.

1.3.1 Initial project meeting 7 September 2017

The first initial meeting was undertaken to inform Council on the project status and the following items were discussed:

- Proposed massing option for the site;
- Key issues including land use mix, FSR, traffic and return of the tigers; and
- Potential planning pathway options and whether to lodge a new planning proposal or DA and site-specific DCP.

Council's preliminary advice suggested that, depending on reasonableness of proposed scheme, a DA with a SEPP 1 variation seeking to amend mix of uses, combined with a new DCP may be a more suitable planning pathway.

1.3.2 Initial project meeting 18 October 2017

The second initial meeting was undertaken to provide Council with an update on the concept and the following items were discussed:

- The preferred planning pathway is a site specific DCP amendment with a largely compliant DA under LLEP2000;

- GFA calculation LLEP2000 vs LLEP2013;
- The proposed scheme is to include a modified land use mix under the LLEP2000 to address the key reasons previous schemes weren't supported. The overall FSR will be compliant while there will be a reduced retail and increased residential FSR proportion. Modified mix of uses to be supported by a SEPP 1 Objection; and
- A site specific DCP amendment is proposed to enable a better amenity and built form outcome for the site that best meets the development objectives in the LLEP2000.

1.3.3 Preliminary Masterplan meeting 12 February 2018

The meeting on the 12 February 2018 was undertaken to discuss the preliminary Masterplan and site specific DCP drawings. As the site-specific DCP has subsequently been approved, no further discussion of this feedback is necessary.

1.3.4 Pre-DA meeting 22 February 2018

A formal pre-DA meeting was held on 22 February 2018 with Council Officers and the project team. The scheme presented at this pre-DA meeting was conceptual in detail and provided Council with an understanding of the proposed building locations, massing and uses. The proposal was referred to Council's Architectural Excellence (AER) Panel for Review.

The feedback received from the AER Panel and Council's Officers was issued to the Applicant in formal written correspondence dated 16 April 2018. It raised a number of issues aimed at assisting with the refinement of the scheme and the preparation of the detailed Development Application (DA). It is considered that the Applicant has adequately addressed the concerns raised by Council where appropriate. The issues and how they have been addressed by the proposed scheme are set out in the table below.

Table 4. Issues raised by Council at the Pre-DA meeting	
Council's Comments	
Issues	Our response
Bulk and Scale, Siting, Envelope - The height, massing and presentation to Victoria Road is not in keeping with the DCP provisions and is not considered to satisfy key Objectives of the site specific LEP controls. This building mass needs to be broken up, to facilitate articulation.	The proposed massing is largely consistent with the requirements of the recently adopted site specific DCP set out under Section D1.5 Built Form, Height and Density and the LLEP 2000 height limits. Further discussion is provided in Section 4 and within the Revised Site Specific DCP Compliance Table at DA Appendix 11 .
Heritage and Design – Insufficient detail was presented with the pre-DA package to determine the heritage implications for the Darling Street presentation. However, Council Officer's agree with the recommendation of the AEP regarding the retention of the Darling Street building at No 669.	An updated Statement of Heritage Impact is submitted alongside the application at RFI Attachment 11. The proposal seeks to adaptively reuse the Darling Street Building at No 697 and incorporates a tower element that is sufficiently setback from the heritage conservation area. The HIS confirms that the proposal will have a negligible impact on the heritage items in the

Table 4. Issues raised by Council at the Pre-DA meeting

Council's Comments	
Issues	Our response
	vicinity of the site, including adjoining the heritage conservation.
<p>Neighbouring Amenity Impact (privacy, solar, access, visual bulk, view loss etc.) – The protection of residential amenity is a sensitive issue of many development applications, as a result it is highly encouraged that you carry out appropriate consultation as soon as possible to understand and respond to any concerns the neighbours may have. Community consultation should be wide ranging, thorough, meaningful and accessible. The ADG guidelines pertaining to overshadowing and privacy should be complied with. It is preferable that a scheme which exceeds the minimum ADG standards be proposed.</p>	<p>The proposal is entirely consistent with the key ADG requirements, including solar access, cross ventilation, visual privacy, and deep soil. Variations to the numeric building separation requirements are proposed. However, due to the inclusion of appropriate privacy mitigation measures and the minor nature of the variations, the proposal remains consistent with the associated objectives design guidance. Further discussion is provided in Section 5.1.</p>
<p>Floor Space Ratio – Council noted the Applicant's advice that the overall gross floor area will not exceed the 3.9:1 permitted under the <i>Leichhardt Local Environmental Plan 2000</i>. The GFA calculation is based on the definition set out in the LLEP 2000. Accordingly, the measurement is taken from the outer edge of external walls, and some areas which are contained within the basement, such as storage rooms, plant rooms, loading docks and the like, are included as gross floor area.</p>	<p>The approach to the calculation of GFA was confirmed with Council prior to lodging the DA. In accordance with Council's advice, the scheme has adopted the GFA definition used by the JRPP for the assessment of the proposal submitted in 2009 prepared by DKO scheme (D/2009/352).</p>
<p>FSR Non-Compliance – Council understands that the Applicant is intending on revisiting the FSR breakdowns currently allowed for by the LEP to, in effect, permit the residential component to achieve a higher yield than that allowed for by taking FSR allowance from other uses on the site. Council considered that this would be contrary to the Judgement of Commissioner Tuor 28 September 2016 (para 141).</p> <p>If LEP standards are proposed to be breached, the DA would need to be accompanied by a SEPP 1 objection. In this regard, the provisions of SEPP 1 will need to be addressed and in particular</p>	<p>The proposal is accompanied by a Revised SEPP 1 – Objection which is included at DA Appendix 10. It is noted that the proposal is consistent with the maximum FSR applicable to the site under the LLEP 2000 and therefore provides an appropriate bulk and scale. The proposal merely seeks to vary the distribution of FSR between the proposed uses.</p>

Table 4. Issues raised by Council at the Pre-DA meeting

Council's Comments	
Issues	Our response
the objectives of Schedule 1, Part3, Clause (2).	
<p>Height/number of storeys – LLEP 2000 contains two height controls. One relates to the maximum RL, with which the draft plans appear to comply. The other relates to the maximum number of storeys, which is permitted to be 12 storeys. The proposal includes thirteen storeys. Council will not support a breach of either height control.</p>	<p>The maximum height of the proposal has been reduced to 12 storeys and sits below the maximum LLEP 2000 height limit. Further discussion is provided in Section 5.1 and at DA Appendix 9.</p>
<p>Traffic and Parking – The Council considers that the traffic assessment methodology is acceptable to Council. The analysis must take due appreciation of the potential impacts of WestConnex.</p> <p>Council does not support the use of a turntable in the loading dock.</p> <p>Council has noted the following:</p> <ul style="list-style-type: none"> • Crossings need to be perpendicular to traffic; • Basement needs reconsideration – there is conflict between the entering and exiting of vehicles. • Development will need a community bus and taxi standing area. If this standing area is to be located in the basement it will need a redesign. This will result in a loss of parking. • Consider 'car share' parking spaces, bike parking, small vehicle parking spaces. • Consideration should be given to the provision of charging stations for electric vehicles. 	<p>The design of the basement has been reconsidered to address the concerns raised by Council in its November RFI and TfNSW and RMS requirements under the I-SEPP.</p> <p>The basement has been revised to facilitate an all movement vehicular access driveway access to both the public and private car park basement levels 1 and 2 via Waterloo Street. Only the servicing access to the loading dock is proposed by way of an access driveway on Victoria Street.</p> <p>The proposed amended parking arrangements are considered appropriate for the reasons addressed in the <i>Updated Transport, Traffic and Parking Assessment Report, including Construction Traffic Principles</i> in RFI Attachment 6. Refer to Section 5.2.6. for further discussion.</p>
<p>Contamination – A minimum Phase 1 Contamination Report is required to be submitted as part of the DA. If a Phase 2 Detailed Site Investigation (DSI) is required as a result of the recommendation of the Phase 1 Report, this is to be carried out. If the Phase 2 DSI recommends that remediation is required a Remediation Action Plan (RAP) is to be submitted with the DA.</p>	<p>The DA is accompanied by a <i>Remediation Action Plan</i> (refer to DA Appendix 6) which details the remediation and validation scope and methodology for the site. A Phase 2 investigation is to be undertaken after the demolition of the existing buildings and can be conditioned as part of the consent.</p> <p>An Interim Site Audit Statement has also been prepared and is attached in RFI Attachment 8. The purpose of this</p>

Table 4. Issues raised by Council at the Pre-DA meeting

Council's Comments	
Issues	Our response
	<p>interim advice is to provide the Site Auditor's opinion on whether the <i>Remediation Action Plan</i> (RAP) that has been prepared for the site is practicable and that the site can be made suitable for the proposed land use with its implementation.</p> <p>The RAP referenced above has been reviewed by the Site Auditor and generally meets the requirements of the guidelines and it is in the opinion of the Auditor that the site can be made suitable for the proposed use with the implementation of the RAP.</p>
<p>BLC Viability and Operation – Council requires further detail pertaining to the current operation module for 'new generation' clubs, to demonstrate how the proposal will meet the objective of returning the club to its traditional home.</p> <p>A future DA must ensure that the objective of sD1.4 of the DCP in regards to the 'long term viability of the BLC' is suitably addressed.</p>	<p>Due consideration has been given to the long-term viability and operation of the BLC. Further discussion is provided in Section 4.2.2 pertaining to the proposal's compliance with the site specific DCP.</p>
<p>Waste Management – Council's waste truck should be able to access the loading dock. Consideration should be given to a secondary storage area, particularly in regards to bins to be collected being moved to one area and bins not being collected remaining in another. A bulky goods store will also be required.</p>	<p>The proposal will be serviced by a private waste contractor. The private waste collection vehicle will be able to access the loading dock from the access driveway from Victoria Street. Further discussion is provided in the Updated Transport, Traffic and Parking Assessment Report at RFI Attachment 6.</p> <p>Further, the DA is supported with a Revised Operational Waste Management Plan with additional relevant correspondence provided in RFI Attachment 1.</p>

1.3.5 Voluntary Planning Agreement

An amended VPA was submitted to Council on 29 March 2018 alongside the amended site specific DCP and is being considered by Council. The following items in the VPA were retained;

- Monetary contribution for upgrading of roads, footpaths and traffic facilities in the vicinity of the proposed development, including the western side of Darling Street between Victoria Road and Waterloo Street;
- Construction of a pedestrian link (i.e. the proposed retail arcade) from the proposed development to the Darling Street shop frontage as shown in DCP;
- Monetary Contribution in Lieu of S94 payments; and
- Provide a designated area, in an easily accessible place within the development, for taxis to pick up and drop off.

A few items were also removed from the amended offer in reflection that they no longer relevant to ongoing local benefits and/or are already provided to the community and not appropriate to be required through a VPA. These items include:

- Pedestrian bridge over Victoria Road, which is not supported by the relevant landowners and approval authorities;
- Free home delivery from retailers on site, which is already provided through existing supermarket home delivery services, and applications such as 'Uber Eats' and 'Deliveroo'; and
- A Community shuttle bus, which will be provided by the Club as part of their ongoing obligations and is therefore not a requirement for the overall developer.

In addition, the amended offer seeks to include a number of items originally requested by Council and the community as part of the 2008 exhibition process, but not included in the original Agreement, including:

- Forgiveness of all loans and associated interest associated with the former Balmain Leagues Club to avoid liquidation and enable amalgamation with West's Ashfield, and with that, a commitment to continue funding for the Balmain district Junior Rugby League;
- Legal guarantee to public access and right-of-way to the plaza and laneways (Town Square) through easements and covenants on title;
- Provision of an increased number of car share spaces;
- A 2-hour free public car park with 115 generally accessible public spaces provided in perpetuity through easements and covenants on title; and
- Additional road works including dedication in stratum and pavement upgrades along Victoria Road and Waterloo Street.

Finalisation of the amended VPA is not required for determination of the current application as the existing VPA already sits as a requirement on title of the land. Any revised VPA will need to be finalised prior to issue of the first construction certificate related to the project.

2 The Site

2.1 Site Location

The subject site is located in the heart of Rozelle and is approximately 4.8km west of Sydney CBD. It is situated on Victoria Road opposite the Rozelle Primary School. The site has an irregular shape with an overall area of approximately 7,330m². The site consists of three street frontages including Victoria Road, Darling Street and Waterloo Street and slopes down from the southern boundary at Darling Street towards the northern corners.

The site is within the former Leichhardt Municipal Council, which now forms part of the Inner West Local Government Area. It is currently vacant and abandoned. The site and surrounding development comprises of a number of residential, commercial, educational and light industrial uses. The figure below identifies the site location.



Figure 6 Subject site

Source: Mecone MOSAIC

2.2 Site Description

The table below provides the legal description, and a brief summary of the site and surrounding context. In addition, a survey plan of the site is provided at **DA Appendix 1**.

Table 5. Site Description	
Item	Description
Legal Description	<ul style="list-style-type: none">• Lot 1, DP 528045,• Lot 1, DP 109047,

Table 5. Site Description	
Item	Description
	<ul style="list-style-type: none"> • Lot 104, DP 733658, • Lots 101, DP 629133, • Lot 102, DP 629133, • Lots 37, DP 421; • Lot 38, DP 421; and • Lot 36, DP 190866.
Total Area	Approximately 7,330 m ²
Location	(a) 138-152 Victoria Road, Rozelle, (b) 154-156 Victoria Road, Rozelle, (c) 697 Darling Street, Rozelle, (d) 1-7 Waterloo St, Rozelle.
Street Frontage	118 meters to Victoria Road, 21 meters to Darling Street 91 meters to Waterloo Street
Site Description	<p>The subject site is currently vacant and abandoned with signs of graffiti and vandalism. Along Victoria Road, the site consists of a two storey building and a two storey car park structure. Along Darling Street are two x 1-2 storey commercial buildings which are currently vacant. Along Waterloo Street, the development incorporates a 1-3 storey building with at grade car parking associated with the Club.</p> <p>The site slopes downward from the southern boundary at Darling Street towards the northern corners of Victoria Road and Waterloo Street.</p>
Previous uses	<p>The Balmain Leagues Club was built in the early 1960s for social gatherings for the Balmain Tigers Rugby League Football Club. It has historically been considered as a significant and well established local community and entertainment venue. Unfortunately with limited resources, the club was unable to hire younger players in the 1990s and the small municipal area of Balmain and Rozelle limited their ability to raise revenue. In the 2000s the club was under severe debts and were forced to sell the subject site.</p>
Surrounding Context	<p>North-east: Directly to the north-east of the site is Victoria Road and across Victoria Road is the heritage listed Rozelle Public School and Chapel Hill Rozelle Presbyterian Church. This part of</p>

Table 5. Site Description	
Item	Description
	<p>the Victoria Road is also within the Rozelle Commercial Distinctive Neighbourhood under LDCP 2013.</p> <p>South-west: Directly to south-west of the site is Waterloo Street. Waterloo Street is predominately 1-2 storey commercial and residential properties.</p> <p>South-east: The south-east of the site fronts Darling Street which incorporates a number of 1-2 storey retail/commercial uses. These buildings fall under the heritage conservation area and form part of the Rozelle Commercial Distinctive Neighbourhood. There is also a laneway entry via Victoria Road which provides access to retail/commercial shops fronting Darling Street.</p> <p>North-west: Adjoining to the north-west is a 2 storey commercial property which is currently vacant along Victoria Road and further along this frontage are residential properties and a petrol station. Also adjoining to the north are 1-2 storey residential dwellings which front Waterloo Street.</p>
Public Transport	A number of bus stops are located within 400m of the site on Victoria Road and Darling Street, providing access to a number of Inner West destinations and Sydney CBD.

Refer to figures below for the subject site and the surrounding properties.



Figure 7 The site as viewed from Victoria Road

Source: Mecone



Figure 8 The site as viewed from Waterloo Street
Source: Mecone



Figure 9 The site as viewed from Darling Street
Source: Mecone



Figure 10 A laneway entry via Victoria Road providing access to the rear of the retail premises fronting Darling Street.

Source: Mecone

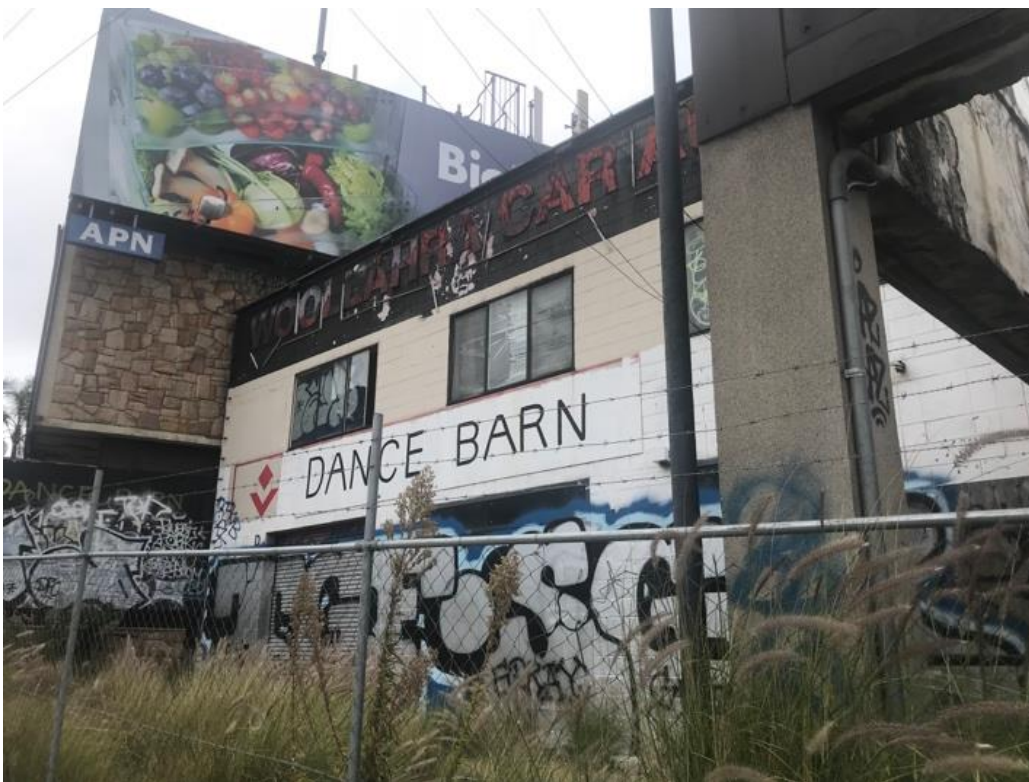


Figure 11 The Club building as view from Victoria Road

Source: Mecone

2.3 Local Context

The site is located in the centre of Rozelle and has frontage to the two key local roads, Victoria Road and Darling Street. The local area has numerous built forms, ranging from disused heavy industry, new medium density housing, historical commercial and retail, and low density housing. The area is characterised by its diversity in style and form, with some unity achieved by fine grain lots and tight built forms.

It is acknowledged that the existing height and floor space controls that apply to the site as part of the LLEP2000 are greater than the general surrounding development. However, we note there are a number of sites/precincts within the boarder local context of the site that have higher densities more consistent with the subject site.

We also note that a number of projects along the Victoria Road corridor are seeking similar or greater controls across their sites, which is an indication of likely future development context along this important corridor. Other sites/precincts with increased densities which are within the wider local context include:

Parramatta Road Corridor Urban Transformation Strategy (PRCUTS)

The PRCUTS nominates built form environmental guidelines to enhance public domain amenity and mitigate climate change along the Parramatta Road Corridor. The Strategy identifies increased densities along the Parramatta Road Corridor, with heights recommended up to 80m and densities up to 4:1. It is noted that there are similarities between the Parramatta Road and Victoria Road built environments and importance as key road corridors between Parramatta and the Sydney CBD

Gladesville Shopping Village

The Gladesville Shopping Village is located near Victoria Road, Gladesville and approximately 6.0 km north-west of the subject site. The village consists of multiple retail shops and restaurants, a Coles supermarket and ground and basement car parking which provides essentials needs and social interactions for local and neighbouring residents and is a similarly-scaled project to the subject site.

In October 2015 the developer lodged a planning proposal to Hunters Hill Council seeking change of uses, additional floor space and height allowed at the site. The existing Floor Space Ratio (FSR) and height control in the LEP are 2.7:1 and 34 meters, the planning proposal has proposed a new FSR of 3.4:1 and 29 to approx. 54 meters in height (FSR and Height Control for a small section of the subject site are 2.3:1 and 26 meters). The application was refused by Council, then the applicant has requested the State Government to review the refusal in April 2016. Despite Council's opposition, a positive Gateway determination was issued by the State Government on the 16 January 2017.

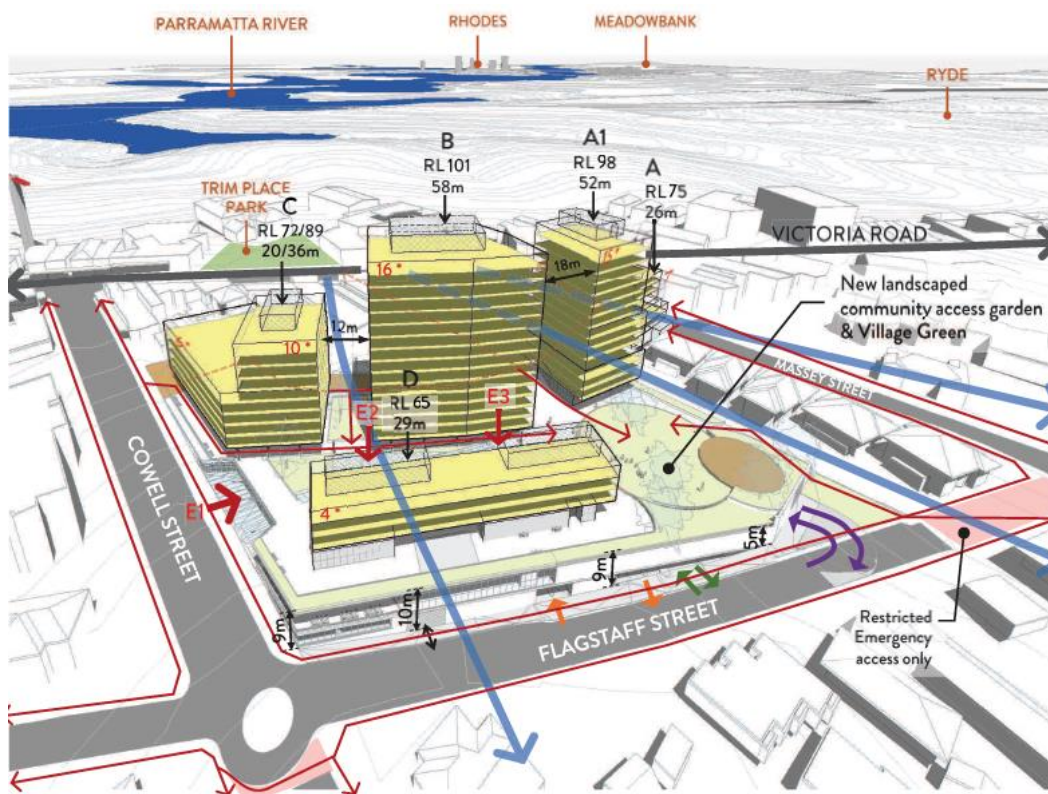


Figure 12 Preferred Design Scheme for Gladesville Shopping Centre (view from south east)

Source: Robertson + Marks

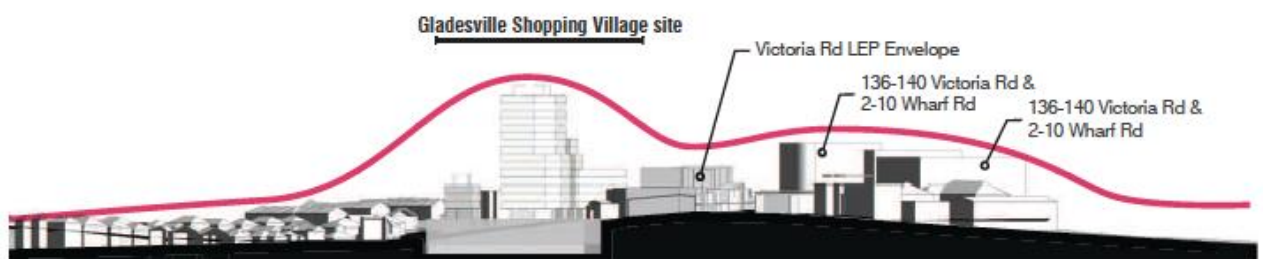


Figure 13 Gladesville Shopping Village tower form and north south skyline

Source: Robertson + Marks

Bays Precinct

The Bays Precinct comprises some eight separate destinations each of which will undergo a master-planning process to determine the uses appropriate for a redevelopment. Preliminary documentation suggests that there will likely be high-density residential floor space provided at some of the destinations, however, the exact amount has not been determined.

Harold Park

Some 1,250 apartments are either completed or currently under construction as part of the Harold Park redevelopment by Mirvac. Development of the former racing track commenced in early 2013 and was scheduled for completion in 2018. It has the capacity to accommodate some 2,500 persons.

77-105 Victoria Road

Construction commenced in early 2017 on a mixed-use development at 77-105 Victoria Road containing 164 units as well as retail and commercial floor space.

2.4 Surrounding Landuses

The built environment of the suburb includes residential uses from all eras as well as commercial and industrial development. The site is adjacent to a mix of land uses including Rozelle Public School and local pub to the north opposite Victoria Road, 1-2 storey detached and semi-detached dwellings to the west and south opposite Waterloo Street, and 2 storey small-scale commercial uses to the east fronting Darling Street.



Figure 14 Street view from Waterloo Street fall from the southern boundary towards the northern corner

Source: Mecone



Figure 15 Street view of Victoria Street to the east of the site

Source: Mecone



Figure 16 Existing 7-eleven petrol station and convenience store west of site on Victoria Road

Source: Mecone



Figure 17 The Rozelle Public School opposite Victoria Road
Source: Mecone



Figure 18 Intersection of Victoria Road and Darling Street looking north
Source: Mecone



Figure 19 Commercial/retail shops on Darling Street

Source: Mecone

2.5 Transport infrastructure

2.5.1 Westconnex, Western Harbour Tunnel and proposed RMS Acquisition

In 2017 Roads and Maritime Services (RMS) proposed to construct and operate the Western Harbour Tunnel and Warringah Freeway Upgrade. The project comprises new twin tolled motorway tunnels crossing Sydney Harbour and connecting to the WestConnex at the Rozelle Interchange. The tunnel, with EIC due to go on public exhibition in January 2020, is proposed to run underneath Sydney Harbour between Birchgrove and Waverton and connect with the Warringah Freeway at North Sydney. Upgrade and integration works would also be carried out along the existing Warringah Freeway. The figure below illustrates the Western Harbour Tunnel and Warringah Freeway upgrade design development corridors.

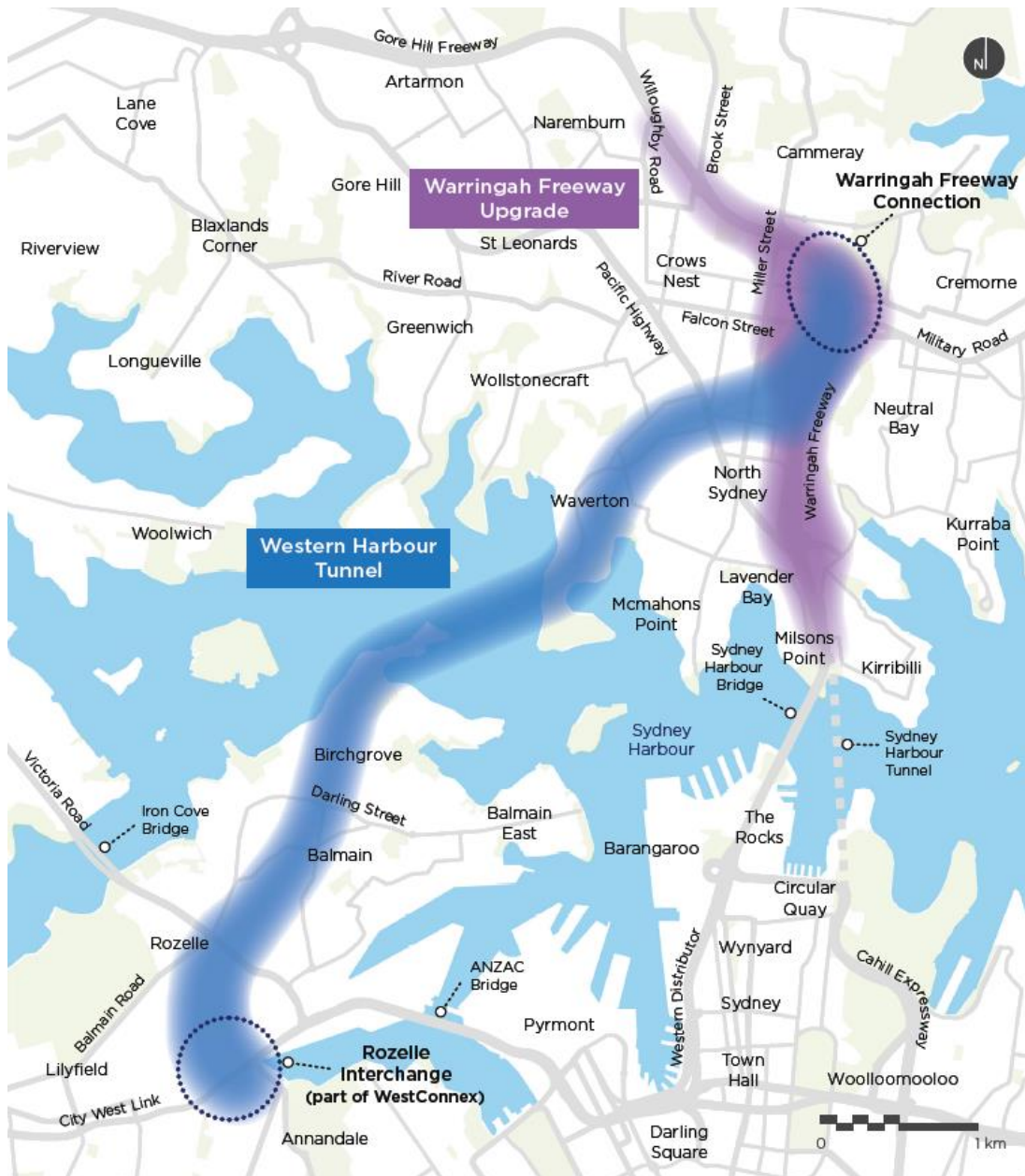


Figure 20 Western Harbour Tunnel and Warringah Freeway upgrade design

Source: Roads and Maritime Services NSW

The new interchange at Rozelle will connect the M4-M5 Link tunnels with the City West Link, Anzac Bridge, the Iron Cove Link and the proposed future Western Harbour Tunnel and Beaches Link. The interchange in Rozelle will be mostly underground and situated at the site of the old Rozelle Rail Yards. The figure below shows the proposed location for the Rozelle Interchange.



Figure 21 WestConnex M4-M5 Link Concept Design

Source: RMS NSW

The current owner, Heworth, was notified on Thursday 8 March 2018 that RMS may be seeking to compulsorily acquire the site for a 'dive site' for the future Western Harbour Tunnel and Beaches Link project. If the site was acquired by RMS for the Western Harbour Tunnel dive site, it would have significant negative traffic, amenity and environmental implications for Rozelle and the wider Inner West area. It is considered that the subject proposal would enable a significantly better outcome for the site by providing a new 'home' the Tigers can return to, and delivering important local housing, commercial and retail uses to the Rozelle area.

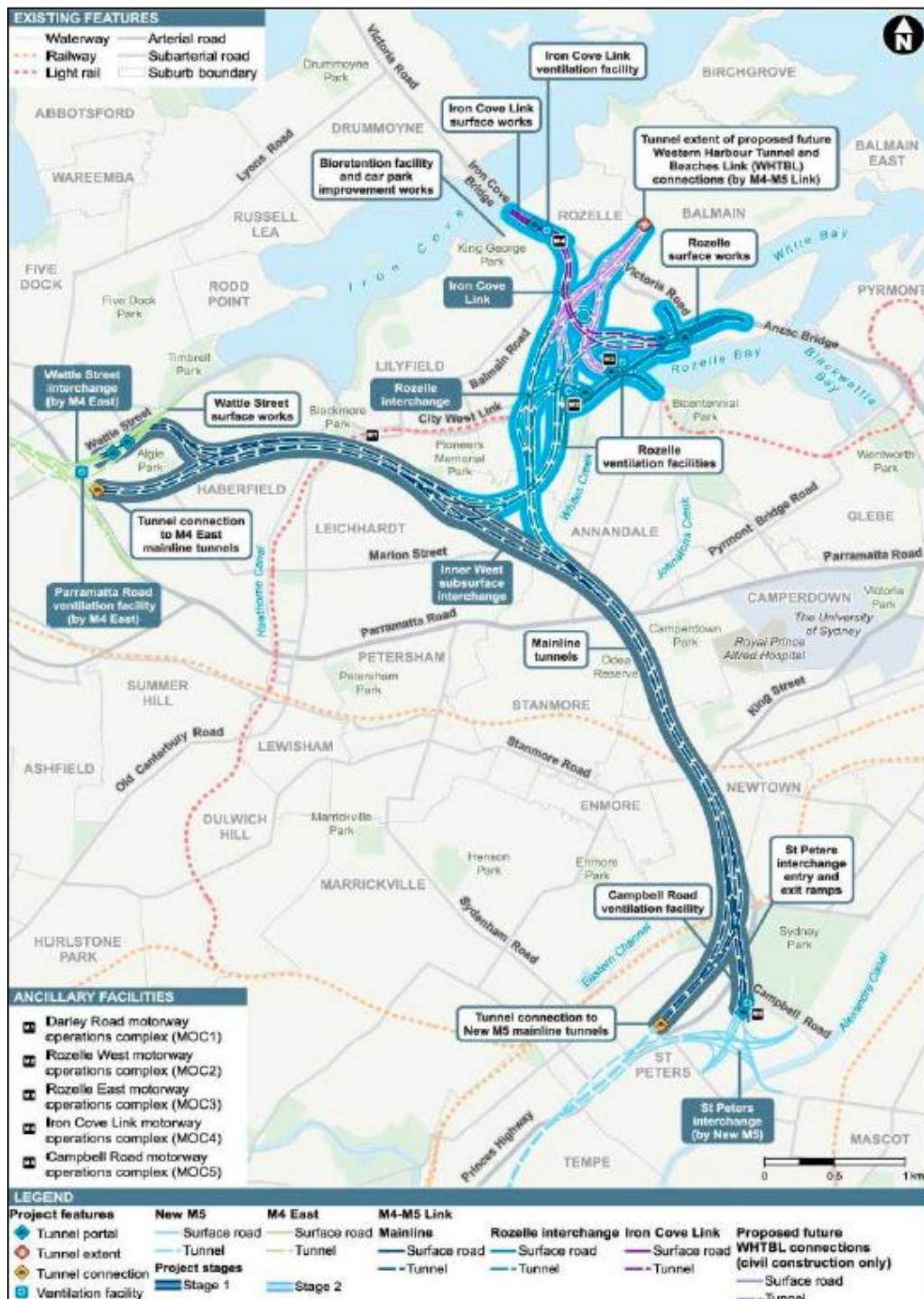


Figure 22 Staging and local context for the M4-M5 link project

Source: Ason Group

2.5.2 Local Road Network

Victoria Road

Victoria road is a key road corridor that runs north-south direction between M4 (south) and the Iron Cove Bridge (north). The road is characterised by high volume of vehicles travelling to and from the City. The Average Daily Traffic volume on Victoria Road is approximately 80,000 vehicles per day. The road varies three lanes of traffic in both directions plus an eastbound bus lane. The speed limit on Victoria Road is 60km/hour. A tidal flow scheme has been applied through Drummoyne and Rozelle to minimise traffic congestion and accommodate dedicated bus lanes during the peak travel time. Victoria Road is identified as an RMS State Road known as MR165.

Darling Street

Darling Street generally runs in an east-west direction between Balmain East Wharf in the north and the City West Link in the south (as Balmain Road south of Park Drive). The Average Daily Traffic volume on Victoria Road is approximately 18,000 vehicles per day to the south of the site.

Waterloo Street

Waterloo Street runs in north-south direction between Darling Street and Moodie Street. The context and local character of Waterloo Street is a residential street. The street offers a two-lane driveway with street parking permitted on either side of the street. Waterloo street is approximately 210 meters in length. The primary users for this street are private vehicles and bicycles.

2.5.3 Pedestrian and Cycle Network

Pedestrian footpaths are located on both sides of Victoria Road, Darling Street and Waterloo Street, no existing cycle tracks have been identified on these roads. It appears that the pedestrian volume on Darling Street is significantly higher than Victoria Road and Waterloo Street given the retail/commercial uses along this street.

The subject site is located in close proximity to several cycle networks, however no proposed networks are shown within the development. The figure below illustrates the existing and proposed cycle networks as part of the Leichhardt Bicycle Strategy (2007).

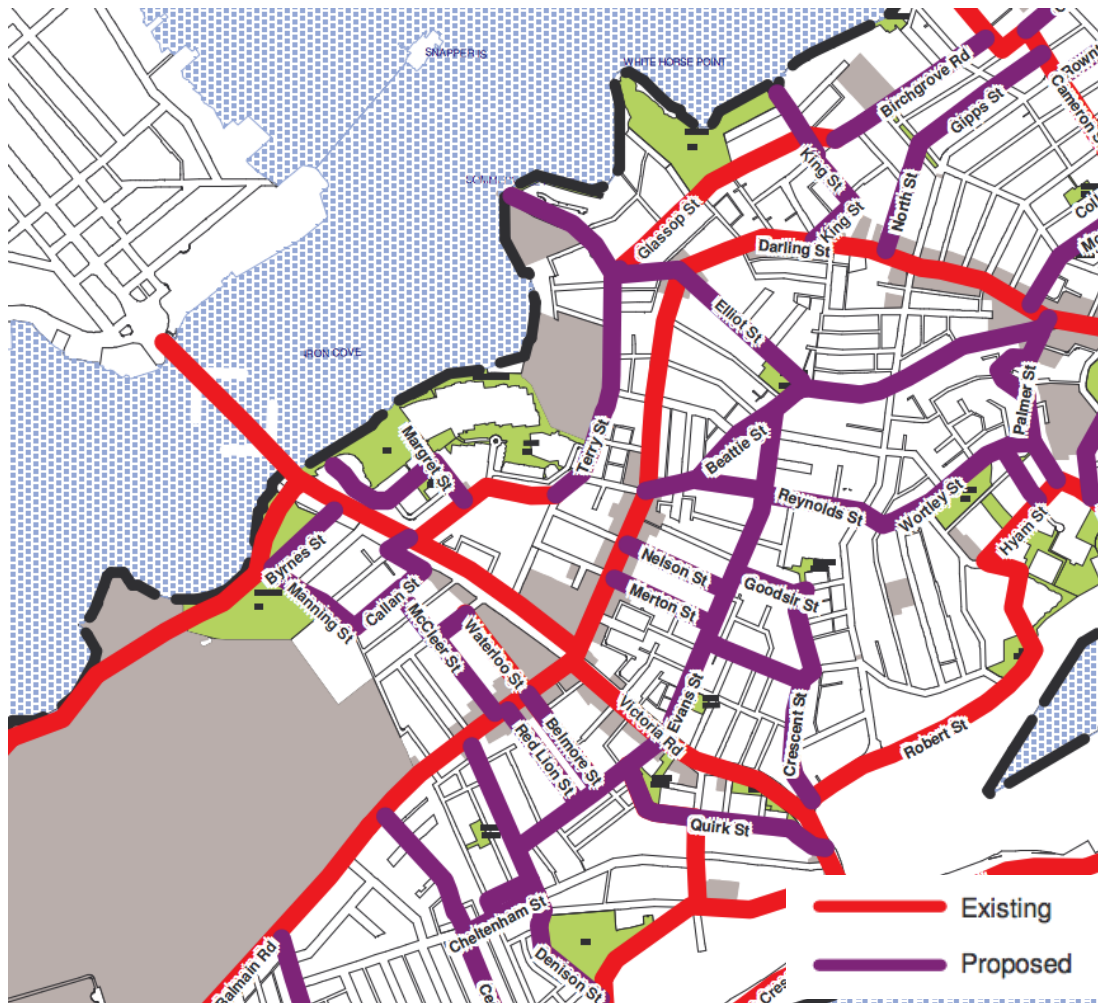


Figure 23 The 2007 bike network and proposed bicycle network.

Source: Leichhardt Municipal Council 2016 Leichhardt Bike Plan

2.5.4 Public Transport

The subject site is located along a major road corridor, several major bus routes are located near the site on Victoria Road and Darling Street. Bus routes along Victoria Road run at high frequencies to service commuters travelling to Sydney CBD. The bus lane on Victoria Road operates from 6:00AM to 10:00AM, 3:00PM – 7:00PM Monday to Friday, and 8:00 AM to 8:00 PM Saturday and Sunday, clearway restrictions apply during this period. The bus lane on Darling Street operates from 6:30AM-9:30AM, and 3:30PM-6:30PM Monday to Friday. Current bus routes are shown in the figure below.

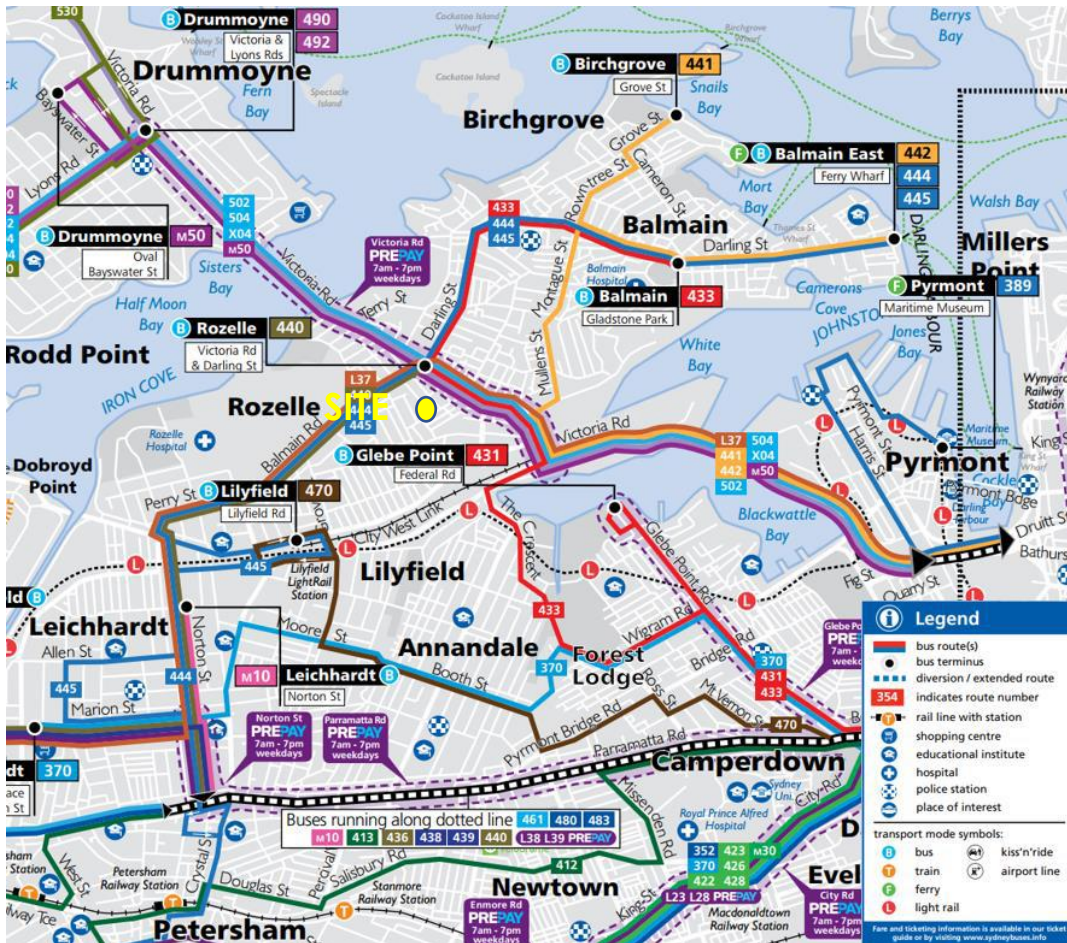


Figure 24 Existing Bus Routes Map

Source: Ason Group

Furthermore, the site is located approximately 800m north of the Rozelle Bay light rail stop, which provides services to Central and Dulwich Hill.

2.6 Heritage

The subject site is not listed on the *NSW State Heritage Register* or as a local item. The two commercial units along Darling Street are located within the Leichhardt Valley Conservation Area. The table below summarises the neighbouring heritage items as listed under the LLEP 2000 (and subsequent LLEP2013, which applies to the remainder of the LGA). The figure shows the location of the subject site outlined in red, heritage items in the vicinity in orange, and the Leichhardt Valley Conservation Area outlined in green.

Table 6. Neighbouring heritage items listed under LLEP 2000			
Street/Suburb	Street Number	Description	Level of Significance
Darling Street, Rozelle	663	Rozelle Public School	Regional
	665A	St Paul's Church—Neighbourhood Centre	State
	668	St Thomas' Church Group	State
	608	Sandstone gabled church	Local
	661	Bank (Formerly the Westpac Bank)	Local
	678	York Buildings	Regional
	707	Former Police Station	Regional



Figure 25 Subject site within the Heritage Conservation Map Leichhardt LEP 2000.
Source *Heritage 21*

3 The Proposal

3.1 Development Summary

The proposal includes the following works:

- Integrated Development Approval under Section 138 of the Roads Act as the subject proposal seeks traffic access points off both Victoria Road, a state significant classified road, and Waterloo Street, a local road.
- Demolition of the existing buildings;
- Remediation of the site;
- Erection of a mixed-use development which includes;
 - Two basement levels with Basement 1 and Basement 2 accessible via Waterloo Street and a service loading dock off Victoria Road;
 - Three pedestrian laneways (Tigers Lane, Little Darling Lane and Heritage Lane) which connect Victoria Road, Waterloo Street and Darling Street;
 - Public plaza to the centre of the development;
 - Fine-grain built form along Waterloo Street which is 2-3 storeys and incorporates live/work spaces, residential apartments and roof top landscaping/green walls;
 - Along Darling Street the façade to 697 Darling Street will be reinstated and speciality retail will be provided along Darling Street with a supermarket underneath; and
 - Three buildings along Victoria Road between 11-12 storeys in height, with residential accommodation to the upper levels and retail, commercial and Balmain Leagues Club to the lower levels.
 - Landscaped communal rooftop gardens with seating and shade are incorporated into the design on Levels 1 (Building C podium), 5, 10 and 11.

The following table provides an outline of the proposed works.

Table 7. Summary of Proposed Development	
Item	Total
Gross Floor Area (GFA)	Total GFA is 28,414 m² with it broken down into the following uses; <ul style="list-style-type: none">• Retail 5,272 m²<ul style="list-style-type: none">○ Supermarket 3,092 m²○ Speciality retail 277m²○ Food and beverage 670m²○ Ancillary 1,233m²• Club 3,047m²<ul style="list-style-type: none">○ Club 1,873m²

Table 7. Summary of Proposed Development

Item	Total
	<ul style="list-style-type: none"> ○ Ancillary 1,174 m² • Residential 18,514 m² <ul style="list-style-type: none"> ○ Building A 8,077m² ○ Building B 5,030m² ○ Building C 4,789m² ○ Building D 288m² ○ Storage 329m² • Commercial 1,581 m² <ul style="list-style-type: none"> ○ Commercial 1,027m² ○ Live/work spaces 554m²
FSR	<p>Total FSR is 3.88:1 with it broken down into the following uses:</p> <ul style="list-style-type: none"> • Retail 0.72:1 • Club 0.42:1 • Residential 2.53:1 • Commercial 0.22:1
Height	<p>Overall maximum height under LEP: RL 82</p> <p>Building A RL 81.5 / 12 storeys</p> <p>Building B. RL 80.8/ 12 storeys</p> <p>Building C RL 74.5 / 11 storeys</p> <p>Development along Darling Street less than RL52 / 2 storeys.</p> <p>Development along Waterloo Street less than 12.5m (RL 46.85) for 1m from the front of the site (Part 2/Part 3 storeys)</p>
Residential units	<p>Total 164 number of residential units</p> <p>7 x Studios (4.27%)</p> <p>55 x 1 Bedrooms (33.54%)</p> <p>10 x 1 Bedrooms + Study (6.10%)</p> <p>53 x 2 Bedrooms (32.32%)</p> <p>39 x 3 Bedrooms (23.78%)</p>
Public Open Space	<p>Total 2,2,540 m² / 35% of site area</p> <p>Public domain open space proposed – Covered: 440m² (17%)</p>

Table 7. Summary of Proposed Development

Item	Total
	Public domain open space proposed – Uncovered: 2,100m ² (83%)
Communal Open Space (COS)- for residential component	Total 3,048m²/41.5% inclusive of the uncovered public open space, comprising; <ul style="list-style-type: none"> • 1,425m² (19.4%) for residential use • 1,623m² (22.1%) associated with the plaza
Deep Soil Landscaping	550m ² / 7.5% of site area which is supplemented by a 3% (226m ²) of continuous soil vault.
Vehicle access	<p>Waterloo Street – ingress and egress for club/supermarket/specialty retail and residential (Basement 1 and Basement 2).</p> <p>Victoria Road - ingress and egress for servicing access and loading dock.</p>
Car parking	Total 273 spaces with the following break down: <ul style="list-style-type: none"> • Basement Level 1 (club use/supermarket/specialty retail): 131spaces <ul style="list-style-type: none"> ○ 115 publicly accessible retail/club parking spaces (inclusive of 4 accessible spaces) ○ 6 car share parking spaces ○ 2 taxi (5min) parking spaces ○ 2 community bus parking spaces ○ 6 small car parking spaces • Basement Level 2 (commercial / residential): 142 spaces <ul style="list-style-type: none"> ○ 27 commercial ○ 17 accessible parking spaces ○ 96 residential parking spaces (including accessible)
Motorcycle Parking	Total 16 spaces with the following break down: <ul style="list-style-type: none"> • Basement Level 1: 8 spaces • Basement Level 2: 8 spaces
Bicycle parking	Total 198 spaces with the following break down;

Table 7. Summary of Proposed Development

Item	Total
	<ul style="list-style-type: none"> • Residential Bicycle Parking: 84 residential bike spaces are located at Basement Level 2. • Residential Bicycle Parking (Visitor): 18 residential bike spaces (12 located on Basement 2 and 6 located on Ground Level). • Retail Bicycle Parking (Staff): 36 bike spaces are located at Basement Level 1. • Retail Bicycle Parking (Visitor): <ul style="list-style-type: none"> ○ 42 retail (visitor) bicycle parking spaces located at Basement 1 level. ○ 18 retail (visitor) provided at ground level.
Adaptable/Liveable apartments	<ul style="list-style-type: none"> • Adaptable: 16 apartments (10%) • Silver Liveable. 33 (20%)



Figure 26 Upper ground floor plan

Source: Scott Carver



Figure 27 North-east elevation – Victoria Road

Source: Scott Carver

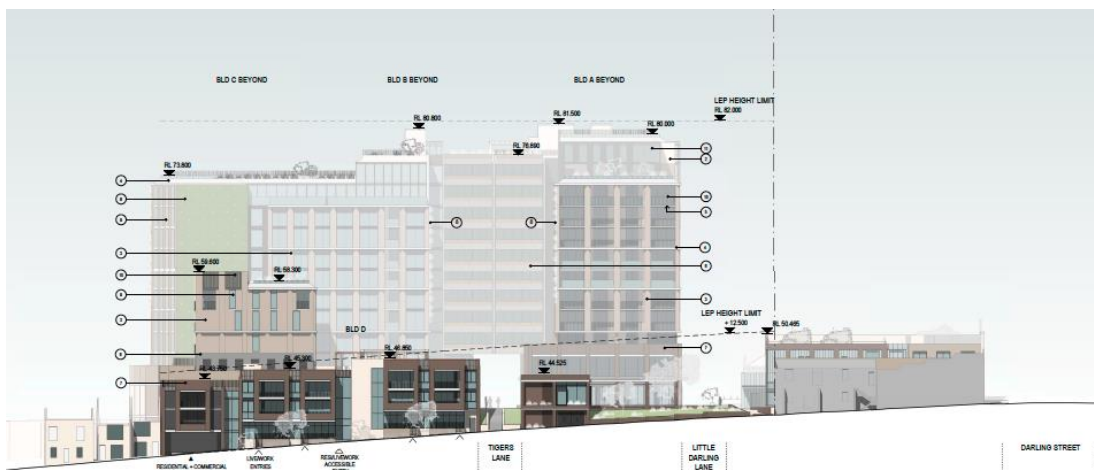


Figure 28 South-west elevation – Waterloo Street

Source: Scott Carver



Figure 29 North-east elevation – Victoria Road

Source: Scott Carver

3.2 Built form

The proposal is consistent with the maximum height and FSR provisions in the LLEP 2000. The general built form on the site is concentrated towards Victoria Road so as to provide a transition towards the low-rise built form at Waterloo Street. The built form has been broken into three buildings (buildings A, B and C) facing Victoria Road up to RL 81.5. Buildings A and B will be 12 Storeys, and Building C will be 11 storeys. All buildings are below the RL82.0 LLEP height control.

The buildings are positioned above a clearly defined podium. Recesses in the façade combined with the proposed diversity of materials and architectural expression assist in breaking down the bulk and defining each of the three buildings as being distinct components.

The podium below reaches two storeys and has been designed to respond to the topography. A varying architectural expression is provided for each elevation to correspond with the uses provided in each building and the character of the locality in the immediate surrounds. The podium is divided by Tigers Lane which traverses the site from the north-east to south-west, and provides a connection between the plaza and Victoria Road. The laneway assists in breaking down the podium and separating the differing uses. As a result of the changes made to the basement configuration through the RFI process, the tower form is now set back a full three (3) metres from the street-wall and podium, which is entirely consistent with the SSDCP that came into effect in July 2019. The Victoria Road frontage has been redesigned in response to RMS requiring all cars to enter off Waterloo Street with service vehicles off Victoria Road. This redesign improves the Victoria Road interface.

The design has been strategically massed to maximise solar access to the internal plaza and communal open space area. In particular, the rear of Building C decreases to RL 60 (7 storeys) towards Waterloo Street. In this location the envelope sits well below the height limit of RL 82 to provide an appropriate transition in scale to the lower density built form beyond Waterloo Street and to protect solar access to the plaza. Further, Building A reduces to 10 storeys (RL 73.80) at the rear towards Darling Street.

These buildings will be occupied by residential uses on upper floors and will be required to provide strong articulation as part of the building articulation zone. The lower levels will provide retail and commercial uses, and the new Balmain Leagues Club premises, fronting the new lanes and public plaza.

The built form fronting Waterloo Street is massed to respond to the fine grain, low scale built form along the street by proposing a height ranging from 8m to 12.50m and a generous upper storey setback. Intended uses for these buildings include live/work spaces and retail and a rooftop landscaped garden. The proposed uses will encourage street activation and activity. Pedestrian access stairs to the central public plaza are provided at two (2) locations on Waterloo Street. The development also includes Building D entry and residential and commercial parking access on this frontage.

The frontage to Darling Street is split between the Heritage Lane and the new retail building which will not exceed RL 52.0 to match the height of the existing neighbouring corner building and is intended to be used for speciality retail purposes. The street façade of 697 Darling Street is to be reinstated while 699 Waterloo Street is to be demolished, except for the masonry façade, to facilitate the delivery of the laneway (Heritage Lane).

3.3 Land uses

3.3.1 Tigers Club

The retention of a viable Leagues Club was the catalyst to amend the site specific in the LEP and DCP in 2008. The proposed Club adopts modernisation and diversity to promote the long term viability of the Leagues Club and for the benefit of the local community. The proposed club has moved away from larger gaming areas, with a renewed focus on family entertainment, food and beverage and recreation services.

The proposed club is located on the upper ground level underneath Building C and fronts Victoria Road and Tigers laneway. An entry point has been allocated from the public plaza to carry through the positive patronage within the area. The location of the club is at grade with the public plaza and retail precinct. An outdoor gaming and dining is provided along Victoria Road.

An indicative layout has been provided in the Updated Urban Design Report (refer to **DA Appendix 8**) however a separate DA will be submitted for the fit out and management of the proposed club. A community bus will be provided and operated by the club.

3.3.2 Retail

With the exception of the supermarket, the development's retail spaces have been provided at the ground level to incorporate the retention of building facades on Darling Street, and to ensure that the development's retail offering complements and enhances the existing Darling Street precinct, rather than detracting from it.

There is approximate total 5,272m² GFA dedicated to retail which will be mainly used for supermarket, food and beverage, with limited speciality retail. These retail spaces have been positioned around the public plaza (at grade) which will attract and generate positive patronage to the area. Future DA/CDCs will be submitted for the fit out and management of all retail components.

3.3.3 Food and beverage premises

The food and beverage spaces located in the public plaza will attract a variety of restaurants to accommodate the existing and future residents and visitors. The club will rely upon the adjacent food and beverage retail providers to supplement the dining opportunities within the club.

3.3.4 Specialty retail

Approximately 277m² GFA has been provided in speciality retail along Darling Street. The speciality retail has been considered to fit in with the existing surrounding context on Darling Street (with the retention of the façade to 697 Darling Street). Speciality retail such as pharmacies and a specialist medical centre could be included to supplement the predominantly food catering focused offered in the development and to complement the Rozelle commercial centre along Darling Street. The specialty retail is not provided at lower-ground, which means that any supermarket patron seeking specialty retail offering will need to travel to the ground level, which is directly connected to the Rozelle commercial centre at grade.

3.3.5 Supermarket

The proposal includes a supermarket which is approximately 3,092m² and is located on the lower ground level. The supermarket has been designed to ensure that it will enable increased range, convenience and price competition for local residents without impacting the viability or continued operation of any existing retail facility in

region. A future DA will be submitted for the fit out and management of the supermarket.

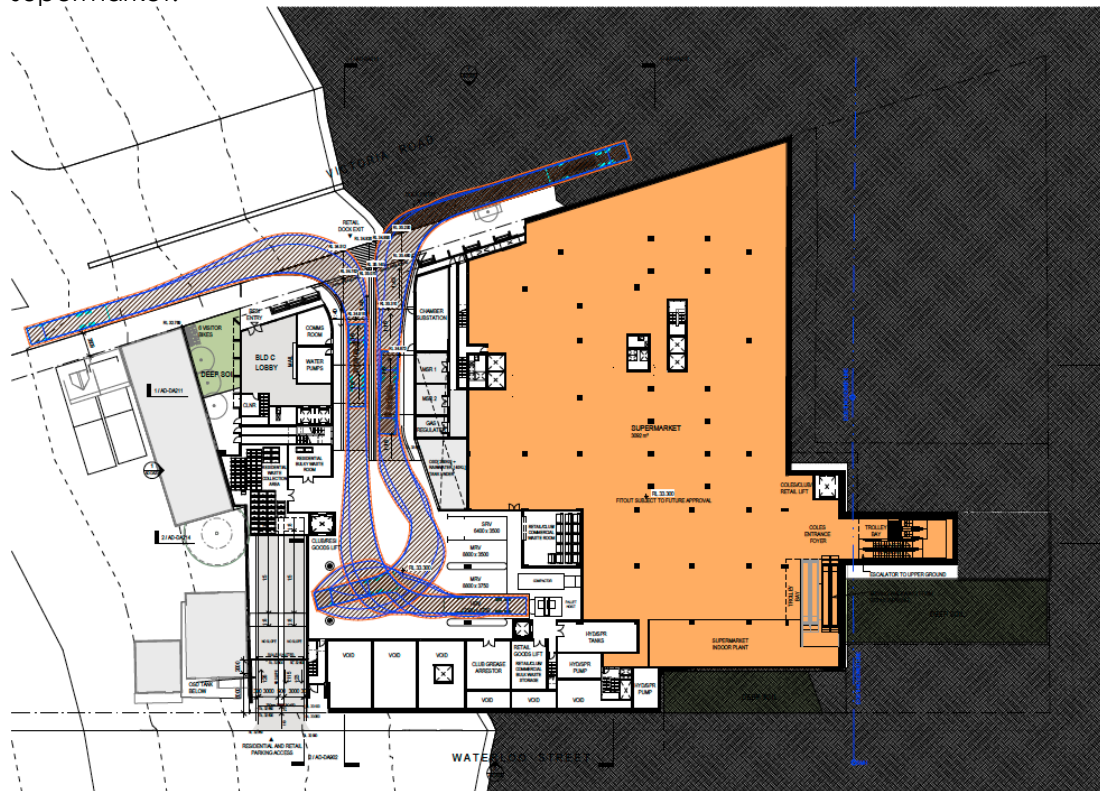


Figure 30 Lower ground floor plan
Source: Scott Carver

3.3.6 Commercial

Approximately 937m² GFA is proposed for commercial floor space on level 1 of Building A. A commercial lobby (90m² GFA) has been proposed on the upper ground level with access provided from Little Darling Lane. The commercial floor space will provide areas for collaborative shared workspaces, creative spaces, freelancers, start-ups and small businesses, which is consistent with Council's retail strategy that recommends increased opportunities for local commercial spaces.

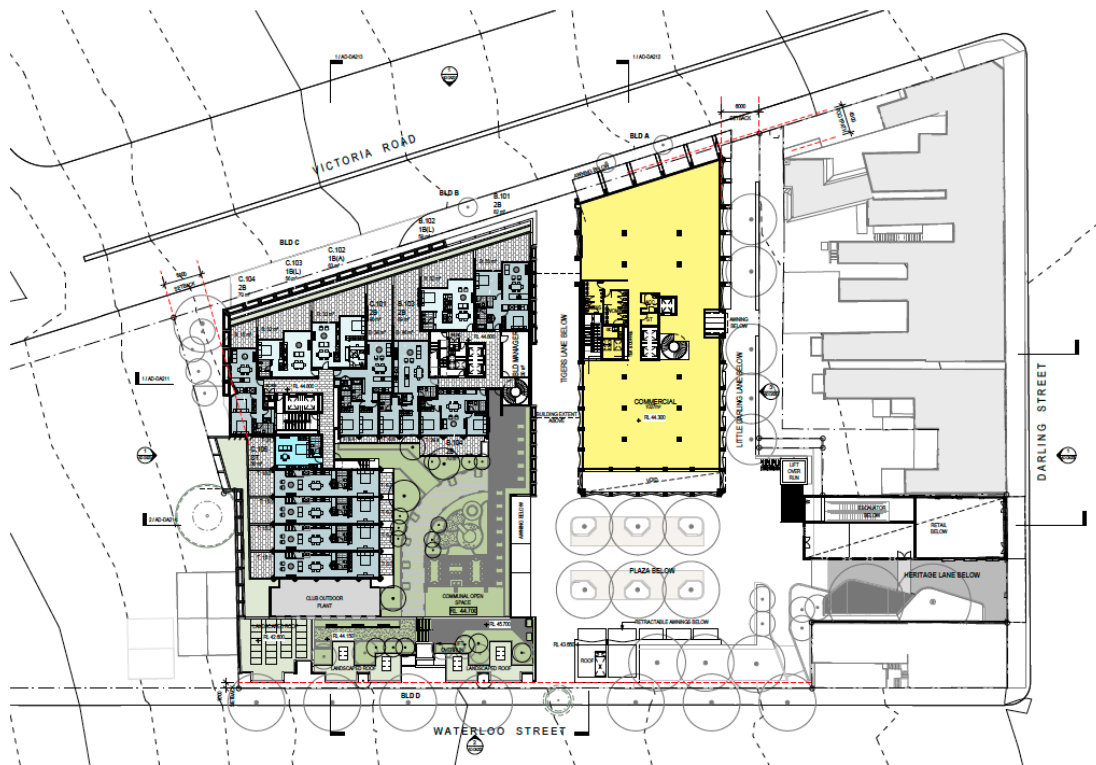


Figure 31 Level 1 floor plan

Source: Scott Carver

Live/work spaces

Collaborative and creative work spaces have been encouraged in the commercial uses. Approximately 554m² GFA of live/work space has been proposed along Waterloo Street to support the transition from existing residential dwellings on Waterloo Street to the retail, club and public plaza. The proposed live/work spaces will occupy two levels along Waterloo Street. The introduction of flexible live/work spaces would support smaller creative uses, businesses, start-ups and local businesses.

3.3.7 Residential

The location of the residential buildings is focused on Victoria Road, broken into three forms, with recessive links between. The design of the residential buildings allows for morning and afternoon sun to the apartment buildings with the western form of the buildings splayed for solar orientation reasons. A total of 168 residential units (inclusive of 4 live/work 1 bed units) have been proposed for the development. Residential components have been proposed from Level 2 to Level 11 for Building A; Level 1 to Level 9 with a roof top landscaped area for Building C; and Level 1 to Level 10 for Building B also with a roof top landscape area. Living spaces and balconies have been oriented towards views and solar opportunities.

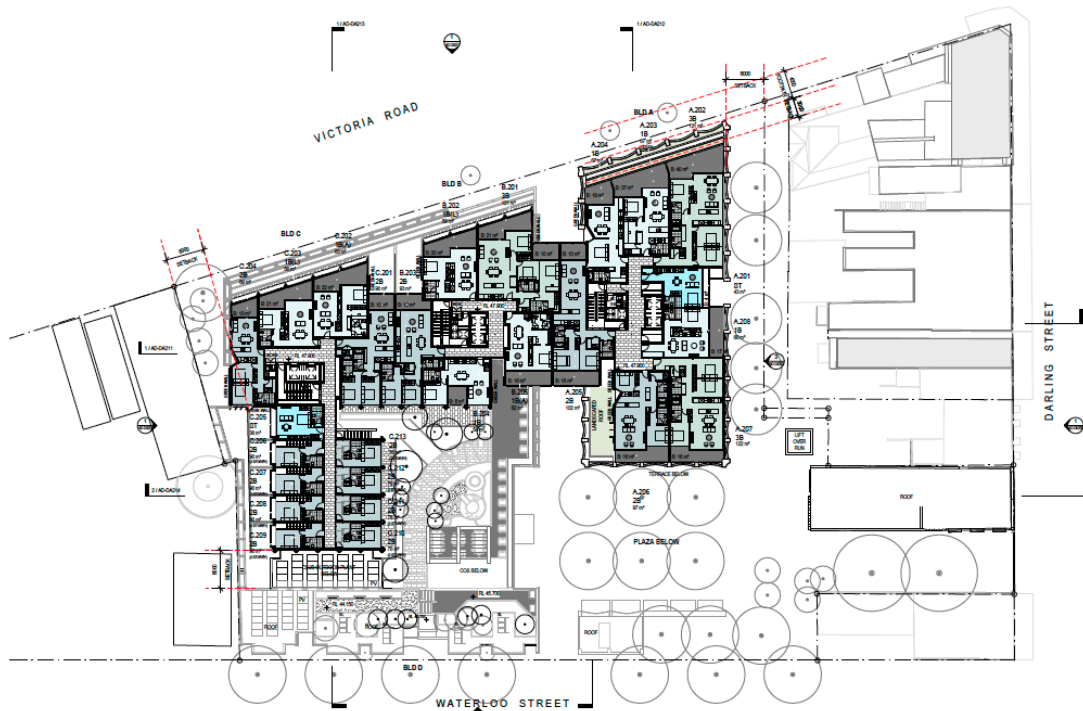


Figure 32 Level 2 floor plan – Typical residential floor plans

Source: Scott Carver

3.4 Basement, Access and Parking

3.4.1 General Basement Access

A two-level basement arrangement has been proposed for the site, Basement Level 1 (public) will include parking for the club use, supermarket and speciality retail while Basement Level 2 (private) will include parking for the residential and commercial uses. Both of these parking levels will be accessed from Waterloo Street in order to meet the requirements of Clause 101 of SEPP (Infrastructure) 2007.

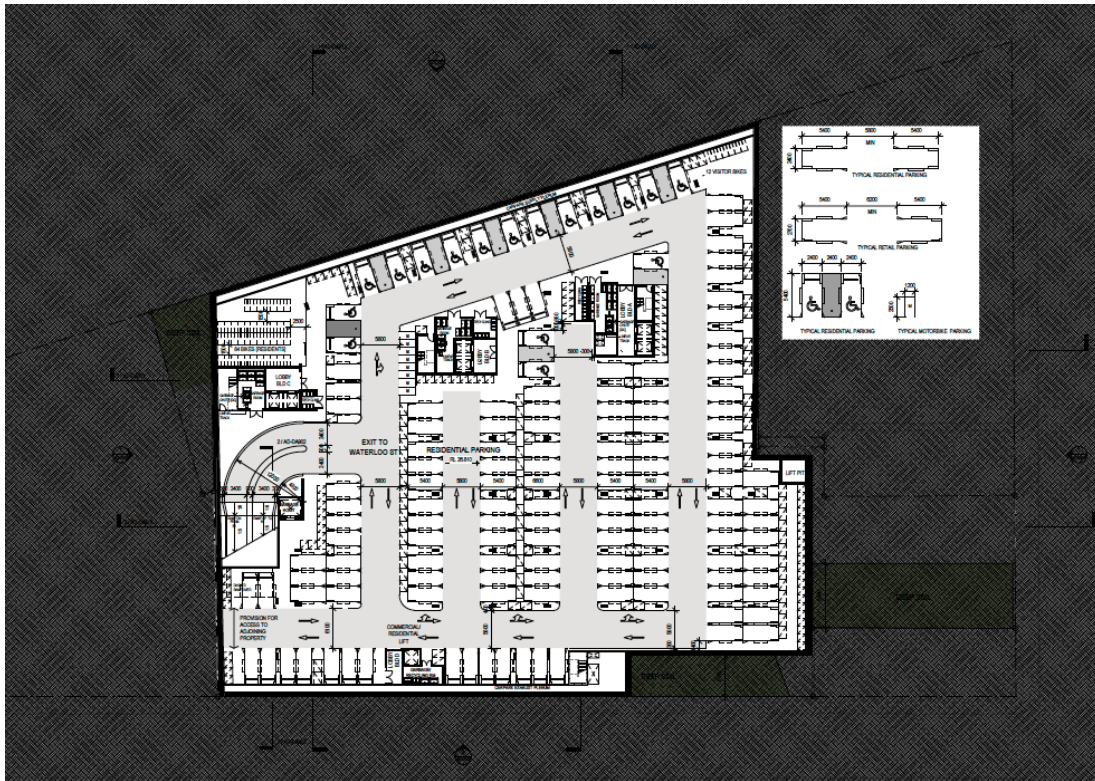


Figure 33 Typical basement layout (Basement 2)

Source: Scott Carver

3.4.2 Access from Victoria Road and Loading Dock

Victoria Road is a classified state road, and both the former RMS and TfNSW have advised they will not grant Roads Act approval for access off this road for any traffic other than service vehicles. Accordingly, the proposal has been amended to remove the deceleration land and create access off Victoria Road solely for the purpose of service vehicles and the loading dock.

A loading dock has been provided on lower ground level which is separate from the car parking. The loading dock driveway is only accessible from Victoria Road. This is separated from the driveway access to Basement Level 1 and 2 via Waterloo Street as so to reduce any potential traffic congestion. The loading dock would not only be used for goods transport for the supermarket and retail shops, it will also be used as a waste collection point for residential, retail and commercial waste.

The loading dock design has also been amended to remove the reliance on a turntable, which is a specific response to Council's RFI request.

3.4.3 Pedestrian Access

Three major public pedestrian lanes connecting Victoria Road, Darling Street, and Waterloo Street have been proposed. The three lanes, being Tigers Lane, Little Darling Lane and Heritage Lane, will encourage safe and direct pedestrian circulation through the site and will provide clear access to building entries and laneway activity. The location of the new Balmain Leagues Club premises adjacent to the public plaza and key circulation area will promote its positioning as a centre point of the development and its long-term viability. The proposed development is also setback 4.5m from Victoria Road to accommodate a pedestrian footpath the length of the development.

It is also noted that the amended layout along Victoria Road as a result of the basement changes has meant that the pedestrian lobby for Building C is significantly improved, in line with the recommendations of Council's Architectural Excellence Panel.

3.4.4 Car parking

A total of 273 car parking spaces will be provided, and the following breakdown is provided below;

Basement Level 1 (club use/supermarket/specialty retail): 131 spaces

- 4 Accessible parking spaces
- 115 publicly accessible retail/club parking spaces (inclusive of 4 accessible spaces)
- 6 car share parking spaces
- 2 taxi (5 min) parking spaces
- 2 community bus parking spaces
- 6 small car parking spaces

Basement Level 2 (commercial / residential): 142 spaces

- 27 commercial (live/work) spaces;
- 96 residential spaces; and
- 17 accessible parking spaces.

3.4.5 Motorcycle Parking

A total of 16 motorcycle parking spaces will be provided and the following breakdown is provided below;

- **Basement Level 1 (club use/supermarket/specialty retail):** 8 motorcycle spaces; and
- **Basement Level 2 (commercial / residential):** 8 motorcycle spaces.

3.4.6 Bicycle Parking

A total of 198 bicycle spaces will be provided in both basement levels and to the upper ground floor level to accommodate for staff, residents and visitors. Changing and locker facilities would also be provided for the commercial and retail elements of the proposal to encourage cycling by employees as their mode of travel to work. A total of 168 residential storage cages located within Basement 2 are also capable of accommodating bicycles.

3.5 Landscaping

The proposed development provides approximately 1,529m² (20.0%) of public/private softscape landscaped area. The landscaped area includes communal open space comprising of deep soil areas (550m² and 7.5%), permeable landscaping. The 550m² deep soil area is supplemented by 226m³ of continuous soil vault which is capable of accommodating substantial canopy cover. Accumulatively, this equates to 10% of the site area. Green walls, green roofs and high quality public domain treatments are incorporated throughout. This proposed landscaping softens the overall built form, balances the scale of the buildings fronting the streets and provides transitions between the development and the public domains.

The proposed development provides the following landscaped areas;

- Communal rooftops gardens with seating and shade are incorporated into the design on Levels 1 (Building C podium), 5,10 and 11. The podium on Level 1 incorporates mounding and informal play equipment to activate the communal space for families. Additional seating for large groups and adjacent BBQ facilities are also included;
- A central public plaza incorporates raised planters, planted green walls and established trees which will provide protection from the sun. The food and beverage and retail spaces will spill out into the central plaza, activating its edges;
- Established Jacaranda trees, with purple blossoms and raised terrace seating provide a colourful display and dappled shade to the backdrop of the proposed Community Art Wall along Heritage Lane;
- The planting of established trees will also be planted along Little Darling Lane;
- Green walls to the façade of the Balmain Leagues Club and Victoria Street façade;
- A landscaped entrance with lighting and a bank of sculptural steps to blend the space between the staircase and the planters into one form will create a striking feature to the Victoria Road frontage.

Refer to the detailed landscaping plans are provided in **RFI Attachment 4** (will be provided in January).



Figure 34 Proposed Landscape Scheme viewed from Waterloo Street

Source: Scott Carver

3.6 Public Open Space

3.6.1 Public Plaza

The public plaza is connected to both Waterloo Street and Victoria Road through a series of open and covered laneways, in order to enable multiple connection points and permeability of the site. This permeability will help to define the public plaza as a public open space that can be used for community events, childrens play areas and passive recreation. Importantly its amended location offers respite and relief from the traffic and noise associated with Victoria Road.

The public plaza will act as a central point for the social interaction of the entire community, by ensuring a diversity of uses around it including the Club, a supermarket, retail shops, food and beverage, commercial and residents.

3.6.2 Laneways

Three laneways have been provided mainly for pedestrian access. Tigers Lane and Little Darling Lane run north-east to south-west connecting Victoria Road and Waterloo Street. Heritage Lane runs north-west to south-east connecting to Darling Street, which will allow for pedestrian activity to the supermarket. The laneways connecting from the streets to the public plaza have the capacity to benefit from passive surveillance and appropriately illuminated spaces. These lanes are designed lineal and avoid dead ends or entrapment points in accordance with CPTED principles.

3.7 Communal Open Space

3.7.1 Primary Communal Open Spaces

Primary communal open space for the residents is provided on a podium level above the Club with additional communal rooftop spaces on Buildings A (Level 2 and Level 10, Building B (Level 11). Approximately 1,425m² (19.4%) have been allocated to the podium roof top on Building C. The large common open space above the roof for the residents includes landscaping with established trees, mounding and informal play equipment, BBQ dining and seating which can accommodate for large groups. This promotes opportunities for social interaction and amenities with better views and safe play spaces for families.

Whilst visual connections are provided, it is also noted the landscaping to the residential common open spaces creates a thermal mass above the Club and residential blocks to reduce heating and cooling loads.



Figure 35 Proposed landscaping

Source: Scott Carver

3.7.2 Secondary Communal Open Space

The public plaza provides a high quality open space with landscaping and connected lanes to the north, south and east. The public plaza will activate the retail, food and drink premises. Landscape includes the planting of established trees in the deep soil zones along Waterloo Street, Little Darling Lane and Heritage Lane provides further communal open space to the subject site. The Victoria Street residential entrance will include plantings to create a lush green frontage and substantial lighting to ensure clear and safe entry and exit.

4 Planning Assessment

Mecone has undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures. The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under section 4.15 of the EP&A Act and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

4.1 Section 138 of the Roads Act 1993

As the development is seeking approval for vehicular access off both Victoria Road, a state-significant classified road, and Waterloo Street, a local road, the subject application is Integrated Development in accordance with Section 138 of the Roads Act. Initial advice has already been received from TfNSW and the former RMS indicating that only loading and service vehicle access will be supported off Victoria Road.

As such, the basement and access arrangements have been amended accordingly, and the revised application will be sent to TfNSW for appropriate Terms of Approval under the Roads Act. An appropriate Roads Act application has also been submitted to be assessed concurrently.

4.2 State Environmental Planning Policies (SEPPs)

Mecone has undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures. The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under section 4.15 of the EP&A Act and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

4.3 State Environmental Planning Policies (SEPPs)

4.3.1 SEPP No. 55 – Remediation of Land

SEPP 55 states that a consent authority, in determining a DA, is to give consideration to whether land is contaminated and is suitable, or can be remediated and made suitable, for the proposed development. A preliminary investigation of land is required for a change of use of land that has previously been used for a potentially contaminating activity as identified in contaminated land planning guidelines.

The DA is accompanied by a Phase 1 Preliminary Site Investigation (PSI) which;

- Evaluates the past potentially contaminating activities which may have occurred within or surrounding the site;
- Identifies potential areas of environmental and chemical concern and
- Assesses the need for further investigations and/or remedial action, refer to **DA Appendix 5**.

The subject site was previously used for the Balmain Leagues Club and former shops (dance studio, butcher and video hire). The Phase 1 PSI identified that the site has been historically used for activities which could have caused soil and/or groundwater contamination within the site. These activities and areas of concern included;

- Storage of petrol and diesel in underground storage tanks (USTs) in parts of the north-eastern portion site and central portion of the site;

- Former workshops in the eastern and south-eastern portion of the site;
- Potential uncontrolled filling across the site; and
- Potential operation of an iron foundry in an unknown part of the site.

Furthermore, there are potential sources of contamination identified from a dry-cleaning business, former manufacturing business and a former iron and steel foundry and motorcycle workshop.

Based on the potential for contamination to be present and the proposed redevelopment of the site, intrusive soil and groundwater investigations are recommended to be undertaken at a later stage for the areas and contaminants of concern.

The DA is accompanied by a Remediation Action Plan (refer to **DA Appendix 6**) which details the remediation and validation scope and methodology for the site. A Phase 2 investigation is to be undertaken after the demolition of the existing buildings and can be conditioned as part of the consent.

The soil and bedrock excavated from the basement would require an assessment for off-site disposal to an appropriately licenced facility in accordance with the *NSW EPA (2014) Waste Classification Guidelines*. The USTs within the site are also required to be removed and the resultant excavations validated in accordance with NSW guidelines.

An *Interim Site Audit Statement* has also been prepared and is attached in **RFI Attachment 8**. The purpose of this interim advice is to provide the Site Auditor's opinion on whether the *Remediation Action Plan* (RAP) that has been prepared for the site is practicable and that the site can be made suitable for the proposed land use with its implementation.

The RAP referenced above has been reviewed by the Site Auditor and generally meets the requirements of the guidelines and it is in the opinion of the Auditor that the site can be made suitable for the proposed use with the implementation of the RAP.

The proposal is considered to be consistent with Clause 7 of SEPP 55 given it has taken into consideration to whether land is contaminated, and has demonstrated that the land is capable of being utilised for a more sensitive land use subject to appropriate remediation.

4.3.2 SEPP (Building Sustainability Index: BASIX) 2004

The *Building Sustainability Index* (BASIX) was introduced to deliver equitable water and greenhouse gas reductions across the state. It sets water and energy reduction targets for new houses and units and ensured a consistent and successful implementation of targets by overriding competing provisions in other environmental planning instruments and development controls. A BASIX assessment has been prepared which demonstrates the proposal either meets or exceeds the relevant BASIX requirements, refer to **DA Appendix 4**.

4.3.3 SEPP (Infrastructure) 2007

The site is located within proximity to the CBD Metro (Zone B) corridor. Accordingly, pursuant to Clause 88 of the ISEPP, the proposal is required to be referred to TfNSW to ensure that the proposed works will have no adverse impact on the corridor. The earlier application was submitted to TfNSW who granted concurrence under Clause 88 of the ISEPP, subject to conditions, which the applicant does not object to.

In addition, the proposal is considered to be a 'traffic generating development' under Clause 104 of the 'Infrastructure SEPP' and is to be referred to the relevant authority (previously RMS) for concurrence.

Further detail regarding Clauses 88, 101 and 102 of SEPP (Infrastructure) 2007 (the 'Infrastructure SEPP') and how they apply to the site and are addressed below;

Clause 88 – Development within or adjacent to interim rail corridor

In accordance with the rail corridor map relating to the CBD Interim Rail Link corridor, the site is located within the CBD Metro (Zone B). Whilst the map identifies the site as occupying land referred to as 'CBD Station Extent', this station is no longer proposed to form part of the rail corridor.

Due to the proposal's location within the CBD Metro (Zone B) corridor, the proposal is required to be referred to TfNSW. Consultation regarding the proposal has been undertaken with TfNSW, who granted concurrence subject to Conditions on the 26 November 2019. The applicant raises no objection to these conditions and is comfortable for them to be appended to any future development consent.

Clause 101 - Development with frontage to classified road

The proposed development will require vehicle access from Victoria Road, which is an RMS classified road and therefore Clause 101 applies to the development.

(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:

(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and

(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:

(i) the design of the vehicular access to the land, or

(ii) the emission of smoke or dust from the development, or

(iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

(c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

Ongoing discussions with TfNSW and former RMS have determined that only service and loading access is to be permitted from Victoria Road, with all other vehicle access to occur from Waterloo Street in order to meet the requirements of Clause 101(2)(a) and (b). The revised application has been amended to address this requirement and this is discussed further in Sections 4 and 5 of this SEE, as well as the updated Traffic and Parking Report submitted with the response to RFI.

It is anticipated that the amended application will be re-referred to all concurrence, and Integrated Development authorities for confirmation of acceptance of the amended traffic and access arrangement.

Clause 102 - Impact of road noise or vibration on non-road development

Clause 102 of Infrastructure SEPP sets out internal noise levels for developments with the potential to be impacted by traffic or rail noise and vibration. Clause 102 (3) sets out noise provisions for residential development:

(3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:

- (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,*
- (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.*

The noise from the proposed development is predicted to comply with acoustic requirements of the SEPP Clause 102 given that the recommendations from the Addendum Acoustic Report (**DA Appendix 13**) are implemented. The recommendations suggest incorporating a number of noise mitigation measures which include thicker glazing for glass doors and windows, concrete and masonry walls to comply with the relevant noise provisions. Refer to section 5.10 of the SEE below for further discussion.

Clause 104 – Traffic Generating Development

The proposal meets the threshold test of 'traffic generating development' under Clause 104 of the I-SEPP and therefore requires the concurrence of the former RMS. Given feedback and discussions with TfNSW and the former RMS to date, the amended access and traffic arrangements are intended to satisfy the requirements of this Clause. It is anticipated that the revised application will be sent to TfNSW for appropriate consideration and concurrence advice.

4.3.4 SEPP No. 64 – Advertising and Signage

Consent for any future signage will be sought under separate application. It is intended that all signage will meet the requirements of SEPP No. 64 – Advertising and Signage.

4.3.5 SEPP 65 – Design Quality of Residential Apartment Development

SEPP 65 states that a consent authority is to give consideration to the following matters in determining a DA for a residential flat building:

- 9 design quality principles; and
- the Apartment Design Guide (ADG).

The DA is accompanied by an Updated ADG compliance table (refer to **DA Appendix 8**) which provides a full assessment against the relevant design criteria. This SEE provides an assessment against the 9 Design Principles and demonstrates that the proposal is consistent with these Principles and will enable a positive urban design outcome for the site.

The section below also provides a justification for any numerical non-compliances with the design criteria and how the proposed scheme still meets the Objectives of the ADG.

The DA is accompanied by an updated SEPP 65 Design Verification Statement prepared by Scott Carver (refer to **DA Appendix 8**). A summary of the principles is shown below.

Principle 1 – Context and Neighborhood Character

The proposal responds to the characteristics of Balmain and Rozelle that celebrates the high street. The location of the entrance to the key retail areas is close to Darling Street in order to allow existing business to flourish and become the 'specialty' offers of the supermarket.

The architectural expression has been designed to respond to the surrounding low-scale built forms and the suburban character of the area. The podium facades along Darling Street and Waterloo Street adopt a fine-grained expression achieved through the use of a diversity of materials and solid framing elements. The built form elements above the podium are setback, with each building component adopting a distinct visual identity whilst maintaining a consistent visual language.

The public town square in turn is connected to both Waterloo Street and Victoria Road through a series of laneways, in order to enable multiple connection points and to improve the permeability of the site.

The location of the Club allows for the Balmain Tigers to be the anchor to the town square and retail precinct. The historic and social relevance of a community club becomes clear and legible.

Principle 2 – Built Form and Scale

The bulk of the development is focused on Victoria Road, broken into two forms, with recessive pedestrian links provided between each. The distribution of bulk and scale is reduced in the western portion of the site where the plaza interfaces with Waterloo Street. The massing approach enables solar ingress into the town square and reduces overshadowing to Waterloo Street.

Heights to Darling Street are comparable to adjoining buildings by virtue of retaining the existing facades and traditional box awnings to the street. The proposed scale and bulk along Waterloo Street is retained as three stories. The laneway connections to the plaza encourage views and vistas from the streets into the town square.

Principle 3 – Density

The proposed density is appropriate for the locality. The proposal sits within the height limit and gradually steps down in height towards the Waterloo Street frontage to provide a suitable transition to the lower scale development located to the west. Green walls, varied setbacks above the podium and a differing façade expressions assist in reducing the perceived bulk and scale of the development.

The proposed density will support a diversity of complementary uses, including club, retail, commercial and residential accommodation, which will support a diverse population of residents, workers and patrons. Sufficient infrastructure is accommodated within the surrounding locality to support the proposed density. Residential development on the site is serviced by an extensive bus network along Victoria Road and back along Darling Street to the east and west. Residents on site and in the neighbourhood will have improved service amenity through access to the supermarket and social/entertainment choice through access to the Club and the food and beverage offering.

Principle 4 – Sustainability

The proposal is consistent with the ESD principles set out in the LDCP 2000. The design of the residential buildings allows for morning and afternoon sun to the apartment buildings with the western form of the towers splayed for solar orientation reasons. The split into three forms creates additional 'corners' for cross ventilation purposes. The BASIX Certificate submitted alongside the development application demonstrate that the proposal is consistent with or in some instances exceeds the ESD scores. Further, the proposal achieves a good level of cross ventilation and makes suitable provision for bicycle parking to encourage sustainable modes of public transport.

Principle 5 – Landscape

The proposal provides integrated landscaping solutions to the public realm, communal open space and roof tops. The proposal will include deep soil landscaping zones where access to sunlight is appropriate for plant growth. Canopy tree planting and green walls are provided within the plaza along heritage lane and Waterloo Street. Green walls, cascade planting and green roofs are integrated throughout the development to soften the appearance of the built form and provide amenity for visitors and residents.

Principle 6 – Amenity

Provides high quality street amenity with legible laneway connections to the site and opportunities for a range of address points for residents, workers, Club and retail patrons. The proposal provides a high level of internal amenity with 62.5% of units achieving cross ventilation and 70.73% of units achieving solar access. The three separate building envelopes along Victoria Road allow for improved cross ventilation, solar access and views. There are a number of minor numerical non-compliances with some separation design criteria, which is discussed in further detail below.

Principle 7 – Safety

The centrally located public plaza has a number of uses around it to encourage all day activation. This includes Club, retail and commercial uses. Above this, residential dwellings look out to the town square and to Victoria Road. The laneways connecting from the streets to the plaza have the capacity to benefit from passive surveillance and appropriately illuminated spaces. These lanes are generous in size and provide with high quality public domain treatments. They are lineal in configuration and provide clear lines of sight.

Principle 8 – Housing Diversity and Social Interaction

The proposed building floor plates allow for apartments to be planned with a diversity of size and mix. The proposed dwelling mix responds to prevailing market preferences and will provide a range of housing at varying price points. A large common open space above the roof for the residents promotes opportunities for social interaction.

Principle 9 – Aesthetics

The proposal provides for a diversity of materials, allowing buildings to respond to the varying context of Victoria Road, Darling Street, Waterloo Street and the town square. The proposal will reinstate the façade to Darling Street in support of the heritage conservation area.

Justification for proposed building separation distances/side setbacks

Section 2F Building Separation and Section 3F Visual Privacy of the ADG establish minimum building separation requirements between proposed developments and neighbouring properties, and for buildings located on the same site. The building separation requirements are detailed in the table below.

Table 8. Required building separation		
Building Height	Habitable rooms / balconies (to boundary)	Required separation – non-habitable rooms (to boundary)
Up to 4 storeys	6m	3m
5-8 storeys	9m	4.5
9+ storeys	12m	6m

The nature of the interface between the proposal and the neighbouring development is integral to understanding the appropriateness of the proposed building separation.

North-western boundary

- Immediately along the north-western boundary is a commercial property (168 Victoria Road) which has a blank side elevation wall and further are three single storey residential properties.
- For the full height of the building, the proposal generally provides a 6m separation distance to the commercial property at 168 Victoria Road when measured to the subject property boundary. However, a portion of the building encroaches into this setback, as shown in the figure below.
- In addition, the re-design of the Victoria Road frontage in response to the RFI now results in an improved interface, with deep soil directly adjacent to this property.
- In addition to the above, it is noted that the three immediately adjoining properties to 168 Victoria Road were included as part of the Part 3A application and therefore were not incorporated into the LLEP 2013. However, as the Part 3A application was not successful, they also do not sit within the LLEP 2000. The controls applicable to these sites would likely reflect the other surrounding controls of a 3 storey DCP control and FSR of around 1:1. In addition, they would require some form of lot consolidation in order to even achieve a 3-storey mass. In light of this, the redevelopment for higher density residential uses is considered unlikely.
- Further, as requested by the AEP, Scott Carver have prepared an indicative built form and development envelope in **RFI Attachment 10** that demonstrates how this property could be feasibly redeveloped under the existing planning controls.

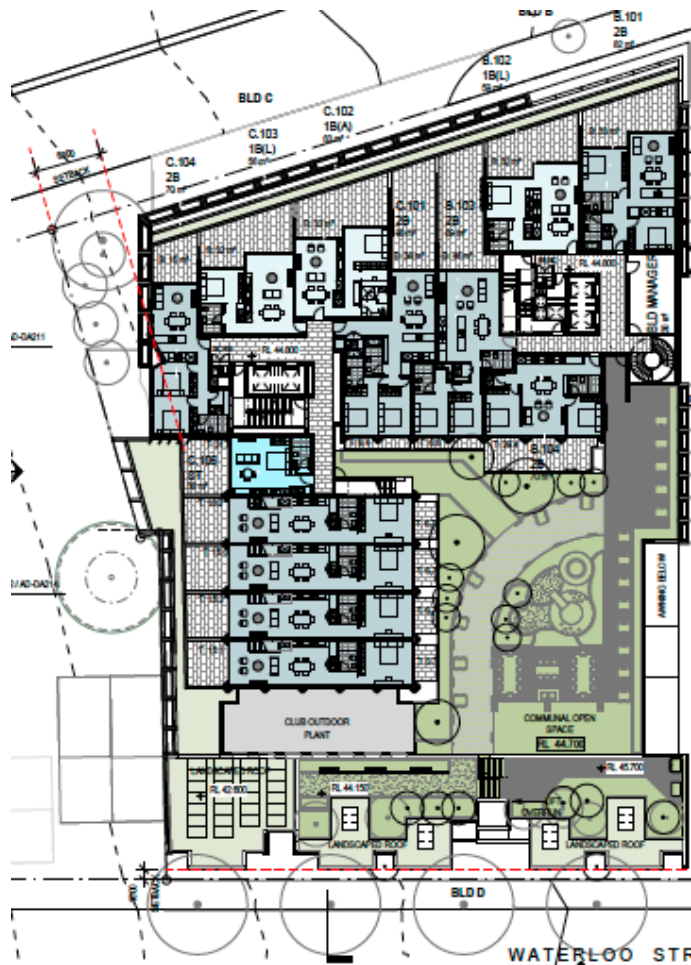


Figure 36 Proposed building separation to the north western boundary

Source: Scott Carver

Privacy Mitigation Measures

- Whilst a variation to the minimum building separation distance is proposed, appropriate privacy treatments have been incorporated into the design to minimise onlooking to the greatest extent possible. Clear glazing is kept to a minimum. In lieu of this, the facade predominantly consists of charcoal tint and clear glazing with limited transparency and solid panels. Privacy panels are incorporated in the location of the windows and orientate view corridors away from the adjoining development.
- The lower three levels which form part of the podium incorporate a blank wall and will therefore not provide opportunities for onlooking. The residential uses above the podium will not result in unacceptable privacy impacts due to the varying façade treatments and proposed privacy measures. In particular, where reduced setbacks are proposed adjacent to 168 Victoria Road, the façade incorporates a blank green wall.
- The terraces located southward do not interface with the adjoining development and are generally setback 6m from the boundary.

North-eastern property boundary

- To the north-east, the proposal interfaces with commercial properties (fronting Darling Street) which are not earmarked for an increase in density (2 storey height limit).

- A consistent 6m setback is provided for the full length of the building, as shown in the figure below. The proposal is setback approximately 6m from this boundary to accommodate Little Darling Lane and complies with Council's DCP requirements for the setback along this boundary.
- Given the low scale of the adjoining development and the fact they are not earmarked for higher density, the proposal will overlook the roof areas of the commercial properties.
- As a result of the changes made to the basement configuration through the RFI process, the tower form is now set back a full three (3) metres from the street-wall and podium, which is entirely consistent with the SSDCP that came into effect in July 2019

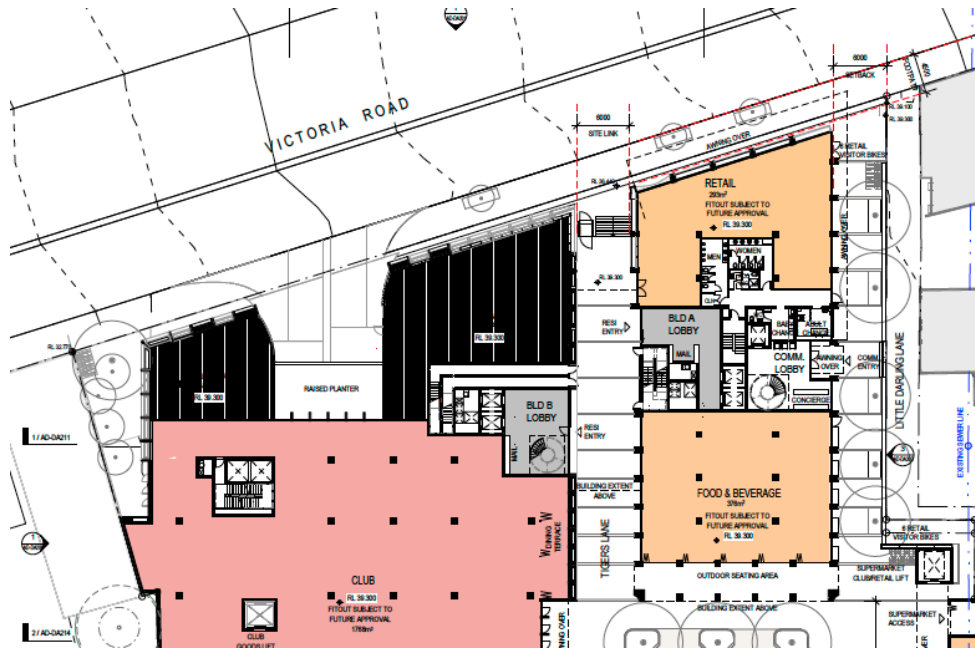


Figure 37 Proposed building separation to the north western boundary

Source: Scott Carver

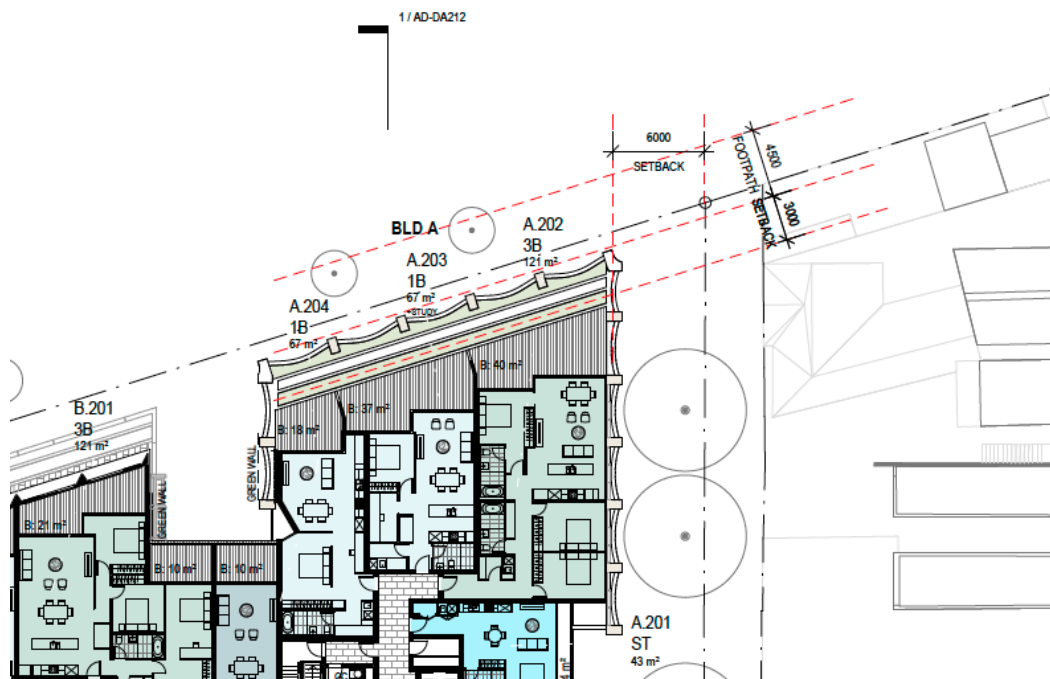


Figure 38 Proposed building separation to the north western boundary and three (3) metre setback.

Source: Scott Carver

Privacy Mitigation Measures

- As with the above, the facade predominantly consists of charcoal tint and clear glazing with limited transparency and solid panels. Privacy panels are incorporated in the location of the windows and orientate view corridors away from the adjoining properties.
- Where there are windows/balconies along the side elevations, they are generally orientated towards Victoria Road and Waterloo Street and not orientated towards the adjoining neighbours. Therefore, the proposal will not create any significant privacy concerns.

Apartments / Core

Objective 4F-1 of the ADG seeks to ensure that shared common circulation spaces provide a high level of amenity. Specifically, the objective prescribes the following;

Common circulation spaces achieve good amenity and properly service the number of apartments.

The ADG Design Criteria associated with Objective 4F-1 recommends a maximum of eight apartments be provided off a circulation core on a single level. However, the ADG acknowledges that in some circumstances achieving the design criteria may not be possible. The design criteria establishes that in these instances no more than 12 apartments should be provided off a circulation core on a single level. Further, the circulation spaces must provide a high level of amenity in the form of adequate solar, natural ventilation, greater ceiling heights and other innovative design solutions that provide high levels of amenity.

Building C proposes between 4 and 9 apartments off the majority of the circulation cores at each level and therefore meets the design criteria and design guidance. A maximum of 13 apartments of a single circulation core is proposed at Level 2. Notwithstanding, the design of the common circulation spaces is consistent with the aforementioned objective for the following reasons:

- Daylight and ventilation have been provided to all common circulation spaces. At Level 2 where the proposal provides a non-compliance, the corridor benefits from two windows which will improve solar access.
- The windows will permit sightlines across the plaza and principle communal open space area below, allowing for a pleasant outlook which will maximise the amenity of the shared space.
- The width and length of the corridor is appropriate, with the width increasing in the location of the lift core.

In light of the above, the proposal is considered to satisfy the objectives for common circulation spaces.

It is noted that due to the location of the Club below, the inclusion of a second core is not possible. Further, the non-compliance is limited to one level of the development in a singular building. The compliance is therefore considered to be minor. The majority of the remaining levels provide significantly fewer apartments off a single circulation core. Notably, the upper levels of the development typically provide between 4 to 6 apartments off a circulation core on a single level.

Justification for the quantity of communal open space

Objective 3D-1 of the ADG requires that communal open space have a minimum area equal to 25% of the site. The proposal complies with the numerical requirement in that communal open space equal to 41.5% of the site is provided. The ADG establishes that communal open space may be useable by the general public. In light of this, the proposed communal open space includes open space for private residential use (1,623m² or 22.1%) and publicly accessible open space comprising the plaza (1,425m² or 19.4%).

The proposal is entirely consistent with the objectives and design guidance. The objective of the guideline is;

An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping.

As shown at **RFI Attachment 2**, the proposal includes extensive communal open space at ground level and at various rooftop levels. These communal open space areas are integrated across the development and incorporate comprehensive landscaping, including tree planting, high quality pedestrian pathways and communal facilities. All spaces receive an adequate amount of solar access and being integrated evenly across the development, are highly accessible to occupants of all buildings.

In addition to the above, the associated ADG Design Guidance provides that;

Where developments are unable to achieve the design criteria, such as on small lots, sites within business zones, or in dense urban area, they should:

- *Provide communal spaces elsewhere such as a landscaped roof top terrace or a common room.*
- *Provide larger balconies or increased private open space for apartments.*
- *Demonstrate good proximity to public open space and facilities and/or provide contributions to public open space.*

Whilst the proposal complies with the numerical requirements, it also fulfils the aforementioned design guidance. The site is located within a dense urban area. Further, the positioning of the proposed building envelopes and public/communal spaces have been dictated by and are consistent with the building footprint/envelope requirements nominated by the site-specific DCP. In light of this, the scheme has sought to maximise the amount of communal open space whilst addressing the urbanised context and DCP building envelope requirements.

In accordance with the aforementioned ADG design guidance requirements, the scheme provides outdoor communal areas in alternative locations to the ground plane by integrating outdoor spaces across the rooftops (refer to the Revised Architectural Plans in **RFI Attachment 2** and section 3.5.5). It also provides generous sized private open space areas in excess of the minimum ADG requirements and incorporates a publicly accessible plaza which will provide further amenity for residents.

Apartment Layout

The design criteria provided under Objective 4D-2 of the ADG recommends a maximum habitable room depth of 8m in open plan apartments. All units are proposed to be open plan living and comply with the guideline with the exception of units A.205, A.305, A.405, A.605, A.705, A.805, A.905 and A.1005 in Building A. In each unit, the depth from the kitchen to the window is 10m.

The objective of 4D-2 is to maximise the environmental performance of the apartments. Consistent with the objective, the internal layouts of these units have been configured to maximise environmental performance. In accordance with the associated design guidance, all living areas are located on the external face of the building to maximise solar access. The bedrooms are afforded full height windows

which will improve sunlight to the kitchen areas. Given this, it is considered that notwithstanding the additional room depth, a high standard of residential amenity and environmental performance will continue to be achieved.

4.3.6 Sydney Regional Environmental Plans (SREPs)

SREP (Sydney Harbour Catchment) 2005

Under the *SREP (Sydney Harbour Catchment) 2005* the site falls within the *Sydney Harbour Catchment* area but is not included in the Foreshore and Waterways Area or any specific zone.

The development has been carefully designed to ensure that it will make a positive contribution to the scale, character and/or visual quality of the site when viewed from the foreshore or the waterway and adequately addresses each of the relevant aims of the SREP.

The proposal has been assessed having regard to the relevant matters for consideration as summarised below;

- The proposed development will not result in any detrimental impacts to the existing quality of water entering the waterways.
- The proposed development will maintain and protect the visual qualities of the Sydney Harbour foreshore and tributaries as the proposed will have a positive visual impact.

Overall, it is considered that the proposed development is consistent with the provisions of the SREP and satisfactorily addresses each of the relevant aims and requirements.

4.4 Local Environmental Plans (LEPs)

4.4.1 Leichhardt LEP 2000

The subject site is currently deferred from the Standard Instrument *Leichhardt LEP 2013*. As such, the provisions under the Leichhardt LEP 2000 apply to the site. A full compliance assessment against the relevant provisions is provided in **DA Appendix 9** and the key issues are addressed in detail below.

Objectives for Balmain Leagues Club Precinct Site

The objectives for the Balmain Leagues Club under Schedule 1 Part 3 and addressed below and the proposal is consistent with the objectives.

- a) *the development integrates suitable business, office, residential, retail and other uses so as to maximise public transport patronage and encourage walking and cycling*

The proposal incorporates a suitable mix of retail, commercial, residential and Club land uses. The development will integrate a number of land uses which will reduce the need for future residents to travel. The proposed supermarket and food and beverage offering will provide for the daily needs of the future residents while the Club use will create entertainment opportunities without the need to commute. Furthermore, the live/work units will allow for residents to work from home.

The proposal seeks to significantly reduce the retail component from the previously refused schemes to lower the trip generation rates for the site and parking demand. Specifically, the DA provides only 5,272m² of retail floorspace, of which 3,092m² is a supermarket, in contrast to the maximum

permitted of 9,500sqm. The reduced retail floor space will significantly limit private vehicle travel in and around the area. Further, the reduced supermarket size with no ancillary retail at the lower-ground level will encourage local shoppers who are walking or cycling from the surrounding Darling Street precinct, rather than regional shoppers who are more likely to drive.

The increased proportion of residential land uses within the development is a direct offset from the reduced retail and club floor space. This has been a deliberate change in order to significantly reduce the car traffic associated with the development in favour of walking, cycling and public transport patronage, which is more favoured by residential populations than retail and club populations.

The proposed development seeks significantly fewer parking spaces than currently permissible under the LDCP 2000 to further encourage public transport patronage and encourage walking and cycling. A detailed 'Green Travel Plan' has been provided by the applicant to ensure that travel demand management is a key component of the future development (refer to **DA Appendix 28**). Further, the updated Traffic and Parking study prepared by Ason Group in **RFI Attachment 6** provides significant additional detail as to why the lower parking numbers are more appropriate for a site in this location and with excellent proximity to public and active transport.

The proposed development includes significant facilities for cycling, as well as car share and electric vehicle charging stations, in accordance with the new DCP recently approved for the site. These facilities will encourage walking and cycling, as well as public transport.

The application is accompanied by a Green Travel Plan to further support walking, cycling and public transport use within the development.

The site also maximises public transport patronage given it is located along a major road corridor with several major bus routes located on Victoria Road and Darling Street and the site is within 800m (approximately) of Rozelle Bay light rail stop.

In addition to the above, the proposal incorporates an expansive publicly accessible plaza and two laneways which will improve connectivity to the surrounding streetscape and encourage walking.

- b) *the development contributes to the vibrancy and prosperity of the Rozelle Commercial Centre with an active street life while maintaining residential amenity,*
- The design and proposed mix of uses within the development will fundamentally contribute to the vibrancy and prosperity of the Rozelle Commercial Centre. The proposed mix has been deliberately designed in response to the Council Darling Street Retail Study, which concluded that there is a need for supermarket style retail in the location, but that significant specialty retail (other than food and beverage which will complement the club use) would take away from the Darling Street retailers. The Retail Study concluded that a local supermarket (without ancillary specialty retail) would attract customers, who in turn would use the surrounding Darling Street retail. These findings are also supported by the applicant's Updated Economic Impact Assessment Report (**DA Appendix 7**) which accompanies the DA. In light of this, the proposed land use mix includes a significant reduction in shop uses – with only 5,272m² of retail proposed, in contrast to the maximum permitted of 9,500m², of which 3,092m² is a supermarket;

- The supermarket entrance has been placed close to Darling Street, to maximise foot traffic to the existing retail along Darling Street to ensure the DA does not undermine the commercial viability and vibrancy of the existing retail along Darling Street;
 - The lower-ground supermarket is smaller than a full line supermarket with no specialty retail adjoining it below grade. All specialty retail has been located around the Town Square, which directly connects to the Darling Street precinct at ground-level. This means that any visitors to the supermarket who would like any specialty retail, will need to travel to Town Square and can then easily connect through to the wider High Street;
 - The specialty retail that is located at ground-level around the Town Square is largely food and beverage retail, which will form a dual function of providing additional food opportunities for Club patrons. This will encourage additional interaction between Club patrons and the surrounding precinct;
 - The commercial floor area is designed to support local innovation industries and co-working opportunities in accordance with the Eastern District Plan's objectives for the Inner West. These workers will then utilise the surrounding Rozelle area's shops and activity;
 - The proposed mix of uses has been considered by the applicant's economic consultant, who concludes that the location and size of the retail component of the DA has been deliberately designed to satisfy existing and future retail demand within the growing main trade area, creating increased range, convenience and price competition for local residents. Impacted retail centres will continue to trade at viable levels, benefiting from sales growth over time. The report concludes that the subject development will not impact on the hierarchy of centres or the role of other centres within the area; and
 - The DA would also create additional employment during the construction and operation period. It is estimated that approximately 417 jobs are likely to be provided both directly and indirectly as a result of the proposed development. This includes a number of youth employment opportunities with retail developments generally employing a large number of younger staff.
- c) *the development is well designed with articulated height and massing providing a high quality transition to the existing streetscape,*

The built form solution proposed by Scott Carver is based on achieving the highest level of amenity possible for the public, residents and working community on the site. The design complies with statutory planning requirements related to building height and the ADG targets for solar access to living rooms and private outdoor spaces, cross ventilation, daylight, unit and balcony sizes, visual privacy and other amenity considerations.

The below sections outlines the key built form principles for the scheme in order to best provide a high-quality transition to the existing streetscape. The built form principles have been informed by the general objectives set out in the Site Specific DCP.

It is also noted that along the Victoria Road frontage, the controls enable development up to 12 storeys, which is not permitted elsewhere. Therefore, the design needs to appropriately transition to surrounding areas, while also acknowledging that the existing controls do create a contrast in the overall precinct built form outcomes.

General built form principles

- To proposal seeks to locate the taller tower forms along Victoria Road and provide a reduced scale of development towards the lower scale areas, including the heritage conservation area fronting Darling Street. This principle is achieved by locating the taller residential buildings along Victoria Road with heights gradually stepping down towards the plaza in accordance with the permissible height limits. A significantly reduced built form is provided where the development interfaces with Darling Street for the purpose of providing an appropriate transition in scale to the lower scale uses.
- The scheme seeks to deliver an improved pedestrian environment through the provision of generous sized laneways with high quality public domain treatments that connect to the broader streetscape.
- The proposed development will enhance the Victoria Road, Waterloo and Darling Street streetscapes by introducing a high-quality built form with active uses and public domain upgrades. The facades are appropriately articulated due to the use of solid elements that provide a more human scale when viewed at street level. Green walls and a new pedestrian footpath are proposed and will contribute to the revitalisation of the streetscape.
- The overall scheme achieves a high standard of design excellence which responds to the existing and future context. The scheme is contemporary in appearance whilst remaining sympathetic to the suburban character of the locality through the use of face brickwork, charcoal tint and clear glazing, timber look cladding. Green walls and comprehensive landscaping will soften the appearance of the development and improve integration with the streetscape.
- It provides a 1 to 3 storey podium that is intersected by laneways that traverse the site and facilitate connectivity between the plaza and surrounding street network.
- To integrate a range of complementary uses into a singular built form whilst differentiating each use through the adoption of varying materials, façade treatments and building heights. It is noted that the materiality of each building component shares commonalities and consequently contributes to the achievement of a consistent visual language across the Precinct.

To Victoria Road

- The proposal is within the LEP height control of RL 82 and height in storeys control of 12 storeys. While the surrounding precinct is currently of a lower scale, the site-specific controls permit 12 storey buildings along Victoria Road, which clearly demonstrates that taller buildings are envisaged for the subject site. Further, there is increasing building heights along Victoria Road in other LGAs such as Canada Bay, where 6-10 storey buildings are more common. The State government has also indicated that built form around the future Bays Precinct will include some medium and high-density built forms;
- The built form fronting Victoria Road defines the street, providing a clear street address to apartment buildings and laneway entrances;
- Victoria Road elevation consists of habitable spaces (living rooms, bedrooms and balconies) as well as retail/commercial floorspace contained within the podium of Building A which provides a high level of transparency. Conversely, the Victoria Road elevation to previous scheme formed by "side" elevations consisting of high ratio of solid walls and bathrooms;

- Three building cores allow smaller buildings with a lower number of apartments per core (6-7 to typical floors) increasing resident amenity. Previous schemes provided 2 larger buildings each with 9-10 apartments per core (the ADG recommends 8);
- Taller buildings occupy the full frontage to Victoria Road thereby reducing the building mass towards Waterloo Street. This provides an improved transition and gradual stepping down of the built form from Victoria Road to Waterloo Street;
- The massing gradually steps down in height towards Waterloo Street. In particular, the height decreases to 7 storeys (RL 60) at the envelope's north western portion towards Waterloo Street and therefore sits well below the permissible height limit in this location. The reduced height provides an appropriate transition in scale to the plaza and improves solar access to this important space.
- Apartment buildings provide an acoustic buffer between Victoria Road and Town Square, laneways and Waterloo Street;
- Vertical recesses combined with solid 'portal' framing at the podium level provide additional articulation.
- Generous sized balconies/winter gardens screen bedrooms and loggia spaces and form private verandahs. These provide additional articulation to the Victoria Road facades;

To Waterloo St

- The elevation fronting Waterloo Street is highly articulated and effectively broken down into three distinct components by vertical recesses and differing façade expressions;
- Live/work spaces and residential apartments front Waterloo Street. They reach three storeys in height and their reduced scale is emphasised by the use of solid portal framing. Landscaped roof areas are provided at roof level and envisaged to accommodate tree planting which will contribute to the amenity of the streetscape;
- The proposed three storey built form fronting Waterloo Street complies with the LEP height limit and provide a buffer between Waterloo Street and the Town Square, including the principle communal open space area;
- The proposal that immediately interfaces with Waterloo Street is proportioned and articulated to complement the width of building lots to the other side of Waterloo Street; and
- Facades are highly articulated with vertical solid elements and portal framing consisting of brown and white masonry to complement the scale and character of the houses and warehouses along Waterloo St.

To Darling St

- The proposal fronting Darling Street is highly articulated with a mixture of different building heights and distinct façade expressions each characterised by charcoal tint and clear glazing, timber look cladding charcoal tint glass. Strong vertical and horizontal elements are incorporated along with varying sized windows to provide a high level of articulation;
- Visibility of the apartment buildings from Darling Street is limited with the taller buildings being setback approximately 30m for Building A and 17m for Building C (containing the Balmain Leagues Club) measured to the Darling Street shop front;

- Facades of existing Darling St properties preserved to retain street wall and roofline; and
 - Built form behind 699 Darling St is removed to form public park and laneway leading to Town Square.
- (d) *the traffic generated by the development does not have an unacceptable impact on pedestrian or motor vehicle traffic on Darling Street, Waterloo Street and Victoria Road, Rozelle,*

A key driver of the proposed mix of land uses, with reduced Club and Retail floor space and increased Residential and Commercial floor space, has been to ensure that the DA meets Objective (d).

The applicant has had detailed discussions with Council and RMS regarding a development proposal for the Site that can meet the traffic controls, including compliance with the traffic budget for the Site. The traffic controls and budget information underpinning this statement is outlined in detail in the Transport, Traffic and Parking Assessment Report prepared by Ason dated April 2018 (**RFI Attachment 6**).

The detailed Ason report that accompanies the DA (**RFI Attachment 6**) demonstrates that, compared to previous schemes, the DA meets the following traffic objectives;

- *“As part of the 30-minute city performance assessment, the Site provides a unique and favourable opportunity for development as it located within an area that is highly accessible to 30-minute public transport travel times to jobs, residents and education. This high performing Site would be developed with additional residential, commercial, retail and community developments which would complement surrounding area and boost housing and job supply to further promote the 30-minute city liveability objectives.*
- *Parking: A parking study has been prepared that justifies the proposed parking provision. Refer to Section 3 and Appendix A. Therefore, it is concluded that the proposed parking provision is supportable.*
- *Traffic Generation: Analysis has been undertaken to confirm that for the revised Proposal the forecast, “peak traffic generation will be within the agreed limits,” when, “compared to the previously calculated traffic budget for the site (316 and 440 for the weekday evening peak and Saturday midday peak respectively)”. Refer to Section 4.*
- *Network Performance: Analysis of the performance of the network has been undertaken to demonstrate that the current Proposal is still, “anticipated to result in generally acceptable increases in delay/congestion on the adjacent road network, when considered in the context of likely future conditions on the adjacent road network”. Refer to Section 5.*
- *Access and Internal Design: Demonstrate compliance with relevant AS2890 design guidance. Refer to Section 6.*
- *Construction Traffic Management: Provide a standalone CTMP Framework report that incorporates Council's RFI comments on the matter. Refer to Section 7.1 and Appendix C.*

- *Travel Plan: Provide a framework for how the measures of the Travel Plan are monitored, reviewed and reported on annually to Council. Refer to Section 7.3."*
- The proposed mix of land uses in the DA is a critical element in achieving these objectives as;
 - Reducing retail uses below the maximum permitted in Clause 4 is associated with lower trip generation rates for the Site;
 - Residential land uses inherently have a lower trip generation rate than non-residential land uses. The transfer of a portion of the retail land uses to residential land uses has been a deliberate attempt to ensure the DA can meet the required traffic budget; and
 - Maximum parking rates as a result of the amended land use mix are much lower than what could be achieved with a strictly compliant mix. While we note that the parking proposed as part of the development is less than the maximum permitted under the site specific DCP controls that apply to the site (LDGP2000) the traffic analysis has been based on the theoretical maximum that could be achieved based on the current mix. This analysis demonstrates that the proposed mix is less than the traffic budget for the Site, which was not achieved in previous schemes that complied with the mix (DA/2015/428).
- (e) *any residential development at street level has a frontage to Waterloo Street, Rozelle and, when viewed from the street, has the appearance of no more than three storeys.*

The proposal is entirely consistent with the objective. As shown in the revised Architectural plans at **RFI Attachment 2**, the residential accommodation fronting Waterloo Street will have a height of no more than three storeys. The façade incorporates portal framing to assist in defining the three storey height and providing a more human scale at street level.

Gross Floor Area and Floor Space Ratio

The maximum FSR for the site is 3.9:1 and the FSR breakdown is detailed below;

- 1.3:1 for all shops;
- 0.2:1 for all commercial premises;
- 0.5:1 for the club; and
- 1.9:1 for all residential accommodation.

The Standard Instrument GFA definition does not apply to the site and the LLEP 2000 definition of GFA states that;

'Gross floor area: means the total area of a building's floorplates, measured between the outer edges of the outside walls or the centre line of any party wall, and includes mezzanines, attics, internal car parking spaces, garages, lofts and studios. It does not include projections outside the external walls of the building, paved areas, voids or basements used for car parking, where the car parking area does not protrude more than 1 metre above ground level.'

The definition states that all items contained within the external walls, with the exception of voids or basements used for car parking where it does not protrude more than 1m above ground level, are included in gross floor area. It appears that the intent of excluding car parking and voids below ground level is likely because these components have very little impact, both visually and in terms of development density.

Gross Floor Area Approach

Given the complex nature of the development and that it is not clear if a number of development components are included or excluded within the GFA definition, the GFA approach was confirmed with Council prior to lodging the DA. In accordance with Council's advice, the scheme has adopted the GFA definition used by the JRPP for the 2009 DKO scheme.

Proposed Floor Space Ratio

The proposal will have a maximum FSR of 3.88:1 (28,414m²) which complies with the maximum 3.9:1 requirement. The proposed FSR breakdown varies for the maximum allowable FSR for the residential and commercial components and the variation is supported by a Revised SEPP 1 Objection (refer to **DA Appendix 10**) which demonstrates that strict compliance with the development standard is unreasonable and unnecessary in the circumstance of the case. Refer to the table below which outlines the proposed and permitted GFA and FSR breakdown for each land use.

It is noted that when developed in 2006-2009, the proposed FSR mix of controls were responsive to a different economic, environmental and social focus within Rozelle and the wider region. The proposed mix of uses is a more suitable reflection of an appropriate land use mix at present.

The proposed club component will provide an FSR of 0.42:1 (3,047m²) which is slightly less than the maximum control of 0.5:1. The floor area for the club use has been slightly reduced given the feasibility associated with the fit out and ongoing maintenance of the facilities and the changing nature of clubs.

Clubs have historically operated with a large area for gaming machines while now they provide a greater food and beverage offering with a greater focus on families and the wider community. While the proposed food and beverage premises is not counted as part of the club FSR/GFA it will be largely relied upon as a supplementary and complementary offering for the club. The food and beverage premises will be located on the ground floor which is close to the entry for the club.

Furthermore, the retail component will be less than the maximum FSR control given a result of the Updated Economic Impact Assessment (refer to **DA Appendix 7**) which concluded the need for a supermarket and speciality retail (other than food and beverage) which would complement the Rozelle commercial centre.

Table 9. Proposed and Permitted GFA and FSR

Land use	Proposed GFA	Permitted GFA	Proposed FSR	Permitted FSR	Compliance
Shops	5,272m ²	9,529m ²	0.72:1	1.3:1	Complies
Commercial Premises	1,581m ²	1,466m ²	0.22:1	0.2:1	Non-compliance (115m ² or 0.02:1)
Club	3,047m ²	3,665m ²	0.42:1	0.5:1	Complies

Table 9. Proposed and Permitted GFA and FSR					
Land use	Proposed GFA	Permitted GFA	Proposed FSR	Permitted FSR	Compliance
Residential accommodation	18,514m ²	13,927m ²	2.53:1	1.9:1	Non-compliance (4,587m ² or 0.63:1)
Total	28,413m ²	28,587m ²	3.88:1	3.9:1	Complies

Heritage Conservation

The subject site is not listed on the NSW State Heritage Register or as a local item. The two commercial units along Darling Street are located within the Leichhardt Valley Conservation Area. There are a number of neighbouring heritage items as listed under the LLEP 2000 (and subsequent LLEP2013, which applies to the remainder of the LGA) and are outlined in table 6 in section 2.6 above.

An addendum letter submitted with the August 2019 re-submission (**DA Appendix 19**) HIS concludes that the revised design is consistent with the objectives and controls nominated by the Leichhardt DCP 2000. It is considered that the proposed podium design provides for improved street front activation that results in an enhanced heritage outcome for the locality.

Accompanying this revision is an *Updated Heritage Impact Statement* (HIS) prepared by Heritage 21 (**RFI Attachment 11**) to address the impact of the proposed development on the surrounding heritage items. Photomontages demonstrating the existing and proposed development when viewed from Darling Street and from Waterloo Street to assess the potential impact on the heritage items / HCA are included at **DA Appendix 8**.

Heritage 21 conclude that although the entire precinct lies in close proximity to various heritage items as well as the *Leichhardt Valley Conservation Area*, the redevelopment of the precinct to accommodate a mixed use development has been acknowledged by Council in its outline for site specific controls. The proposal will fulfil the heritage provisions set out by Council, while improving the pedestrian access, neighbourhood quality, and sense for place for the precinct.

It is noted that the site specific DCP has been revised to reinstate the façade of 697 Darling Street and remove 699 Darling Street to facilitate the delivery of the pedestrian link (Heritage Lane) between Darling Street and the town square. Refer to section 4.2.2 below for further discussion.

The HIS concludes that where the reinstatement of the original heritage facades to 697 Darling Street and the improvement of pedestrian access across the entire precinct create vital cross movements and fluidity to the commercial neighbourhood that are reminiscent of historic public squares and plazas.

The Updated Statement of Heritage Impact in **RFI Attachment 11** notes that “the proposed development intends to improve and facilitate the revitalisation of the subject site and its surrounds. In introducing an expanded walkway into the heart of the project from Darling Street into a public square, opening Little Darling Street, and reinstating the original shop top housing along Waterloo Street, the proposed celebrates the contributory features of this location. The entire development, albeit higher than the surrounding areas, plays to the advantage of being on a major thoroughfare by moving its mass closer to the age of Victoria Road. Indeed, for the

Balmain Leagues Club Precinct to once again become the central feature of its neighbourhood, a new contemporary vocabulary is required, on which the proposal fulfils. The improvement that the redevelopment achieves for the ensure neighbourhood ensures that the historical commercial neighbourhood of Rozelle moves into the current times and trends, which is much needed for any centre that is development to fulfil modern requirements."

It is acknowledged that the demolition of the already significantly altered heritage fabric along Darling Street is proposed. However, Heritage 21 contend that the proposed demolition would not result in adverse heritage impacts as it would facilitate the delivery of a widened pedestrian walkway that will provide a greater benefit to the locality by way of enhancing the social fabric of the Rozelle Commercial Centre.

Overall, it is concluded that that the proposed massing strategy, which concentrates the bulk of the development along Victoria Street, ensures that the visual impact to the surrounding heritage conservation area and heritage items in the vicinity is minimal.

The following recommendations are made:

- Photographic Archival Recording;
- Schedule of Conservation Works;
- Salvage Schedule;
- Interpretation Strategy and/or Plan; and
- Involvement of heritage tradesmen/architects/consultants during the construction process

4.4.2 Development Control Plans (DCPs)

Site specific LDCP 2000

A site specific DCP amendment (2018/19)

The built form solution proposed by Scott Carver is based on achieving the highest level of amenity possible for the public, residents and working community on the site. The strategy complies with all statutory planning requirements related to building height and setbacks and the Apartment Design Guide targets for solar access to living rooms and private outdoor spaces, unit/balcony sizes, cross ventilation, daylight and visual privacy.

On 11 December 2018, Council endorsed the preparation and exhibition of the draft DCP. The draft DCP was formally adopted by Council at its meeting held on 25 June 2019.

A full compliance assessment against the site specific controls for the Balmain Leagues Precinct contained within Part D of the Leichhardt DCP 2000 is provided in **DA Appendix 11** accompanying this is the report provided with the DCP package. The key issues within the DCP are discussed in further detail below.

Long term viability of the Balmain Leagues Club

One of objectives in the site specific DCP is for the development to promote the long term viability of the Balmain Leagues Club on the site, for the benefit of the local community.

The club's future feasibility has played a major role in the determining the proposed mix of land uses. The club floor area has been slightly reduced from the maximum allowable FSR in the LLEP 2000. A larger floor plate would incur significant fit-out costs that the club have indicated they would not be able to feasibly manage, as well as

ongoing maintenance of facilities that may not be well utilised as they have been historically (e.g. gymnasiums and swimming pools). The smaller size of the provided club area will ensure the ongoing feasibility of the club.

Furthermore, club use and design has changed significantly in the last 10 years, particularly with respect to club size and approach to food and beverage offerings. Historically, clubs historically heavily relied on gaming machines while now they have a greater focus on the wider community and families with large food and beverage areas. The proposal will incorporate a number of food and beverage premises next to the club surrounding the town square which the club will rely upon.

Most importantly, the Club's location has been amended to ensure its importance as part of the overall development. The Club will utilise the majority of the at-grade floor space of the development, with strong presentation and connectivity to the Town Square, Darling Street and Victoria Road. Previous applications proposed the Club at either above or below ground levels, reducing their potential visibility and therefore viability.

Access off Victoria Road and Waterloo Street

The access strategy for the previous development proposal included a primary access for the retail/club public car park at Basement 1 Level via a left-in / left-out vehicle access onto Victoria Road. This strategy included a westbound deceleration slip lane. This strategy aimed to reduce the impact the vehicles entering the site would have on Victoria Road traffic. In addition to the car parking for the club/retail components, this driveway would have also provided access to the loading dock. An all movements secondary vehicular access onto Waterloo Street would provide access to the residential/commercial private car park, with the commercial access via Waterloo Road. The Updated Transport, Traffic and Parking Assessment Report in **RFI Attachment 6** noted that this strategy was consistent with the provisions of the Site Specific DCP.

Since the DCP's adoption, both the former RMS and TfNSW have advised that they will only grant concurrence under Clause 101 of the I-SEPP if access off Victoria Road is limited to service and loading. Accordingly, the basement design has been revised as so to facilitate an all movement vehicular access driveway to both the public and private car park via Waterloo Street. Only the servicing access to the loading dock is proposed by way of an access driveway on Victoria Street.

It was deemed appropriate to remove the deceleration lane on Victoria Street given the low traffic volumes associated with servicing requirements. Subsequently, this has provided the opportunity to improve the public domain along the site frontage which is consistent with the Site Specific DCP, as well as enabling the full 3m setback above the podium for the length of the development along Victoria Road.

Whilst the relocation of level 1 basement access from Victoria Road to Waterloo Street will result in additional trip generation along this street, the significantly reduced number of parking spaces for the development (267) as opposed to the permissible 328, will ensure manageable trip generation along Waterloo Street, which is detailed in Ason's revised Traffic Report and Parking Study in the **RFI** package.

Further, the AJC scheme, which was refused due, in part, to traffic issues in 2016 proposed 367 parking spaces, which again, is significantly greater than those proposed in the current scheme.

Overshadowing

The site specific DCP stipulates that additional overshadowing to the Darling Street footpath should be limited through design measures. The proposal is accompanied by overshadowing diagrams (refer to the revised Architectural Plans in **RFI Attachment**

2 and the Updated Urban Design Report in **DA Appendix 8**) which illustrate that the proposed envelopes will provide a negligible amount of additional overshadowing the Darling Street footpath. The additional overshadowing is a consequence of the configuration of the envelope and remains largely consistent with the existing shadow cast by the development (refer to **DA Appendix 8** and **RFI Attachment 2**). Between 9am and 12pm the majority of the footpath is unaffected by the shadow cast from the development.

The site specific DCP requires that surrounding residential properties along Waterloo Street are to receive a minimum three hours of direct sunlight to 50% of windows to principle living areas and 50% of principle open space between 9am and 3pm during the Winter Solstice. As illustrated at **DA Appendix 8**, relative to the existing situation, the properties will experience additional overshadowing in the morning period between 9am to 10am. However, between 12pm to 3pm the proposal provides no additional overshadowing to the residential properties along Waterloo Street. Accordingly, these properties will continue to receive the minimum required three hours of direct sunlight at midwinter.

In addition to the above, the site specific DCP requires that solar access to the plaza between 12:30pm and 2pm in mid-winter meet the following minimum requirements:

- 35.2% (500m²) of the plaza area shall receive solar access at 12:30pm;
- 56.9% (808m²) of the plaza area shall receive solar access at 1pm; and
- 71.6% (1018m²) of the plaza area shall receive solar access at 2pm.

As demonstrated in the shadow diagrams included at the Revised Architectural Plans in **RFI Attachment 2** and in the figures below, the level solar access to the plaza is consistent with or in excess of the minimum requirements listed above.



Figure 38 Proposed overshadowing and solar compliance to the plaza during mid winter

Source: Scott Carver

Deep Soil

The DCP stipulates that minimum 10% of the site area is to be provided as deep soil zone. A total of 7.5% (550m²) of the site area is proposed to consist of deep soil zones. The 550m² deep soil area is supplemented by 226m³ of continuous soil vault which is capable of accommodating substantial canopy cover. Accumulatively, this equates to 10% of the site area. As illustrated in the additional sections, the proposed plaza utilises a structural cell system to provide a contiguous soil volume of 226m³, or 37.6m³ for each of the 6 medium trees located over slab in this zone. The ADG recommends 35m³ per medium tree located on slab. Whilst this represents a non-compliance with the site specific DCP, the proposal remains consistent with the ADG requirement for deep soil zones to comprise 7% of the site.

Given the site's location, and required mix of uses including a supermarket, club, commercial and residential, along with the associated basement, it is unfeasible to be able to deliver true deep soil of 10% - which is defined as having no structures underneath it. However, the proposal has undertaken extensive work to deliver key areas of appropriate soil depth in order to meet the objectives of the DCP relating to this issue.

Notwithstanding the variation to the DCP, the proposal is entirely consistent with the associated objectives via alternative solutions. The objectives of the control pertaining to deep soil are to ensure the development incorporates consolidated deep soil areas of sufficient size and dimensions to accommodate tree planting and to provide a reasonable level of outdoor amenity.

To achieve the objectives, alternative solutions in the form of *Water Sensitive Urban Design* measures are proposed to be integrated across the development to facilitate the delivery of tree planting within the plaza and along the laneways, as shown at **DA Appendix 3** and **RFI Attachment 2**. Further, due consideration has been given to maximising the inclusion of green walls, soft landscaping and green roofs. In light of this, the proposal is consistent with the DCP minimum requirements for the provision of green walls, site canopy coverage and green roofs.

As shown at **DA Appendix 3** and **RFI Attachment 2**, the proposal incorporates generous sized communal open space areas within the public domain adjacent to the plaza and at roof level. These areas incorporate high quality landscaping and communal facilities that will provide a high standard of outdoor amenity for residents.

In addition, consistent with the ADG Objective P – *Planting on Structures*, the proposal provides 223m² of planting on structure along Little Darling Lane. As shown in the Revised Landscape Plans in **RFI Attachment 4**, the planting is continuous and capable of accommodating trees which will contribute to the amenity of the laneway.

Setbacks

The DCP nominates that a 3m upper level setback be provided above the podium/street wall along the Victoria Road frontage. It also prescribes that this setback is to be free of any encroachments from parts of the building structure. As a result of the modifications due to the RFI, the subject application now includes a full 3m upper level setback along the full Victoria Road frontage. Refer to the amended Architectural Plans at **RFI Attachment 2**.

Street frontage height (Victoria Road)

The Built Form, Height and Density controls nominated under D1.5 of the site specific DCP requires the provision of a 2 storey podium along the Victoria Road frontage with a maximum height of 10m. The podium height varies between 8.5 and 12.5m, with the greatest height provided at the northern end of the street frontage in the location of the Club and the entrance to Building C.

The height exceedance is considered reasonable as it is proposed in response to the uneven topography which slopes downwards to the north. In the context of this site specific constraint, the additional podium height allows for the achievement of a consistent podium height alignment along the street frontage. Visually, the consistent podium height alignment provides continuity in the appearance of the streetscape and an overall improved outcome for the public domain. The façade is highly articulated with strong vertical and horizontal forms that provide visual interest and reduce the perceived scale of the development at the pedestrian level.

The additional podium height relates to the Club. It allows for the inclusion of generous floor to floor heights suitable appropriate for the use and the need to provide at-grade floorspace that will support the long-term viability of the club. It also allows for the inclusion of the Building C lobby area which will provide activation and surveillance along the north-western end of Victoria Road.

5 Environmental Assessment

An assessment of the key environmental impacts of the proposal is provided below.

5.1 Built Form and Urban Design

The proposed built form and urban design has been the subject of extensive design development over a long period of time in consultation with Council. The previous DCP built form controls for the precinct have been subject to two development applications that have been refused (D/2009/352 and D/2015/438), one of which was unsuccessfully appealed to the Land and Environment Court in 2016 (D/2015/438). In addition, Council unsuccessfully attempted to undefer the site from the existing LLEP2013 in 2014/15 with a reduced scale of development.

The most recent site-specific DCP for the site was formally adopted by Council on the 25 June 2019. The built form for the site is governed by the provisions set out in this DCP as well as the LLEP 2000. The scheme has been designed to comply with the provisions of the site-specific DCP and LLEP 2000 to ensure the redevelopment of the precinct is consistent with the intended vision for the site. Specifically, the proposal complies with all statutory planning requirements related to building maximum height and FSR controls, as well as the Apartment Design Guide targets for solar access to living rooms and private outdoor spaces, cross ventilation, daylight and visual privacy.

The built form solution is based on achieving the highest level of amenity possible for the public, residents and working community on the site. The massing improves solar access to the public plaza and properties along Waterloo Street given the bulk of the development is along Victoria Road. The built form demonstrates design excellence, uniqueness, innovation and celebration of the local character and heritage. The built form strategy is detailed below:

General built form principles

- A podium varying in height between 1 and 2 storeys and a network of laneways which continue the built form, scale, materiality and land uses of surrounding streets into the public plaza. Materials include face brickwork, glass, green walls and timber look cladding which complement the surrounding uses and heritage values;
- A 1-2 storey middle forms a “roofscape” above the communal open space podium, surrounding and looking down over the public plaza. Materials include ivory and cold brown face brick, concrete, bronze look vertical metal blades, timber look cladding, charcoal metal work, metal cladding with standing seam joints, charcoal tinted and clear glass and landscaped green walls;
- A 11 - 12 storey top forms the residential component of the development above the podium. Towards Waterloo Street, the envelope associated with Building C decreases to 7 storeys to protect the solar access to the plaza. The residential apartments also form a different character to the podium by applying bronze coloured materials, green walls and more transparency using full height glazed bay windows and light-weight screening elements to balconies.

To Victoria Road

- The building heights comply with the LEP height control of RL 82 and height in storeys controls of 12 storeys. While the surrounding precinct is currently of a lower scale, the site-specific controls permit 12 storey buildings at this site along Victoria Road, which clearly demonstrates that taller buildings are envisaged for the subject site. Further, there is increasing building heights along Victoria Road in other LGAs such as Bayside, where 6-10 storey buildings are more

common. The state government has also indicated that built form around the future Bays Precinct will include some medium and high-density built forms;

- Buildings are set against the Victoria Road boundary defining the street and block pattern and providing a clear street address to apartment buildings and laneway entrances;
- The buildings will be highly articulated which will reduce the bulk and scale of the development;
- The Victoria Road elevation comprises of;
 - Building A: Retail and commercial uses located in the lower levels (upper ground level and Level 1) with residential on level 2 and above;
 - Building B and C: Balmain Leagues Club (terrace, dining and outdoor gaming space) located on the upper ground level with residential level 1 and above.
- The residential spaces fronting Victoria Street consists of habitable spaces (living rooms, bedrooms and balconies) with high levels of transparency.
- Taller buildings occupy the full frontage to Victoria Road thereby reducing the building mass close to Waterloo St. This provides an improved transition and gradual stepping down of the built form from Victoria Road to Waterloo Street;
- Apartment buildings provide an acoustic buffer between Victoria Road and Public Plaza, laneways and Waterloo Street;
- The buildings will be at a height which will improve solar access to the public plaza which will receive solar access from 1pm onwards. The proposal will also improve solar access to the properties fronting Waterloo Street;
- A variety of lower and terraced taller buildings to Victoria Road provide articulation and enhance solar access to upper level rear apartments;
- Vertical recesses provide additional articulation and facilitate the achieve of high levels of cross ventilation consistent with the ADG guidelines.
- Primary balconies are recessed as protected loggia spaces enhancing usability and extending living spaces; and
- Additional partly enclosed balcony spaces screen bedrooms and living spaces and form private verandahs. These provide additional articulation to the Victoria Road facades.

To Waterloo Street

- Rear elevation of apartment buildings highly articulated with mixture of different building heights and alignments;
- Street buildings are low scale complying with the DCP height control of 12.5m and provide a buffer between Waterloo Street and the public plaza;
- Street buildings are proportioned to complement the width of building lots to the other side of Waterloo St;
- Primary communal open space with landscaping is proposed on top of Building C and Building D and includes landscaping with established trees, pergola, mounding and informal play equipment, BBQ dining and seating which can accommodate for large groups. These facilities will provide opportunities for social interaction and better views and safe play spaces for families.

- A semi-enclosed brick colonnade with native trees in deep soil along Waterloo Street provides a termination to the Plaza and privacy to the residents of Waterloo;
- Facades are highly articulated with vertical and horizontal recesses and detailed balcony treatments to complement the houses and warehouses to Waterloo Street; and

To Darling Street

- Rear elevations of the apartment buildings are highly articulated with a mixture of different building heights and orientations;
- Visibility of the apartment buildings from Darling Street is limited with the taller building A being setback approximately 40m from the Darling Street shop fronts;
- Facades of existing Darling Street property preserved to retain street wall and roofline; and
- Built form behind 669 Darling Street is to be removed to accommodate a pedestrian laneway (Heritage Lane) leading to the central public plaza. The Heritage Lane will include landscaping (established jacaranda trees), a community art wall and seating Heritage Lane.

Overall the proposed built form, with the additional revisions, will create an optimal solution for the site. In contrast, to the previously proposed built form under the originally submitted D/20818/219, the proposal is considered to achieve a far better environmental outcome. The increased setback to the heritage conservation area along with the adaptive reuse of the No. 669 Darling Street improves the interface with this historically important built form. Further, the proposal concentrates the bulk of the development along Victoria Road and provides a gradual transition in height down to the lower scale residential development beyond Waterloo Street.

The inclusion of a singular tower element above the podium maximises the environmental performance of the building with respect to reducing acoustic impacts and continues to achieve a high degree of compliance with key amenity standards, such as solar access and cross ventilation.

Shadow studies included at **RFI Attachment 2** demonstrate that the proposed building envelopes, including the reduced tower element of 7 storeys towards Waterloo Street will protect solar access to the plaza and achieve compliance with the site-specific DCP solar access provisions for the plaza.

The internal layouts of the buildings combined with the proposed setbacks and privacy mitigation measures protect the internal amenity of the apartments and the adjoining properties.

5.2 Arboricultural Impact Assessment

An Arboricultural Impact Assessment is included at **RFI Attachment 13**. The report has been prepared by a suitably qualified Arborist in accordance with Council's Development Fact Sheet: Trees on Development Sites to determine the impact of the proposed development on the trees within the site and those on adjoining properties.

The report provides an assessment of six (6) trees illustrated at Appendix C of the report, including;

- Four (4) contained within the site;
- One (1) tree contained within the adjoining property to the north west; and
- One (1) located along Waterloo Street just outside of the site's property boundary.

The Report identifies that proposal will have no adverse impact on the health of the trees proposed for retention and that those proposed for removal are not worthy of retention. In support of these findings, the Report notes the following;

- The setbacks provided by the proposed envelopes and associated infrastructure are adequate to protect the retained trees both above and below ground.
- The proposal provides a minor encroachment on the Tree Protection Zone (TPZ) of Tree 1 and Tree 4 proposed for retention. The encroachment into the TPZ ranges between 0.9% and 1.4% for Tree 1 and Tree 4, respectively. Given the minor nature of the encroachments, the envelope is suitably setback and the trees will not be adversely impacted; and
- The trees proposed for removal are not worthy of retention and their removal can be offset through the provision of replacement landscaping.

Overall, the Aborigicultural Impact Assessment concludes that the proposed tree removal can be offset by replacement planting in alternative locations that will not conflict with the envelope. Further, the trees proposed for retention will not be adversely impacted by the development.

5.3 Site Audit Advice – Remedial Action

An *Interim Site Audit Advice Statement* has been prepared by *Enviroview* and is included at **RFI Attachment 8**. The purpose for the Statement is to confirm whether the site is suitable for the proposed development and whether the previously submitted Remediation Action Plan (RAP) prepared by AECOM (dated 18 December 2009) remains relevant to the subject proposal. The Statement has been prepared in accordance with the Contaminated Land Management Act 1997 and relevant associated guidelines. In addition to these guidelines, the Statement has been prepared with reference to the Phase 1 Preliminary Site Assessment prepared for the site by AECOM dated 17 April 2018.

The Statement confirms that the scope and findings of the RAP prepared by AECOM (dated 18 December 2009) remain applicable to the proposed development with regards to the site's contamination risk and mitigation measures. *Enviroview* recognise that since its submission in 2009, updates have been made to the NSW EPA Guidelines. Notwithstanding, *Enviroview* note that the revised guidelines only affect the criteria referred in the RAP. Accordingly, the recommendations and findings of the RAP remain relevant to the proposal and adequate for assessing the site's contamination risks.

In addition to the above, the Statement confirms that the site is suitable for the proposed development. It notes that under the unlikely worst case scenario where the site was impacted by contamination caused by groundwater ingress into the proposed basement structure, appropriate mitigation measures could be implemented to make the site suitable for redevelopment. In light of this, the site is considered suitable for redevelopment given that potential contamination impacts can be suitably managed.

5.4 Heritage

In order to address the impact of the proposed development on the surrounding heritage items, an Addendum Heritage Impact Statement (HIS) dated 29 July 2019 (**DA Appendix 19**) and Updated Statement of Heritage Impact (**RFI Attachment 11**), has been prepared by Heritage 21.

The HIS identifies that the subject site;

- Is not identified as an item of local or State heritage under the LLEP2012;

- Is not listed on the NSW State Heritage Register, the National Heritage List, the Commonwealth Heritage List, the *National Trust Register* (NSW), and/ or the former Register of the National Estate.
- The two commercial units on Darling Street, though not listed as heritage items, are listed as contributory items in the Leichhardt Valley Heritage Conservation Area as demonstrated in the Figure below.
- The site is located in the vicinity of local heritage items as listed in the LLEP2013.



Figure 39 Heritage Zoning under LLEP 2000

Source: Mecone MOSAIC, modified by Mecone

The findings of the assessment are summarised below and highlight that the proposal will provide a suitable development outcome that will not have an adverse impacts on the heritage items or *Heritage Conservation Area* in the vicinity of the site. Specifically, the findings of the heritage assessment conclude the following;

- In alignment with the site-specific DCP for the site, the street frontage of 697 Darling Street has been reinstated and 1 Waterloo Street will be removed to accommodate the pedestrian link (Heritage Lane) between Darling Street and the town square. Heritage 21 concludes that this will not generate a negative impact as the proposed development will enhance the overall social fabric of the Rozelle Commercial Centre;
- Heritage 21 conclude that the proposal is consistent with 'The Design Context: Guidelines for Infill Development in the Historic Environment' and will provide an appropriate scale, materiality, and colour palette complementary to the locality and the surrounding heritage items/conservation area.
- The proposed development articulates the podium along Victoria Road and results in a better heritage outcome for the neighbourhood;

- The transition of building heights from Victoria Road to Waterloo Street ensures that the existing low scale and density along Darling Street and Waterloo Street will be maintained;
- The proposed development will have minimal impact to the surrounding heritage conservation area or heritage items in the vicinity as the bulk of the development's volume is concentrated on Victoria Road;
- The materials and façade palette and the proposed design articulation is sympathetic to the surrounding heritage conservation and a and heritage items and achieves design excellence in accordance with the various design guidelines provided under the *NSW Office of Heritage*;
- The additional pedestrian access pathways off the main streets will improve the activation of the street levels; and
- The new town plaza will foster social interact and provide a positive community outcome.

The findings of the heritage assessment are supported by perspectives that illustrate the existing and proposed relationship between the development and the heritage items/heritage conservation area when viewed from Darling Street and Waterloo Street (**DA Appendix 8**). As demonstrated by the perspectives, the proposal sits comfortably in the streetscape and complements the surrounding buildings of heritage significance.

5.5 Traffic and Parking

The DA is accompanied by an *Updated Transport, Traffic and Parking Assessment Report* (refer to **RFI Attachments 6 and 7**) which provide an outline of the following items;

- An overview of the planning history of the site with a view to establishing the permissible traffic generation budgets, as well as 'accepted' trip generation rates and assumed infrastructure upgrades;
- Addresses sustainable transport and identifies targets that the proposal will seek to achieve. The proposal will reduce private car use, which includes and the implementation of a Green Travel Plan;
- Addresses the LDCP2000 access and parking requirements applicable;
- Assesses the traffic impacts of the development including the proposal's projected trip generation, performance against permissible traffic generation budgets and forecasted net impacts for network performance of the study road network; and
- Provides a framework construction traffic management.

5.5.1 Traffic improvements

The figure below identifies a number of traffic modifications that were identified in the ARUP 2008 Study. A total of 6 of these modifications have been implemented or will be as part of the subject DA while 3 were implemented as part of the Terry Street site and 4 items are not being pursued.

Table 6: Identified Road Network Modifications

Item	Description	Implementation
01	Extension of existing turn bay on Victoria Road westbound for the right-turn into Terry Street to opposite Crystal Street west. This was part of the Victoria Road Upgrade Project.	Implemented
02	Extension of existing dual lane turn bay on Victoria Road eastbound for right-turn into Darling street southbound, to Wellington Street by utilising part of the central median. This was part of the Victoria Road Upgrade Project.	Implemented
03	Signalised intersection at Darling Street/Waterloo Street as per the RMS's proposed layout dated October 2007.	Implemented
04	Deceleration lane, approximately 60-metre in length, into Balmain Tigers site from Victoria Road for westbound traffic.	To be implemented with current Proposal
05	Controlled 2 second trailing right-turn phase from Victoria Road to Gordon Street.	For implementation by RMS if considered beneficial
06	Conversion of the existing lane designation on Darling Street northbound approach to Victoria Road from left + through/right to left/through + through/right.	For implementation by RMS if considered beneficial
07	Parking restrictions on Darling Street in the southbound direction from Belmore Street to Red Lion Street.	For implementation by Council if considered beneficial
08	Relocation of the bus stop on the southbound side of Darling Street between Victoria Road and Belmore Street to between Belmore Street and Red Lion Street.	Partially implemented – Bus stop has been moved approx. 35 metres towards Red Lion Street
09	Parking restrictions on Darling Street in the southbound direction from Victoria Road to Belmore Street.	Implemented (3.30-6.30PM Weekdays), plus spaces removed for relocated bus stop
10	Parking restrictions on Waterloo Street to allow 2 lanes eastbound from Balmain Tigers exit to Darling Street.	For implementation by Council if considered beneficial
11	Parking restrictions on Wellington Street to enable 2 lanes between Merton Street and Terry Street and 3 lanes of traffic between Victoria Road and Merton Street.	Not implemented (relevant to Terry St site)
12	Parking restrictions on Terry Street, to enable 2 lanes of traffic southbound between the access to the Multiplex site on Terry Street and Victoria Road.	Implemented (relevant to Terry St site)
13	A number of different access points to the Multiplex site from Terry Street, Wellington Street and Crystal Street.	Implemented (relevant to Terry St site)

Figure 39 Road modifications

Source: Ason Group

5.5.2 Westconnex M4-M5 link

WestConnex is part of an integrated transport plan for Sydney which will ease congestion and support long-term economic and population growth. The M4-M5 Link project will include an underground tunnel from the Rozelle Interchange to Victoria Road east of Iron Cove Bridge, known as the 'Iron Cove Link' will provide a link from the Anzac Bridge to the Iron Cove Bridge, removing traffic from a large part of Victoria Road, including that in the vicinity of the site.

5.5.3 Traffic Generation and Impact

Adopted trip rates

Having regard to the earlier studies undertaken of the site the trip rates for the proposal are outlined in the figure below.

Table 19: Adopted Trip Generation Rates

Land Use	AM	PM	Saturday
Retail (trips / space)	0.54	1.36	1.34
Commercial (trips / GFA)	1.60	1.20	-
Club (trips / PFA)	-	1.82	1.82
Residential (trips / unit)	0.22	0.17	0.29

Figure 40 Adopted trip generation rates

Source: Ason Group

Traffic generation budget

There have been a number of different traffic generation budgets assessed during the site's history. However, based on the review of the relevant Arup studies (noting that the 2015 DA was not directly responded to with a corresponding ARUP study) and recognising that the 2008 ARUP study is consistently referred to as the benchmark for defining what would constitute 'acceptable' development traffic impacts, the following summarises the permissible traffic budgets identified by this assessment;

- 316 weekday evening peak hour trips – based largely on the 2008 ARUP report.
- 440 Saturday peak hour trips – based largely on the 2010 Arup report.

Traffic generation

The standard traffic generation analysis estimates that the Proposal is expected to generate;

- 161 trips during the critical weekday evening peak hour, 155 (49%) fewer trips than the permissible traffic budget of 316 trips during this peak hour,
- 168 trips during the critical Saturday midday peak hour, 272 (62%) fewer trips than the permissible traffic budget of 440 trips during this peak hour, and 148 (47%) fewer trips than the permissible traffic budget of 316 trips for the Site during the weekday peak hour.

Based on the sensitivity test assessment the proposal is anticipated to generate:

- 236 vehicle trips during the evening peak hour, 80 fewer trips than the permissible traffic budget during the weekday evening peak hour, a reduction of 25%.
- 241 vehicle trips during the Saturday peak, 199 fewer trips than the permissible traffic budget during the Saturday peak hour, a reduction of 45%.

The proposal is considered acceptable as the forecast peak hour traffic generation during the critical weekday evening and Saturday midday peak hours is so significantly below the permissible traffic budgets – in the range of 25-62% fewer trips – that regardless of whether the remaining network modifications can be delivered or not, the impacts of the less onerous proposal would likely remain acceptable.

Road network performance

SIDRA modelling analysis indicates that increase in delays at all assessed intersections are relatively minor and result in little or no changes to LoS. Therefore, the impact of traffic generated by the Site on the road network is considered to be immaterial and, despite the congested conditions already found on the network, the proposal would not worsen the current level of performance at key intersections around the site.

5.5.4 Car parking

The LDCP2000 has maximum car parking figures and the maximum car parking requirement is 328 (excluding car share) for the proposal. The proposal will provide 273 car parking spaces which is less than the maximum, refer to the figure below.

Table 18: Proposal: Maximum Car Parking

Land Use	Yield	Parking Requirements	Parking Proposed
Private Car Park – Basement 2 Level			
Residential			
One Bedroom	76	46	
Two Bedrooms	72	65	
Three Bedrooms (+)	25	27	
Residential Sub Total	173	138	138
Commercial			
Commercial	1,785m ²	27	10
Residential/Commercial Sub Total		165	148
Public Car Park – Basement 1 Level			
Restaurant, café or other refreshment rooms	823m ²	41	
Club:			
Lounge and bar	656m ²	33	
Dining/Auditorium	562m ²	22	
Supermarket	2,886m ²	43	
Speciality Retail	249m ²	4	
Non-Residential Sub Total		143	117
Total	-	308	265

Figure 41 Maximum car parking rates and proposed spaces

Source: Ason Group

5.5.5 Sustainable transport

The Parramatta Road Corridor Urban Transformation Strategy, 2016 (the PRCUTS or Strategy) is the Government's 30-year plan setting out how the Parramatta Road Corridor will be revitalised and grow for the benefit of local communities and those living and working along the Corridor. The site aligns with the objectives of the PRCUTS as it;

- Provides a mix of uses including residential, retail and commercial which will reduce the need for residents to travel. There will also be a proportion of 'live-work' spaces, which are aimed at those who wish to work from home but also have a separate work space away from the residential accommodation;
- The proposal will not exceed the maximum parking rates in the LDCP2000;
- Car share spaces would also be provided as part of the Proposal. In total, 6 spaces are provided in accordance with LDCP2000;
- Alongside the restrictive car parking strategy, the development would encourage a mode shift away from encouraging non-car modes of travel;

- Superior cycle parking would be provided as part of the proposal and end of trip facilities would be provided to serve the staff who will be located in the building, whether it be commercial, Club or retail employees;
- The Club would provide shuttle bus for patrons;
- Green Travel Plans would be implemented for each of the uses on-site which will provide information on non-car travel choices and initiatives to get encourage take-up of these modes. The Green Travel Plans will also promote the use of the car share facilities provided on-site as well as others such as GoGet, which has cars located all around Rozelle, including one on Waterloo Street.

5.5.6 Loading dock

The proposed Loading area has been redesigned as a result of the revised basement layout and now removes the turntable, which specifically addresses one of Council's key RFI requests.

5.5.7 Green Travel Plan

A Green Travel Plan (GTP) has been prepared by The Transport Planning Partnership to accompany this application (**DA Appendix 28**). The purpose of a GTP is to encourage people to use transport modes that have a low environmental impact such as walking, cycling, public transport or better car use management. The GTP provides appropriate measures for the different land uses to promote a modal shift away from private car usage, in particular single occupancy trips. Existing transport conditions such as the proximity to rail services, ferry services, bus services and existing pedestrian and cycling infrastructure, car share facilities have been addressed in the GTP.

It is estimated that the proposal will generate 142, 226 and 226 (2-way) vehicle trips during the AM, PM and Saturday respectively, this means the proposed development is expected to generate an addition of 93-147 bus trips, 3-5 ferry trips, 17-28 train trips and 29-46 cycling or walking trips during peak periods. The GTP has outlined a summary of the key strategies and framework actions such as the establishment of a car pooling system, providing additional car sharing facilities, shuttle bus services for the Club members and transport access guide to promote more sustainable travel.

It is recommended that travel surveys should be undertaken three months post-occupation of the site, findings of this survey should update the GTP to suit the existing condition of the site. The GTP will be managed and monitored to ensure that it is achieving its desired benefits, subsequent surveys should be undertaken after one, three and five years.

5.6 Economic Impact

The DA is accompanied by an Updated Economic Impact Assessment prepared by LocationIQ (refer to **DA Appendix 7**). The report demonstrates that the impacts of the proposed revised development on existing retailers are low, and the existing retailers will also benefit from the proposed development overtime.

Rozelle and Balmain represent significant strip retail destinations for residents in the main trade area. It is estimated approximately 11,000m² of retail areas are provided across a number of different retailers along Victoria Road and Darling Street in Rozelle and further north along Darling Street in Balmain. The focus of retail along the Rozelle area is around food catering and services with a number of national and independent tenants provided in each category. Research indicates the largest spending market within the area is food and liquor (36.1%). The figure below shows the retail, industrial and education areas near the subject site.



Figure 42 Balmain Leagues Club Local Context

Source: Location IQ

The majority of retail in Rozelle is situated along Darling Street and Balmain Road. Darling Street generally accommodates pedestrian flows with a number of non-retail facilities including a school, a church and backpacker's accommodation. The Balmain retail strip is situated approximately 500 meters north-east of Rozelle, which offers similar retail facilities to Rozelle. There is an existing Woolworths supermarket located on Darling Street and Beattie Street, Balmain, which is approximately 1.3km north-east of the subject site. This supermarket is observed to trade strongly and would benefit from the lack of competition from other full-line supermarkets in the area, no other major shopping centres exist within the Rozelle or Balmain retail areas.

It is estimated that the population of the Balmain Leagues Club main trade area was 61,280 persons at the 2016 Census and this is projected to increase to 67,930 by 2036. The report notes that the supermarket floor space provision across the Balmain Leagues Club main trade area is significantly lower than average, at 156 m² per 1,000 persons. This can be compared to the Sydney metropolitan average of 253m² per 1,000 persons and the Australian average of 336m² per 1,000 persons.

There is a significant demand for further retail floor space and, in particular, supermarket floor space within the defined main train area. The report concludes that the the proposed development would not impact on the viability or continued operation of any retail facility in the region.

The proposed development would instead, satisfy some of this excess retail demand and would increase the choice and competition for food, grocery and lifestyle spending. In addition, the proposed development offers two levels of underground parks with approximately 131 car parks dedicated to the retail/ club component of the development, which would significantly assist both existing commercial/retail operators along Darling Street and the proposed development.

The proposed development would also create additional employment during the construction and operation period. It is estimated that approximately 417 jobs are likely to be provided both directly and indirectly as a result of the proposed

development. This includes a number of youth employment opportunities with retail developments generally employing a large number of younger staff.

The proposed development, with a focus on food and beverage and specialty retail, combined with a smaller supermarket area, have been designed so that they do not impact on the viability or continued operation of the existing retail facilities in the region. The specialty retail is not provided at lower-ground, which means that any patron seeking specialty retail offering will need to travel to the ground level, which is directly connected to Darling Street at grade. The size of the supermarket footprint has been reduced to reduce potential traffic impacts and ensure that it does not negatively impact on the surrounding retailers.

Further, the proposal would satisfy existing and future retail demand within the growing main trade area, creating increased range, convenience and price competition for local residents. Impacted retail centres will continue to trade at viable levels, benefiting from sales growth over time. The report concludes that the subject development will not impact on the hierarchy of centres or the role of other centres within the area.

5.7 Crime Prevention Through Environmental Design

The four principles of Crime Prevention Through Environmental Design (CPTED) have been incorporated into the design. The CPTED principles have been addressed below. It is concluded that relative to the existing scenario, the proposal will significantly improve compliance with the principles and will enhance the general safety of the area by delivering a vibrant high quality mixed use precinct that is activated at all times of the day.

- **Surveillance:** The proposal will provide a high level of surveillance. Surveillance has been maximised by orientating units towards the street frontages to maximise sightlines to and from the development. Access for building C and the supermarket is obtained directly from the Victoria Road frontage. Building A and B, the Club and Town Square will be accessible via the proposed lanes. The lanes are generous in size and linear in configuration to permit clear sightline to the various entrance points. The basement design separates the provided uses and provides clear lines of sight as well as defined lift cores which facilitate access to the uses above. Surveillance cameras and securities will be provided in site management to provide passive surveillance.
- **Access/egress control:** The proposed laneways connecting from the streets to the Town Square have the capacity to benefit from passive surveillance and appropriately illuminated spaces. These lanes are designed linear and avoid dead ends or entrapment points. The pedestrian access paths provide direct and level access from the surrounding street and are designed linear and avoid ends or entrapment points. Lighting is to be provided to the all common areas including the proposed lanes, the Town Square and basement levels.
- **Territorial reinforcement:** The design will clearly delineate public and private open spaces through the use of fencing, landscaping and clearly defined entrances. The proposal introduces a range of new uses to the site and will attract a high degree of pedestrianisation as well as activity during the day and night. The proposed use of the site combined with the scheme's high quality design will send cues that the site is well cared for, which will deter potential criminal activity.
- **Space management:** Crime prevention is achieved by allowing for site planning and design that permits each dwelling to have general surveillance of the street and unobstructed view to the pedestrian and vehicular approaches to the buildings. Residential basement car parking will provide secure parking under the development with authorised access locks and

intercom for visitors. General public parking will also be managed by a private contractor.

5.8 BCA/Fire Safety Schedule

Accompanying this application is a BCA Assessment Report prepared by Steve Watson and Partners (**DA Appendix 17**). This report presents the findings of a preliminary assessment undertaken of the proposed design of the development against the Deemed-to-Satisfy (DTS) provisions of Building Code of Australia (BCA) 2016.

The preliminary assessment concluded that the development adequately satisfies the intent of being able to comply with the requirements of the BCA for the purpose of DA submission. The report is able to confirm the proposed design is capable of achieving compliance with the BCA subject to further detail at the design development stage.

5.9 Access

A Revised Access Review Report has been prepared by Morris Goding Accessibility Consulting to accompany this application. The report provides advice and strategies to maximise reasonable provisions of access for people with disabilities. The proposed development has been assessed to ensure that ingress and egress, paths of travel, circulation area, parking and accommodation comply with relevant statutory guidelines. It is determined that in general, the development has accessible paths travel that are continuously throughout. Adaptable units have been provided in the proposed development, general guidelines and recommendations have been provided in the report to address the design criteria.

As outlined in the the Updated Transport, Traffic and Parking Assessment Report in RFI **Attachment 6**, the RFI process the access strategy has been modified, and the basement designed revised, to facilitate an all movement vehicular access driveway to both the public and private car park via Waterloo Street. Only the servicing access is proposed by way of an access driveway on Victoria Street. For the revised access strategy, it is deemed suitable to remove the deceleration lane on Victoria Street given the low traffic volumes associated with servicing requirements. This in turn has provided the opportunity to improve the public domain along the Site frontage.

The report concludes that the proposed mixed-use development is capable of complying with the mandatory requirements to provide suitable access and facilities for persons with disabilities. A copy of this report has been attached in **RFI Attachment 12**.

5.10 Waste Management Provisions

Accompanying this application is a Revised Operational Waste Management Plan prepared by Elephants Foot Recycling Solutions (**RFI Attachment 1**). The report outlines the operational management of waste generated by the mixed-use development. It includes information regarding:

- Residential waste management
- Commercial/retail waste management
- Movement and transportation of bins
- Collection of waste

Installation equipment and design criteria have been listed in the Plan. Effective waste management strategies have been implemented to ensure the development

achieves its sustainability, waste source separation has been applied for the recovery, reuse of discarded materials and management of hazardous waste.

Three garbage chutes will be installed with access provided on all residential levels of each core. The chutes are to be used for the disposal of garbage only. Recycling bins will be situated in the recycling room on basement level for collection of recyclable items. For commercial wastes, bins will be positioned next to each worker's desk or work station, the cleaners will circulate around the workplace after normal office hours to perform general cleanings. Bins for general waste and recyclables will be located centrally in each office. Tenants will be responsible for their own storage of garbage and recycling for retail waste management. On completion of each trading day or as required, nominated staff/cleaners will transport their garbage and recycling to the retail waste room on ground level and place waste into the appropriate bins.

The building manager/waste caretaker will be responsible for the transportation of bins from their designated operational locations to their respective collection room/areas prior to scheduled collection times, and returning them once emptied to resume operational use. Residential commercial and retail waste will all be collected by a private contractor from the loading bay on lower ground level.

5.11 Acoustic

An Addendum Acoustic Impact Assessment and addendum letter is included at **DA Appendix 13**. Potential noise impacts have been identified as traffic noise intrusion into the development from surrounding roads including Victoria Road, mechanical plant noise emissions, potential noise emissions from the proposed loading dock and from the proposed Balmain Leagues Club to surrounding receivers.

The noise impacts have been addressed in accordance with Local council requirements including the Inner West Council Development Control Plan, Environment Protection Authority (EPA) Noise Policy for Industry (NPfI), Environment Protection Authority (EPA) Road Noise Policy and Liquor and Gaming NSW (LGNSW) guidelines.

- The report notes that relative to the scheme proposed under D/2018/2019, the proposal successfully reduces traffic noise impacts due to the increased setbacks to Victoria Road and the provision of a singular tower as opposed to three distinct building elements. However, acoustically upgraded facades are required to achieve the recommended internal noise levels for the dwellings exposed to noise from Victoria Road.
- Noise emissions from the proposed plant are capable of complying with the relevant criteria and will not result in adverse noise impacts.
- The non-residential uses will not result in unacceptable noise emissions.
- During the construction phase the proposal will not produce unacceptable noise emissions or vibration impacts.

Mechanical plant will be assessed during the detailed design phase to ensure compliance with the nominated noise emission objectives.

The report has concluded that the proposed design can comply with the noise intrusion and noise emission requirements of the aforementioned authorities and regulations for all periods of the day, evening and night.

5.12 Geotechnical

Accompanying this application is a Geotechnical Investigation prepared by JK Geotechnics (**DA Appendix 22**). This report presents the results of a geotechnical investigation of the site for the proposed development, building upon a previous

investigation dated 16 April 2010 which incorporated the results of an even earlier investigation dated 8 April 2005. The report outlines geotechnical information on subsurface conditions as a basis for preliminary comments and recommendation on hydrogeological conditions, excavation conditions, excavation techniques, retention options, retention design parameters, footings, and on-grade floor slabs.

Investigation procedures, including three boreholes, were drilled along the southern side of the site. Key geotechnical constraints are considered as the fill and residual soil would require retention for the proposed excavation. The upper weathered sandstone which was encountered at relatively shallow depth is of poor quality and will also require retention. The bulk of the proposed basement excavation will be within sandstone bedrock. Rock excavation methods will be required and we anticipate that the deeper excavation will present 'hard' rock excavation conditions. In addition, some localised stabilisation measures are likely to be required on the excavated rock faces and Groundwater seepage should be anticipated into the basement excavation.

Detailed implementation and excavation techniques have been discussed and addressed in the report. It is noted prior to the commencement of demolition and excavation, detailed dilapidation reports should be completed on the neighbouring buildings and structures that fall within the zone of influence of the excavation. Temporary and permanent retention will be required for excavation, all footings and pile holes are recommended to be inspected by a geotechnical engineer prior to pouring. For a development of this size, a further deep cored boreholes drilling is recommended to confirm the uniformity of the subsurface conditions across the site area and groundwater monitoring is recommended to be installed to estimate the groundwater inflow rates.

5.13 Wind testing

Windtech Consultants have prepared a Pedestrian Wind Environment Statement to assess the likely impact to the proposed development (**DA Appendix 15**). The effect of wind activity has been examined for the three predominant wind directions for the Sydney region, namely the north-easterly, southerly and westerly winds. The assessment concludes that the subject development may experience adverse wind conditions, however treatments have been provided so that suitable wind conditions can be achieved for all trafficable outdoor areas within and around the proposed development. (to be completed once the final report is issued).

5.14 ESD and BASIX Report

An Ecologically Sustainable Design (ESD) and BASIX Assessment Report has been prepared by IGS to accompany this application (**DA Appendix 21**). This report has examined the energy efficiency provisions for the development which demonstrate commitment to environmental sustainability. The sustainability targets for the development can be achieved in an integrated and staged approach through minimising demands for energy consumption through passive measures, and then consumption optimisation and use of renewable resources where required.

The energy performance of the development will meet the mandatory BASIX Energy target of 50% provided the recommended energy commitments are implemented. The proposed development is able to meet the thermal comfort and energy requirements. The proposal exceeds the water targets.

The National Construction Code (NCC) Section J is applicable to the non-residential areas of the proposed development and sets regulations for energy efficiencies for all types of building with respect to the building's construction, design and activity. It is determined that the development will meet and exceed the NCC energy efficiency

requirements of Part J. The report concludes that the proposed development will meet and exceed relevant regulatory sustainability requirements.

The proposed development has also been assessed against the Green Star environmental rating tool, Developed by the Green Building Council of Australia. Though the development is not seeking a formal Green Star certification, the design team will consider the sustainable design initiatives associated with Green Star.

5.15 Plan of Management – Tigers Club

Mecone has prepared a draft Plan of Management to accompany this application (**DA Appendix 19**). The plan has established performance criteria for the various aspects of the operation of the Club. This preliminary plan seeks to demonstrate how the ongoing use of the premises as a Club will occur, with regards to the relevant matters under the EP&A Act 1979, the *Liquor Act 2007* and any relevant Regulations under the legislation. It is noted a development application for fit-out and use of the premises as a Club will be prepared and submitted in future stage.

5.16 Trolley Management Plan

A Trolley Management Plan (**DA Appendix 23**) has been prepared for The Supermarket Operator and Principle Contractor of the supermarket component of the proposed development. The Plan will ensure a structure is set in place for supervision and enforcement of the centre rules and regulations.

The Management Plan proposes that trolley collection within the centre and car park areas shall only be carried out between the following hours (subject to trading hours);

Monday, Tuesday, Wednesday, and Friday	6:00am to 10:00pm
Thursday	6:00am to 10:00pm
Saturday	6:00am to 10:00pm
Sunday, including Public Holidays	6:00am to 10:00pm

After hours: Trolleys may be reported as abandoned through the Trolley Tracker system, call placed to Centre Management and a message left defining where the trolley is located.

Further details regarding training guidelines, licenses, and other relevant factors is detailed within the Management Plan.

5.17 Building Services

Accompanying this application, a Building Services Design Brief prepared by IGS has been included in **DA Appendix 25**. This brief covers building services including mechanical services, electrical services, hydraulic services and fire services. The brief has specifically addressed performance design requirements such as carpark ventilation, retail and commercial area, supermarket, club and public spaces, residential for buildings greater than 25 metres and miscellaneous systems. Recommendations and specific design criteria have been included in the report to ensure the building achieve its sustainability.

5.18 Structural

A Structural Engineering Brief has been prepared by Webber Design to understand the building constraints and structural options for the proposed development (**DA Appendix 24**). Considering the basement excavation will be approximately 20m below ground along Victoria Road and 15m below on Water Street and the presence

of residual soils and weathered shales in the upper layers, the retention system will consist of solid piles with temporary anchors and infill shotcrete panels. A conventional 120mm slab on grade on a nominal 100mm gravel subbase with a system of slab sub drainage and pump pits are proposed to protect the slab in the event of any significant water table rise. Detailed specifications such as beam and slab depths, concrete specifications, slab design loadings, reinforcement have been nominated in the Brief. Further hydrological studies, geotechnical investigations and constructability of variable slabs are required for further assessment.

5.19 Civil Drainage Report

Accompanying this application a Revised Civil and Stormwater Plans & MUSIC Model and Report has been prepared by Webber Design has been included in **RFI Attachment 5**. This report has been prepared and updated in accordance with the guidelines contained within the Inner West Council DCP and Council's RFI. The subject site currently utilises several points of discharge which connect to the council storm water infrastructure via kerb and channel connection within Waterloo Street. The council in ground drainage infrastructure map indicates a lack of in ground infrastructure in the area. The proposed new development will replace the kerb and channel connection with a new in ground storm water connection, with council in ground drainage infrastructure available at the corner of Waterloo Street and Moodie Street via a new outfall drain, on-site detention tank and flow control pit. Refer sketch C-SK-1 dated 29 November 2019 (**RFI Attachment 5**).

It is also proposed to distribute the overland from the common podium to both Victoria Street and Waterloo Street, to reduce the net overland flow drainage to Waterloo Street. An on-site detention will be required to limit outflows as required in the Inner West Council DCP. All sediment and erosion controls will be finalised in the detail design phase. A construction management plan will address management of erosion and sediment control during construction and transportation.

A Model for Urban Stormwater Improvement Conceptualisation (MUSIC model) has been provided to meet the specific treatment targets as outlined within the DCP of Inner West Council. The model predicts the performance of stormwater quality management systems and proposed treatment options have been provided to meet these requirements. The report concludes that based on the treatment levels achieved within the MUSIC model the stormwater treatment quality is deemed acceptable.

5.20 Construction Management Plan

To accompany this application, a Construction Pedestrian & Traffic Management Plan Framework (CPTMP) has been prepared to provide an outline of the procedures and mechanisms that will be implemented during the project's demolition, excavation and construction (**DA Appendix 26**). The aim of this plan is to minimise the impacts on local community, existing traffic arrangements, as well as to ensure public safety and environmental protection. The construction methodology is prepared in conjunction with the Updated Transport, Traffic & Parking Assessment Report by Ason Group (**RFI Attachment 6**), the Structural Report by Webber Group, the Geotechnical Report by J&K and the Noise Impact Assessment by ALC to demonstrate the proposal can be physically constructed and that impacts on the traffic networks and neighbouring properties can be adequately managed.

A construction program overview has been created to show the estimated construction duration of the proposed development is 36 months and the final development is expected to be fully operational by mid 2021. Details of the site management, traffic management and environmental management have been addressed and outlined in the CPTMP plan. It is noted that prior to the on-site

commencement, this plan will be revised by the contractor and expanded to provide a project specific site management plan.

5.21 Staging

The proposal seeks consent for the staged construction of works. The proposed staging is as follows:

- Stage 1 – Demolition;
- Stage 2 – Excavation;
- Stage 3 – Construction of the structure through to ground level;
- Stage 4 – Completion of Structure; and
- Stage 5 – Fitout and finishes.

5.22 Social Impact Assessment

A preliminary social impact assessment has been prepared by Urbis to provide an overview of the assessment which identifies the potential associated impacts of the proposed development (**DA Appendix 27**). The assessment has outlined detailed methodologies to identify potential positive and negative social impacts associated with the proposal, with relevant mitigation measures. A summary of the likely social impacts have been identified and provided in the assessment.

5.23 Site Suitability

The site is suitable for the proposed development in the following respects:

- Is capable of achieving Terms of Approval under Section 138 of the Roads Act 1993 and concurrence under the I-SEPP;
- Is consistent with the objectives for development in the LLEP2000, Schedule 1, Part 3 'Amended controls on specific sites – Balmain Leagues Club Precinct site', Clause 2 and will enable a high-quality redevelopment of the site;
- Is generally compliant with the key development standards outlined in the LLEP2000 Schedule 1, Part 3 'Amended controls on specific sites – Balmain Leagues Club Precinct site', Clause 4. Where it proposes to vary from these development standards (with respect to the mix of uses), the application has been accompanied by a SEPP 1 Objection that demonstrates that the proposal:
 - Notwithstanding the non-compliance with the development standard, will achieve the objectives of the development standard; and
 - Is unreasonable or unnecessary in the circumstances;
- Is consistent with the 9 Design Principles outlined within *State Environmental Planning Policy No. 65* and the relevant provisions contained within the Apartment Design Guide;
- Is consistent with the DCP controls in the recently adopted site-specific DCP for the site. Where variations are proposed to the numerical controls, appropriate justification against the DCP Objectives has been provided.
- Will provide dwellings achieving high amenity outcomes with respect to unit size, outlooks, solar access and natural ventilation;
- the proposal is compatible with surrounding land uses and the surrounding development;

- public transport infrastructure and road access are available at or near the site;
- the full range of utility services infrastructure – electricity, gas telecommunications, water, sewer and stormwater drainage – are available at or near the site; and
- there are no environmental constraints on or around the site of such significance as to preclude the proposed development.

5.24 Public Interest

The proposed development is considered to be within the public interest for the following reasons:

- The proposal will provide a public plaza which will have sufficient solar access;
- Is consistent with Council's adopted site-specific DCP amendment and will therefore deliver an improved built form development consistent with Council's vision for the site as well as the LLEP2000 Objectives (Clause 2) and Development Standards (Clause 4). The proposed massing will be focused along Victoria Road which will reduce the impacts to Waterloo Street and Darling Street;
- The proposal seeks to reinstate the heritage façade along Darling Street and therefore will conserve the heritage significance of the heritage conservation area;
- Will enable the Balmain Tigers to return to their historic site and will deliver a financially viable Club as a key community facility and social space;
- Will provide an appropriate mix of uses including commercial, retail, Club and residential that will contribute to the local Rozelle Commercial Centre, while protecting residential amenity and supporting transit-oriented development principles;
- Will contribute to local employment growth in creative, innovation and technology based industries in accordance with Council and State priorities including the Eastern District Plan;
- The proposal will provide an active street frontage and provide further passive surveillance;
- The proposal will either meet or exceed all ESD targets BASIX and therefore provides a high level of environmental sustainability.

6 Section 4.15 Compliance

In summary, Table 6 provides an assessment of the proposal against the provisions identified under section 4.15 of the EP&A Act.

Table 10. Section 4.15 Assessment Summary		
Clause No.	Clause	Assessment
(1)	Matters for consideration – general	
(a)(i)	The provision of: Any environmental planning instrument, and	The proposal has been shown to be consistent with the relevant SEPPs, SREPs and while there is a non-compliance with the FSR breakdown, it is supported by a Revised SEPP 1 Objection refer to DA Appendix 10 .
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Director-General has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	There are no relevant proposed planning instruments that have been subject of public consultation under the Act or have been notified to the consent authority.
(iii)	Any development control plan, and	The proposal is consistent with LDCP 2000, including the site specific DCP for the BLC Precinct.
(iiia)	Any planning agreement that has been entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F, and	An amended VPA was submitted to Council alongside the Proponent's site specific DCP proposal.
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	The proposal has been prepared under clause 55 of the <i>Environmental Planning and Assessment Regulation 2000</i> .
(v)	Any coastal zone management plan (within the meaning of the Coastal Protection Act 1979),	Not applicable as the site is not located in a coastal zone.

Table 10. Section 4.15 Assessment Summary

Clause No.	Clause	Assessment
	that apply to the land to which the development application relates,	
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	All likely impacts have been considered and appropriate management measures have been prepared.
(c)	The suitability of the site for the development,	The site is considered suitable for the proposed use as mixed use development, refer to section 5.19 above.
(d)	Any submissions made in accordance with this Act or the regulations,	The consent authority will consider any submissions made with respect to the proposed development.
(e)	The public interest.	The proposed mixed -use development is in the public interest, refer to section 5.20 above.

Conclusion

This Statement of Environmental Effects (SEE) report is prepared on behalf of Heworth and supports a n Integrated Development Application (DA) under Section 138 of the *Roads Act 1993 to Inner West Council* (Council) for the redevelopment of the Balmain Leagues Club which fronts Victoria Road, Darling Street and Waterloo Street, Rozelle (the 'site').

This SEE describes the proposed development of the site and surrounding area in the context of the relevant planning controls and policies. In addition, the SEE provides an assessment of those relevant heads of consideration pursuant to section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

Planning and environmental assessments have been undertaken in Sections 4 and 5 (respectively) of this report, supported by additional consultant studies. The assessments and consultant studies have found that the associated impacts of the proposal are acceptable and manageable.

Overall, the proposal:

- Is capable of being granted Terms of Approval under Section 138 of the Roads Act and concurrence under the Infrastructure SEPP;
- Is consistent with the objectives for development in the LLEP2000, Schedule 1, Part 3 'Amended controls on specific sites – Balmain Leagues Club Precinct site', Clause 2 and will enable a high-quality redevelopment of the site;
- Is generally compliant with the key development standards outlined in the LLEP2000 Schedule 1, Part 3 'Amended controls on specific sites – Balmain Leagues Club Precinct site', Clause 4. Where it proposes to vary from these development standards (with respect to the mix of uses), the application has been accompanied by a SEPP 1 Objection that demonstrates that the proposal:
 - Notwithstanding the non-compliance with the development standard, will achieve the objectives of the development standard; and
 - Is unreasonable or unnecessary in the circumstances;
- The proposal is largely consistent with the site-specific DCP amendment contained within Part D1 of the Leichhardt DCP. Where variations are proposed, the objectives are achieved through the adoption of an alternative solution or are justified on the basis of merit.
- The proposal is consistent with the LLEP2000 Objectives (Clause 2) and Development Standards (Clause 4);
- Will enable the Balmain Tigers to return to their historic site and will deliver a financially viable Club as a key community facility and social space;
- Will provide an appropriate mix of uses including commercial, retail, Club and residential that will contribute to the local Rozelle Commercial Centre, while protecting residential amenity and supporting transit-oriented development principles;
- Will contribute to local employment growth in creative, innovation and technology based industries in accordance with Council and State priorities including the Eastern District Plan;
- Is well-designed to provide appropriate articulation of height and massing, while enabling significant public domain benefits through the delivery of a new public plaza and associated laneways;

- Is consistent with the 9 Design Principles outlined within *State Environmental Planning Policy No. 65* and the relevant provisions contained within the Apartment Design Guide;
- Will cater for a mix of households by providing a mix of dwelling types and sizes;
- Will provide dwellings achieving high amenity outcomes with respect to unit size, outlooks, solar access and natural ventilation;
- Will appropriately manage any environmental impacts associated with the development, particularly with respect to traffic generation to ensure that the development does not have unacceptable impacts on surrounding streets;
- Is a suitable development for the site and is considered to be in the public interest.

Accordingly, we consider that the proposal meets the requirements under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EPA Act) and request that it be recommended for approval.



Suite 1204B, Level 12, 179 Elizabeth Street
Sydney, New South Wales 2000

info@mecone.com.au

mecone.com.au