

Panel Reference	PPSSEC-266
DA Number	MOD/2022/0447
LGA	Inner West
Proposed Development	<p>Section 4.55(2) Modification of Development Consent D/2018/219 seeking modifications to approved mixed-use development. Changes include modifications to: the commercial club and retail podium; approved building envelopes and facade; public domain landscaped areas; residential unit design and mix resulting in a reduction of units; private and communal open space areas; basement and sub-structure</p> <p>The original development application (D/2018/219) approved the following development:</p> <p><i>Demolish all existing improvements, carry out site remediation and construct a mixed-use development comprising three (3) basement levels for residential and commercial parking with three 11 to 12 storey buildings connected above a shared retail and commercial podium with 164 residential units above. The commercial area will include a new leagues Club. Development fronting Waterloo Street will comprise two (2) to three (3) storey buildings for three (3) live/work units resulting in 167 residential units on the site.</i></p>
Street Address	<p>138-152 and 154-156 Victoria Road; 697 Darling, 699 Darling Street and 1 Waterloo Street, 3 to 7 Waterloo Street, ROZELLE NSW 2039.</p> <p>The site is generally referred to as the Balmain Leagues Club Precinct</p>
Applicant	Grand Rozelle Pty Ltd
Owner	Grand Rozelle Pty Ltd
Date of DA lodgement	14/12/2022
Number of Submissions	9
Recommendation	Approval, subject to conditions.
Regional Development Criteria (Schedule 7 of the SEPP (State and Regional Development) 2011)	The original Development Application was determined by the SECPP, and the proposed modification seeks to vary the diverse housing development standard under Clause 19(6) of the Leichhardt Local Environmental Plan 2000 by greater than 10%.
List of all relevant s4.15(1)(a) matters	<p>Environmental Planning Instruments</p> <ul style="list-style-type: none"> State Environmental Planning Policy No. 65 – Design Quality Residential Apartment Development and Apartment Design Guide

	<ul style="list-style-type: none"> • State Environmental Planning Policy No. 55 – Remediation of Land • State Environmental Planning Policy (Resilience and Hazards) 2021 • State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 • State Environmental Planning Policy (Transport and Infrastructure) 2021 • State Environmental Planning Policy (Biodiversity and Conservation) 2021 • Leichhardt Local Environmental Plan 2000 <p>Development Control Plans</p> <ul style="list-style-type: none"> • Leichhardt Development Control Plan 2000 <p>Other</p> <ul style="list-style-type: none"> • Leichhardt Developer Contributions Plan No.1 – Open Space and Recreation; 'Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access
List all documents submitted with this report for the Panel's consideration	<ul style="list-style-type: none"> • Attachment 1 – Draft Modified Conditions • Attachment 2 – Original conditions of consent • Attachment 2 – Architectural Plans (as amended) • Attachment 3 – Statement of Environmental Effects (as amended) • Attachment 4 - SEPP 65 Design Verification Statement/ AEP Report Design Response • Attachment 5 – Landscape Plans • Attachment 6 - Former Balmain Leagues Club_Rozelle NSW 2039 - Civil Engineering Design Report.pdf • Attachment 7 – Statement of Heritage Impact • Attachment 8 – Revised Traffic and Transport Study • Attachment 9 – Substantially the Same Legal Advice • Attachment 10 – Analysis against the principles of SEPP 1 to support requested variation to Clause 19(6) of the Leichhardt LEP 2000 • Attachment 11 - Yield mix analysis
Report prepared by	Eric Wong
Report date	27 July 2023

Summary of s4.15 matters

Yes

Have all recommendations in relation to relevant s4.15 matters been summarised in the Executive Summary of the assessment report?

Legislative clauses requiring consent authority satisfaction	
Have relevant clauses in all applicable environmental planning instruments where the consent authority must be satisfied about a particular matter been listed, and relevant recommendations summarised, in the Executive Summary of the assessment report? <i>e.g. Clause 7 of SEPP 55 - Remediation of Land, Clause 4.6(4) of the relevant LEP</i>	Yes
Clause 4.6 Exceptions to development standards	
If a written request for a contravention to a development standard (clause 4.6 of the LEP) has been received, has it been attached to the assessment report?	N/A
Special Infrastructure Contributions	
Does the DA require Special Infrastructure Contributions conditions (S7.24)?	N/A
Conditions	
Have draft conditions been provided to the applicant for comment? <i>Note: in order to reduce delays in determinations, the Panel prefer that draft conditions, notwithstanding Council's recommendation, be provided to the applicant to enable any comments to be considered as part of the assessment report</i>	Yes

EXECUTIVE SUMMARY

This site is known as the Balmain Leagues Club Precinct, and it has a history of proposals being put forward for redevelopment.

D/2018/219, determined by the way of Deferred Commencement 10/09/2020 approved for the demolition of all existing structures except for No. 697 Darling Street, site remediation, and the construction of a 11 and 12 storey commercial mixed-use development fronting Victoria Road and Waterloo Street, Rozelle. Provision is included in the design for retail (incl. a 3100sqm supermarket), commercial premises and licensed Club on the lower levels. Three interconnected buildings above that are between 11 to 12 storeys in height providing for 167 residential units and three basement levels to provide all on-site vehicle, motorbike and bicycle parking; as well as waste and loading/unloading facilities. All service vehicle ingress and egress will be from Victoria Road with light vehicle ingress and egress from Waterloo Street.

Neither the original application, or the modification application, involve the specific uses and fit out of the commercial, Club, or retail components. Consent is sought for general use of these spaces and approval for the specific uses will be subject to future applications.

The modification application seeks modifications to the following:

- Modifications to the commercial, club and retail podium to improve design, layout and user experience and residential lobby functionality by:
 - Change to the ground floor retail premises and public domain (minor change to overall commercial, retail and club floor space allocation); and
 - Centralising the arrival to all building cores, including Building C off Tigers Lane through the introduction of a shared sky-lobby to access Building C core.
- Changes to approved building envelopes and façade.
- Changes to the public domain landscaped areas to improve design and functionality including:

- Plaza planting moved 2m towards Waterloo Street to improve axial symmetry and pedestrian flows, whilst ensuring solar compliance objectives are maintained in the Plaza area.
 - Two additional through-site links proposed in the form of a colonnade along Victoria Road frontage and an additional link between Tigers Lane and Darling Lane.
- Changes to unit design and mix. Reduction in units from 164 to 149 (3 live work units to remain). New unit mix proposed:
 - 2 x studio units;
 - 17x 1-bedroom units;
 - 83 x 2-bedroom units; and
 - 47x 3-bedroom units.
- Changes to private and communal open space areas and the introduction of 200sqm community space in accordance with the VPA conditions;
- Minor core/stair modifications throughout basement and structure in response to design development services planning, and rationalisation of car park stacking; and
- Amended wording of Conditions 60, 85, 86 and 92 to state “Prior to the issue of any Construction Certificate (other than demolition)

The proposed development is Integrated Development as defined under the EP&A Act. Vehicular access is proposed off Victoria Road (a classified road) and concurrence to grant approval from TfNSW under Section 138 of the Roads Act has been provided, subject to conditions.

The principle planning controls applying to this land are site-specific controls set out in the Leichhardt LEP 2000 and Leichhardt DCP 2000.

The originally submitted development proposal was notified in accordance with Council’s Notification Policy for 30 days between 28/02/2023 and 30/03/2023.

In total, 9 submissions were received overall.

The majority of objections received raised the following concerns that have been addressed throughout the main body of the report:

- (i) Traffic and parking impacts.
- (ii) Overshadowing.
- (iii) Non-compliance with the diverse housing development standards as expressed by LEP.
- (iv) Economic viability.
- (v) Bulk and scale impacts.
- (vi) Height.
- (vii) Amenity impacts (acoustic and visual privacy).
- (viii) Incompatibility with existing character.
- (ix) Club use.

As this is a modification application, written objection under State Environmental Planning Policy No. 1 is not required, (As the site is a deferred site under Inner West LEP 2022. The provisions of the Leichhardt LEP 2000 apply and clause 4.6 does not exist in Leichhardt LEP 2000, therefore SEPP No. 1 is still applicable). However, the applicant has provided justification with regard to the non-compliance of the Diverse Housing development standard under Clause 19(6) of Leichhardt Local Environmental Plan 2000. It is considered that the justification of the variation can be supported on the basis that strict application would hinder the attainment of the objectives of the EP&A Act and the proposed development achieves the underlying objectives of the standard, notwithstanding the non-compliance.

The amended development proposal is generally considered satisfactory having regard to the provisions and controls of the Leichhardt Local Environmental Plan 2000 and Leichhardt Development Control Plan 2000, as well as the design principles of State Environmental Planning Policy No. 65 and the criteria of the ADG, subject to conditions.

PART A – PARTICULARS

A1. OVERVIEW

Location	138-152 and 154-156 Victoria Road; 697 Darling, 699 Darling Street and 1 Waterloo Street, 3 to 7 Waterloo Street, ROZELLE NSW 2039. The site is generally referred to as the Balmain Leagues Club Precinct (refer Figure 1 below)
Site Area	7330m ²
Application Number	MOD/2022/0447
Lodgement Date	14/12/2022
Applicant	Grand Rozelle Pty Ltd
Capital Investment Value	\$147,720,685.00 including GST
Zoning	The site is a deferred site under the Inner West Local Environment Plan 2022 (IWLEP 2022). The provisions of the Leichhardt Local Environmental Plan 2000 (LLEP 2000) apply. The site is zoned <i>Business</i> and is the subject of site specific controls under Local Environmental Plan 2000 (Amendment 16). The proposed development is permissible with consent.

A2. KEY COMPONENTS OF THE PROPOSAL

Aspect	Mixed use development on the properties generally known as the "Balmain Leagues Club" site.
	Demolition of all existing structures except for No. 697 Darling Street. Remediation of the site. Construction of a mixed use development fronting Victoria Road and Waterloo Street comprising:
Built Form	<ul style="list-style-type: none"> 3 basement levels providing a total of 324 car parking spaces (incl. 3 car wash bays) retail (incl. a 3087m² supermarket), commercial premises and licensed Club on the lower levels 3 interconnected buildings above that are between 11 to 12 storeys in height providing for 164 residential units: <ul style="list-style-type: none"> Building A – RL 81.70 (top of roof plant) - 12 storeys above Victoria Road Building B – RL 81.20 (top of roof plant) - 11 storeys above Victoria Road Building C – RL 74.600 (top of roof plant) - 11 Storeys above Victoria Road development fronting Waterloo Street will comprise 2 to 3 storey buildings for 3 live/work units so that in total there will 167 new residential units rooftop landscaping, green walls, and communal open space areas creation of 3 laneways (Heritage Lane, Little Darling Lane, and Tigers Lane) and a public town square (plaza)

Aspect	Mixed use development on the properties generally known as the "Balmain Leagues Club" site.
	<ul style="list-style-type: none"> development fronting Darling Street will involve the demolition of No. 699 Darling Street for the creation of one of the 3 proposed laneways (Heritage Lane) and the reinstatement of the façade of No. 697 Darling Street to provide specialty retail premises <p>The application does not involve the specific uses and fit out of the commercial, Club, or retail components. Consent is sought for general use of these spaces and approval for the specific uses will be subject to future applications.</p>
Gross Floor Area (GFA)	<p>Total GFA of 28,417 sqm (Floor Space Ratio (FSR) of 3.88:1), comprising:</p> <ul style="list-style-type: none"> Retail: 5,461 sqm Club: 2,870 sqm Residential: 18,624 sqm Commercial: 1,462 sqm
Residential	<p>Reduction in units from 167 (originally approved) to 149 (3 live work units to remain). New unit mix proposed:</p> <ul style="list-style-type: none"> 2 x studio units; 17x 1-bedroom units; 83 x 2-bedroom units; and 47x 3-bedroom units.
Residential - Adaptable	<p>Adaptable – 15 (10%) Silver Liveable – 30 (20%)</p>
Uses	Division of GFA as per above - Uses will be subject to separate development consent.
Access	Service vehicle access to the development is from Victoria Road with light vehicle access from Waterloo Street. Access and parking management strategies are proposed to minimise night-time traffic impacts on residential streets to the west.
Car Parking	<p>Three basement levels are proposed providing a total of 324 car spaces comprising:</p> <ul style="list-style-type: none"> Residential spaces – 141 Commercial spaces – 23 Retail spaces – 78 Club spaces – 69 Car share spaces – 6 Community bus – 2 Taxi Bays – 2 Carwash Bays – 3
Motorcycle Parking	<ul style="list-style-type: none"> 18 motorcycle parking spaces.
Bicycle Parking	<ul style="list-style-type: none"> 188 bicycle parking spaces.
Public Domain and Landscaping	<ul style="list-style-type: none"> Landscaped public town square (plaza = 1400 sqm) Common open space roof terraces in planters Ground level deep soil planting - 7% of site area Public Domain Area – 2250 sqm

PART B - THE SITE, ITS CONTEXT AND HISTORY

B1. SITE DESCRIPTION

The site located on Victoria Road in Rozelle and is approximately 4.8km west of Sydney CBD. Victoria Road is characterised by the high vehicle volume flow rates to and from the city. The road reserve ranges from 30m to 60m wide, varies from 6 to 8 lanes and is primarily designed as an arterial road.

The site has an irregular shape with an overall area of approximately 7,330m². Surrounding development is a mix of residential, commercial, educational, and light industrial uses.

The site is the site of the former Balmain Leagues Club, which 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. In the 2000s the Club sold the site. It is currently vacant, and the existing buildings are in a dilapidated condition.

Along Victoria Road (north-eastern side of the site), the site consists of a two storey building and a two storey car park structure. Along Darling Street are two 1-2 storey commercial buildings which are currently vacant. Along Waterloo Street (western side of the site), the development incorporates a 1-3 storey building with at grade car parking associated with the Club. The site slopes downward from Darling Street towards the north, following the topography of Victoria Road and Waterloo Street. The Iron Cove Bridge is approximately 600m to the north-west of the site.

On the opposite side of Victoria Road is Rozelle Public School. Adjacent to the School, at the intersection of Victoria Road and Wellington Street and to the north of the site, is the prominent Bridge Hotel building. Opposite the site to the east and close to the corner of Victoria Road and Darling Street is a single storey public toilet block. On the corner of Victoria Road and Darling Street at 665-669 Darling Street is a row of three 2 storey shops.

To the south of the site lies a narrow informal laneway which adjoins the rear of a series of commercial buildings which line Darling Street. The commercial properties include 671 to 695 Darling Street. It is noted that the Balmain Leagues Club has right of way to a section of the laneway which runs along the back of 681 to 695 Darling Street (i.e. Lot 1 DP 1063695), but not over the section of laneway at the rear of 671 to 679 Darling Street.

Waterloo Street lies to the west of the site and is dominated by residential dwellings of various architectural styles and one and two storey scale. Immediately to the north-west of the site in Waterloo Street, the site adjoins a row of residential dwellings (17-25 Waterloo Street). At the south-western end of Waterloo Street, at the intersection with Darling Street, there are two 2 storey scale commercial/industrial style buildings including the former Post Office building (a Heritage Item) at 707 Darling Street. On the north-eastern side of Waterloo Street is 703 Darling Street which is a commercial building of painted rendered brick with high parapet, addressing Darling Street. This building has a two storey, residential attachment to the rear, which addresses Waterloo Street. of one and two storey scale. The properties known as No. 697 Darling Street and 1 Waterloo Street (also known as 699 Darling Street) are located within The Valley Heritage Conservation Area.



Figure 1: Aerial view of subject site – (Source: Nearmap)



Figure 2: Identification of allotments that comprise the subject site – (Source: Inner West Council)

- 138-152 Victoria Road Rozelle (being Lot 1 DP 528045)
- 154-156 Victoria Road Rozelle (being Lot 1 DP 109047)
- 697 Darling Street Rozelle (being Lot 104 DP 733658)
- 1-7 Waterloo Street Rozelle (being Lots 101 & 102 DP629133, Lot 37 & 38 DP 421 and Lot 36 DP190866)



Figure 3: The site viewed from Victoria Road looking northwest towards Iron Cove



Figure 4: The site viewed from Victoria Road looking southeast



Figure 5: The rear of the site viewed from Waterloo Street

B2. SITE HISTORY

Below is a summary of the relevant history.

- In 2008, amendments to the Leichhardt Local Environmental Plan 2000 (LLEP 2000) were gazetted and site specific controls were included in the Leichhardt Development Control Plan 2000 (LDCP 2000) to enable increased height and FSR on this site. The amendments were supported by a Voluntary Planning Agreement entered into between Council and the landowner. The 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. This VPA is registered on the title of the land but it has never been acted upon.
- Development Application D/2009/352 proposed a mixed-use development with 145 dwellings, 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 provided for 550 parking spaces. A pedestrian bridge across Victoria Road, located partly on Rozelle Public School, formed part of the proposal. 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 permissible FSR was not approved.
- Major Project Application MP11_0015 was submitted to the NSW Department of Planning and Infrastructure (former) under Part 3A of the Environmental Planning and Assessment Act 1979 in April 2012. The application also proposed a mixed-use development to provide 247 dwellings, retail shops (including a supermarket, mini-major and specialty retail), a new leagues Club, community and commercial spaces, and 488 car parking spaces. The proposal significantly departed from the site-specific planning controls with a proposed 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.
- During the time that MP11_0015 was under assessment, the Leichhardt Local Environmental Plan 2013 (LLEP 2013) was gazetted and came into operation. The site was a Deferred Matter from the LLEP 2013 awaiting the determination of the major project application. The site remains a Deferred Matter to this day.
- In addition, in 2014/2015, Council lodged an ultimately unsuccessful planning proposal which attempted to remove the Deferred Matter status applying to the land and to impose LLEP 2013 as the relevant environmental planning instrument, with the effect of reducing the scale of permissible development.
- Development Application D/2015/428 was lodged with Council was lodged in 2015 proposing a mixed-use development which included;
 - A 12 storey mixed use tower with retail, commercial and residential apartments to the eastern portion of the site;
 - A 8 storey mixed use tower with the Balmain Leagues Club and residential apartments to the western portion of the site;
 - 5 basement levels (including mezzanine) for 369 cars;

- A central plaza with access from Victoria Road, Darling Street, Waterloo Street; and
- A pedestrian bridge over Victoria Road.

The application proposed an FSR of 3.9:1 and a maximum height of 12 storeys in accordance with the site specific controls in the LLEP 2000. The application was refused by the Land and Environment Court (*Urbis Pty Ltd v Inner West Council and Transport for NSW [2016] NSWLEC 1444*) on the following grounds at paragraph 143:

“143. The site specific controls in LEP 2000 require that consent may be granted to a mixed use development on the site but only if, in the opinion of the Court, certain objectives are met. Based on the evidence, the submissions of the parties and for the reasons set out in this Judgment, I have found that certain of these objectives are not met. In particular, the design of the proposal does not demonstrate that it will contribute to the vibrancy and prosperity of the Rozelle Commercial Centre or provide a high quality transition to the existing streetscape, nor does the evidence demonstrate that the proposal will have an acceptable impact on traffic around the site. For these reasons, consent must not be granted, and the application must fail. Furthermore, there are matters of detail design, adequacy of solar access and cross ventilation, the design of the pedestrian bridge, questions in relation to the calculation of FSR for the Club and the development overall and doubts about the area to be provided for use by the Balmain Leagues Club to promote its long term viability that would need to be addressed before any consent could be granted.”

- Development Application D/2018/219 (the originally approved application) was lodged with Council in May 2018. The DA was accompanied by a proponent led amended site-specific DCP for the site that was submitted to Council in March 2018. Council endorsed the preparation of their own draft site-specific DCP for the site. LDGP 2000 Amendment No. 18 was adopted by Council on 25 June 2019 and became operational on 16 July 2019. In response to the LDGP 2000 amendments, the original DA proposal was then amended and re-submitted in August 2019.

In September 2020, consent was granted for:

“Demolish all existing improvements, carry out site remediation and construct a mixed-use development comprising three (3) basement levels for residential and commercial parking with three 11 to 12 storey buildings connected above a shared retail and commercial podium with 164 residential units above. The commercial area will include a new leagues Club. Development fronting Waterloo Street will comprise two (2) to three (3) storey buildings for three (3) live/work units resulting in 167 residential units on the site.”

The consent was a deferred commencement consent that was made operational by Council on 23 March 2021.

PART C – MODIFICATION APPLICATION - MOD/2022/0447

C1. THE CURRENT PROPOSAL

The modification application seeks modifications to the following:

- Modifications to the commercial, club and retail podium to improve design, layout and user experience and residential lobby functionality by:
 - Change to the ground floor retail premises and public domain (minor change to overall commercial, retail and club floor space allocation); and

- Centralising the arrival to all building cores, including Building C off Tigers Lane through the introduction of a shared sky-lobby to access Building C core.
- Changes to approved building envelopes and façade.
- Changes to the public domain landscaped areas to improve design and functionality including:
 - Plaza planting moved 2m towards Waterloo Street to improve axial symmetry and pedestrian flows, whilst ensuring solar compliance objectives are maintained in the Plaza area.
 - Two additional through-site links proposed in the form of a colonnade along Victoria Road frontage and an additional link between Tigers Lane and Darling Lane.
- Changes to unit design and mix. Reduction in units from 164 to 149 (3 live work units to remain). New unit mix proposed:
 - 2 x studio units;
 - 17x 1-bedroom units;
 - 83 x 2-bedroom units; and
 - 47x 3-bedroom units.
- Changes to private and communal open space areas and the introduction of 200sqm community space in accordance with the VPA conditions;
- Minor core/stair modifications throughout basement and structure in response to design development services planning, and rationalisation of car park stacking; and
- Amended wording of Conditions 60, 85, 86 and 92 to state “Prior to the issue of any Construction Certificate (other than demolition)

The modification application also seeks modification to the following conditions:

- Amend condition 1 to reflect the amended proposed drawings and documentation.
- Delete condition 2 (reproduced below):

Condition 2: Section 7.11 (Former Section 94) Contribution

~~Unless provision is made in a VPA for payment of a monetary contribution in lieu of Section 7.11 Contributions, prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution of \$3,340,000.00 in accordance with Developer Contributions Plan No.1 – Open Space and Recreation; ‘Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access (“CP”) has been paid to the Council. The above contribution is the contribution applicable as at 31/07/20.~~

Reason – condition is now satisfied through the provision of a VPA.

- Amend condition 6 as follows:

Condition 6. Traffic and Parking

Prior to the issue of the relevant Construction Certificate, plans and documentation prepared and submitted to the satisfaction of Council’s Development Assessment Manager addressing the following:

- a) ~~17 car parking spaces allocated to the Club and/or Retail components of the development are to be deleted.~~
- b) ~~3 commercial car spaces are to be added to the residential car space allocation to cater for the 3 live/work units. The residential car space allocation is to be increased to 137 and the commercial allocation is to remain at 23.~~

c) Designate 23 car parking spaces allocated to the Commercial component of the development as dual use car parking spaces that are exclusive use of the Commercial Tenants and their visitors between 8.00am and 6.00pm on weekdays. Outside of these times, all Commercial Car Parking Spaces must be available for public use. The layout must be amended to permit public use e.g. no tandem parking spaces.

d) Total car parking spaces must be no less than 320 spaces. Car parking spaces are to be provided and allocated in accordance with the following table:

Parking spaces by land use	Required Car Parking
Residential (<i>incl. live/work</i>)	137
Commercial (<i>excl. live/work</i>)	23
Club Retail	To be reduced by 23 spaces to provide total club/retail spaces (<i>excl. car share and bus</i>) 147
Total Club and Retail	
Community Bus (<i>separately allocated</i>)	1
Car Share spaces (<i>separately allocated</i>)	6
Sub-total	314
Parking spaces by land use	DCP General requirement
Car wash, taxi/Uber & community bus (1 additional bus bay to that required by DCP Amendment No. 18)	6

Total	320
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Use	Parking Numbers	
	Current approval	Proposed modification
Residential (incl. live/work units)	137	141
Commercial (excl. live/work)	23	23
Club & Retail	147	147
Community bus (separately allocated)	1	1
Car share	6	6
Sub-Total	314	318
Car wash, taxi/Uber & community bus (1 additional bus bay to that required by DCP Amendment No. 18)	6	6
Total	320	324

Figure 22: Revised parking allocations (JMT Consulting)

Reason: Conditions (a) to (c) have been satisfied in the amended design. Condition (d) has been revised to increase the residential parking spaces by 4.

- Delete condition 8 as follows:

Condition 8. Privacy

Prior to the issue of the relevant Construction Certificate for Building C, the Certifying Authority must be provided with amended plans indicating that the following privacy measures have been incorporated on the north-western elevation of Building C:

~~a) Translucent glass to be used on any window within a 6m setback from the north-western boundary.~~

~~b) Privacy screens are to be included around the edge of north-western facing balconies in Building C that are within a 6m setback from the north-western boundary. These privacy screens are to be a minimum of 1.6m high from the FFL of the balcony.~~

Reason: The condition has been satisfied through the amended design.

- Delete condition 34 as follows:

Condition 34. Modifications of Sandstone Walls

~~Existing salvaged sandstone is to be carefully removed, safely stored and later reused for the new/reconstructed sandstone wall. New mortar for the stone wall is to be compatible with stone (i.e. not hard cement mortar), using a traditional lime mortar with the appropriate grade and type of sand, and the appropriate mix.~~

Reason: The condition has been satisfied through the amended Heritage Impact Statement, which is provided in Appendix 3.

- Amend wording of Conditions 60, 85, 86 and 92 to state “Prior to the issue of any Construction Certificate (other than demolition)

D/2018/219 is Integrated Development as defined under the EP&A Act. The development proposal includes a service vehicle ingress and egress from Victoria Road (a classified road) and concurrence to grant approval from TfNSW (Roads and Maritime) under Section 138 of the *Roads Act 1993* is required. Light vehicle ingress and egress is from Waterloo Street.

The total gross floor area (GFA) proposed is 28,417sqm, comprising:

- 5,461 m² retail GFA (incl. supermarket)
- 2,870m² Club
- 1,462 m² commercial (incl. live/work units); and
- 18,624 m² residential GFA.

There will be a total of 149 dwellings, and 3 x live/work spaces.

Three levels of basement car parking for 324 car spaces plus motorcycle and bicycle parking are to be provided.

C2. THE PROPOSED LAND USES

The original development approved uses that includes a Licensed Club, Retail premises (that includes a supermarket), Commercial premises, Live/work spaces, Community premises and residential units. While there are changes to the proposed areas for these uses as part of this modification, the proposed uses are consistent with the uses in the original approved application and continues to be permissible in the business zoning under LLEP 2000.

C3. AMENDED ELEVATIONS



Figure 6a: Victoria Road Elevation (Original DA)



Figure 6b: Victoria Road Elevation (current modification application)

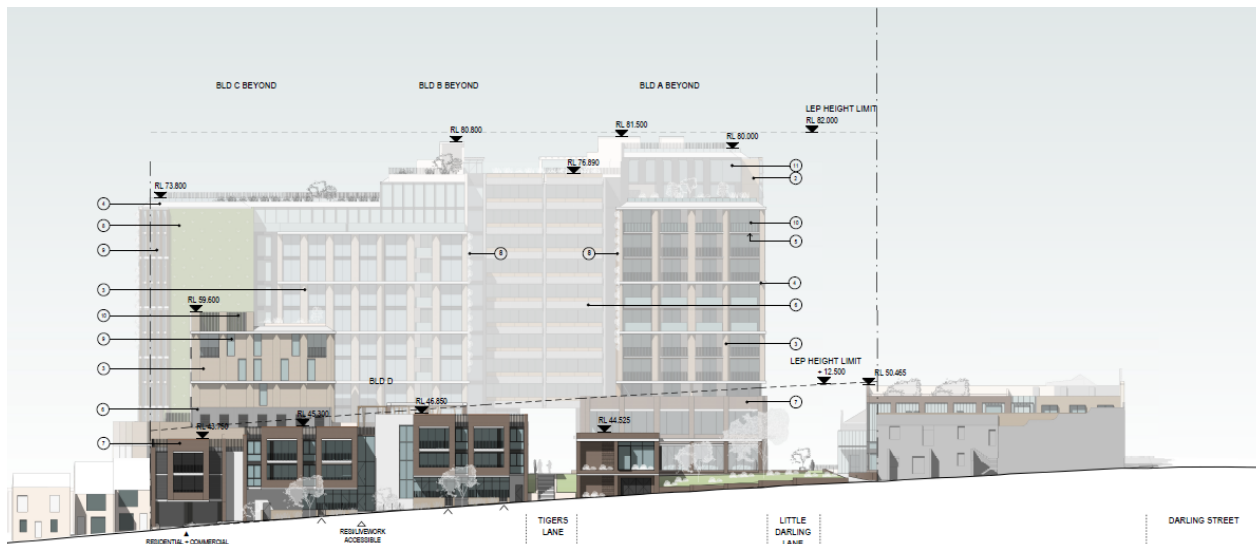


Figure 7a: Waterloo Street Elevation (Original DA)



Figure 7b: Waterloo Street Elevation (Current modification application)

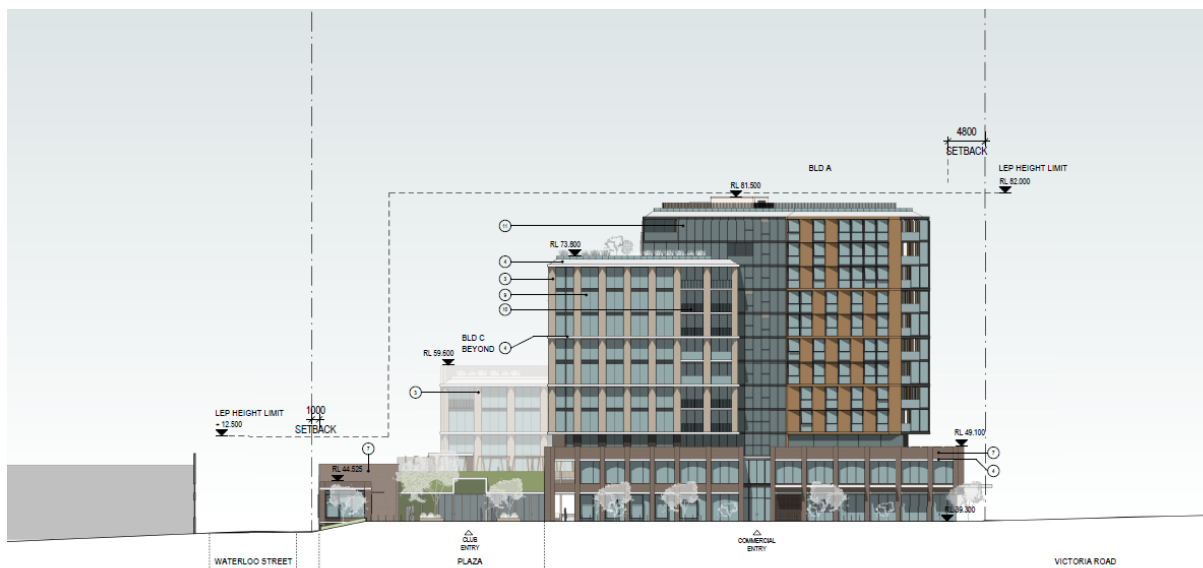


Figure 8a: The Darling Lane Elevation (Original DA)

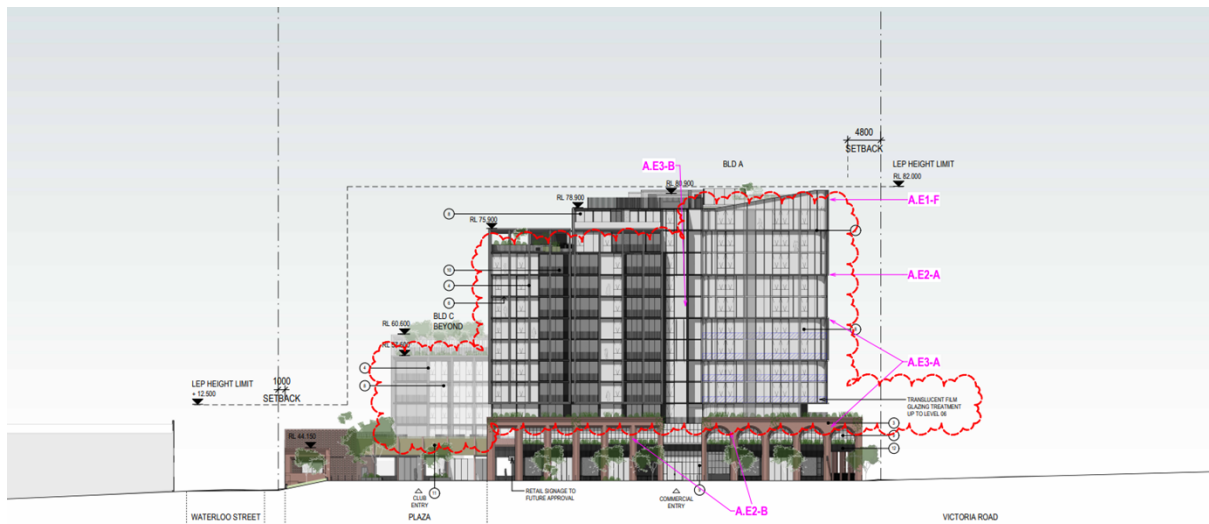


Figure 8b: The Darling Lane Elevation (Current modification application)

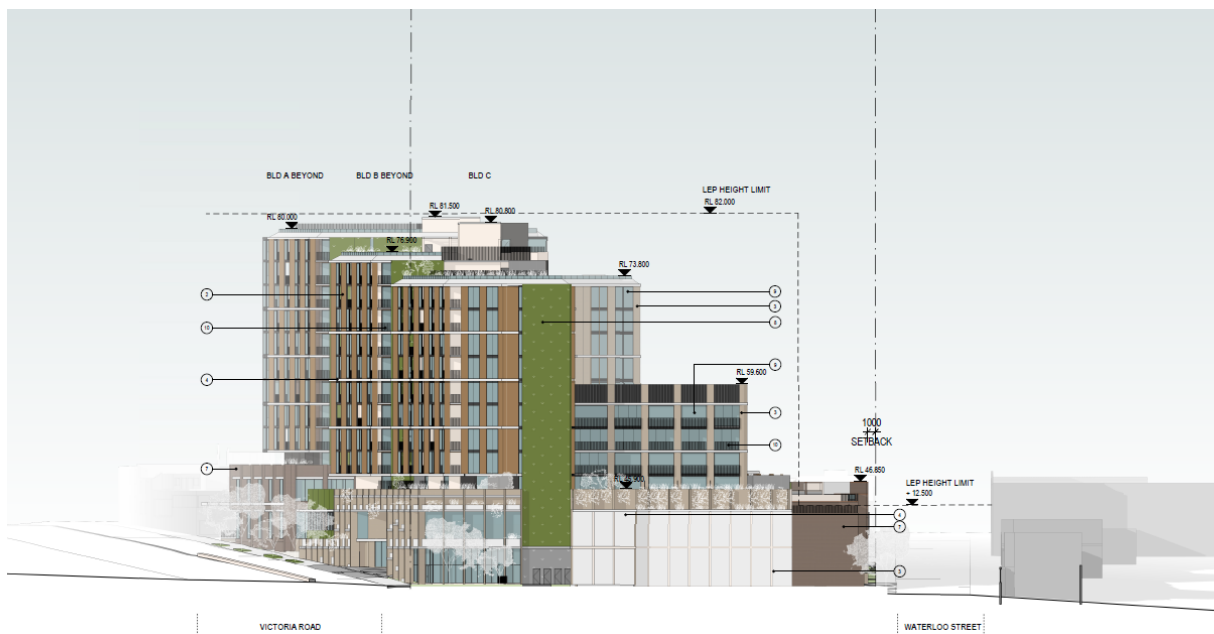


Figure 9a: Elevation 4 – Victoria Road (Original DA)

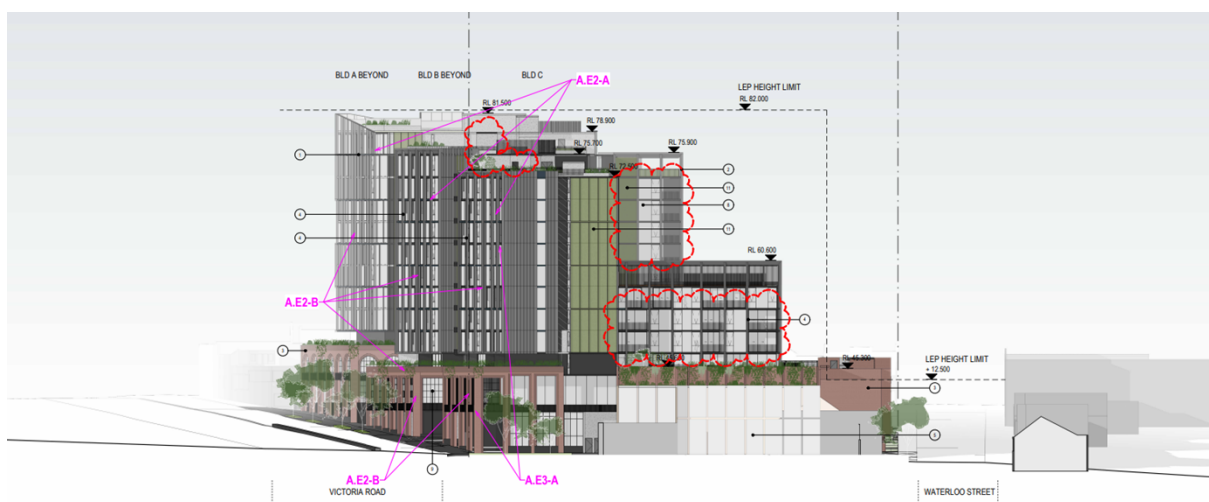


Figure 9b: Elevation 4 – Victoria Road (Current modification application)

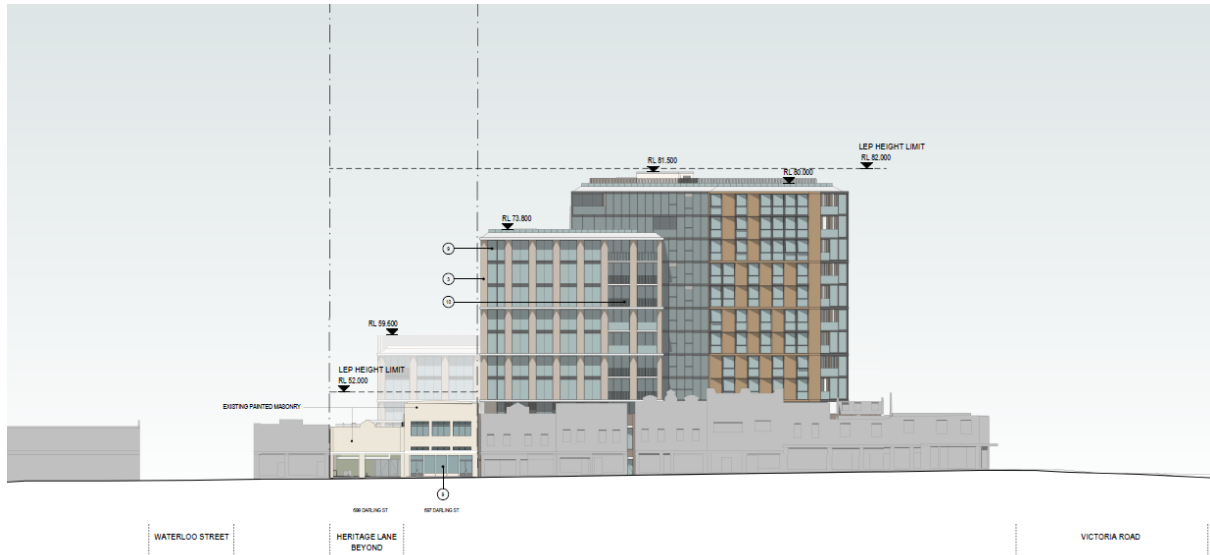


Figure 10a: Darling Street Elevation (Original DA)

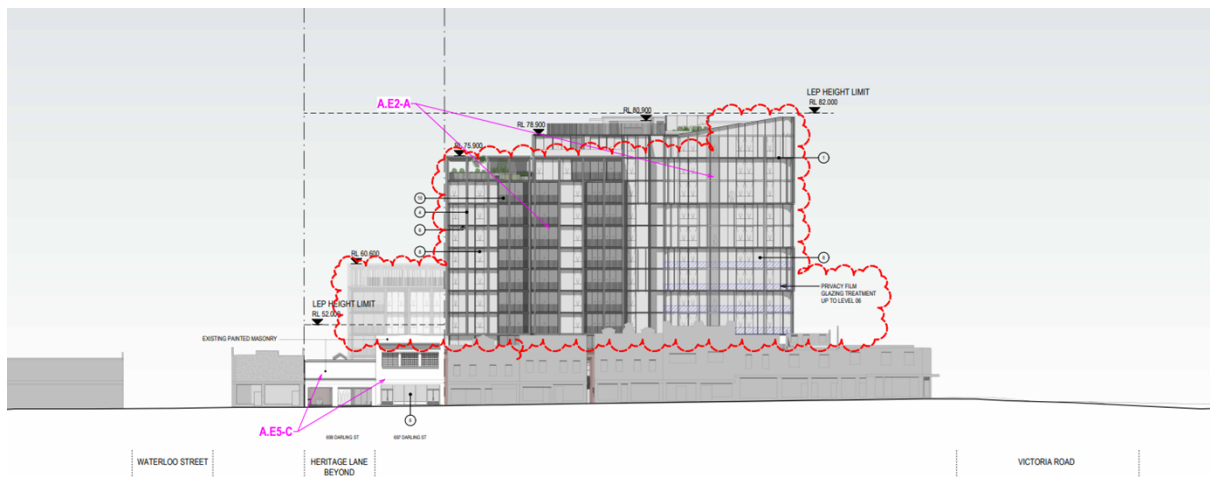


Figure 10b: Darling Street Elevation (Current modification application)

C4. APPLICATION HISTORY

Date	Details
19 January 2023	The following additional information was requested: <ul style="list-style-type: none"> Additional information regarding the proposed staging of the application
24 February 2023	The following additional information was requested: <ul style="list-style-type: none"> Additional information to justify the varying the requirements under Clause 19(6) of the LLEP 2000. Additional information in relation to proposed fit-out of Balmain Leagues Club
8 and 23 April 2023	Applicant provided a response letter regarding construction staging no longer being required. Instead, the applicant request that conditions be amended so that their satisfaction is required as a 'post-demolition' CC requirement.
13 April 2023	Sydney Eastern City Planning Panel (SECPP) Briefing/Site Visit.

28 April 2023	<p>The following additional information was requested:</p> <ul style="list-style-type: none"> • Design changes are recommended by the Architectural Excellence & Design Referral Panel including: <ul style="list-style-type: none"> - Further resolution and refinement of the following internal layouts is encouraged to resolve various concerns: <ul style="list-style-type: none"> a. 'Snorkelled' bedrooms within typical apartments B101, C104, A202, A602, A604 (and all other apartments with similar layouts) should be carefully justified to ensure the full extent of the window is visible from all points within the room; b. Combined living, dining and kitchen areas with depths greater than 8m should be avoided to ensure consistency with the guidance offered within the NSW Apartment Design Guide (ADG) Part 4D-2 communal open space within the proposal should be provided with an outdoor kitchenette or a barbeque, a sink, and a unisex accessible toilet. c. Potential inter-tenancy privacy issues between the master bedrooms of typical apartment B102 and the balconies of typical apartment B103 should be resolved. The Panel is concerned that privacy screens alone are unlikely to resolve acoustic privacy issues due to the adjacencies. d. Although not specifically discussed at the meeting, residential storage volumes for all apartments should be confirmed in terms of consistency with Part 4G of the NSW ADG. e. There are potential privacy issues at the re-entrant corner where typical apartment C107 is located. The bedrooms and balconies are in close proximity to the common corridors and reconfiguration is recommended to avoid visual and acoustic privacy issues. The outlook of bedrooms from typical apartment C207 into a blank wall should also be reconsidered. - The Panel suggested that the width and proportion of central stair off Victoria Avenue linking into Tigers Lane be reviewed. each communal open space within the proposal should be - Each communal open space within the proposal should be provided with an outdoor kitchenette or a barbeque, a sink, and a unisex accessible toilet. - Developed architectural documentation should include details of each primary facade type setting out the design intent with 1:20 or 1:50 sections indicating materials, balustrade types and fixing, junctions, rainwater drainage including any downpipes, A/C condenser unit enclosures, any acoustic plenums and similar details in line with the Department of Planning and Environment Application requirements March 2022 1.2(k). • Additional information to demonstrate compliance with SEPP No. 65/ADG requirements. • Shadow diagrams that demonstrate the differences between approved development and proposed modifications. • Additional information in relation to Diverse Housing development standard – Section 19(6) of Leichhardt LEP 2000 and provisions of Section 4.55. • Updated acoustic report.
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	<ul style="list-style-type: none"> • Increase in width to Car-wash spaces. • Additional information in relation to Commercial Waste. • Response to submissions. • Additional information required by SECPP <ul style="list-style-type: none"> - As outlined in the SECPP minutes, it is requested that you provide details as to the VPA contribution made on the approved development and how that contribution would address issues on affordability of housing, particularly on how relates to population figures and existing provision of 1 bedroom units in locality. - Propose a façade access strategy to ensure planter boxes and balconies can be accessed externally (located outside of winter gardens) for maintenance purposes by strata body.
22/05/2023	<p>The applicant has provided a response letter to the RFI dated 28 April 2023 responding to the issues raised. The applicant's response letter is accompanied by the following additional information reflecting the changes made to the scheme and providing additional information:</p> <ul style="list-style-type: none"> • Appendix 1 – Scott Carver RFI Response and SEPP 65 Compliance Assessment • Appendix 2 – Amended Architectural Drawings and Landscape package • Appendix 3 – Acoustic Report • Appendix 4 – Waste Management Report • Appendix 5 – Reports addressing Clause 19(6) of the LLEP2000 and unit mix • Appendix 6 – Updated Transport Report verifying that reduction of floor space for community uses to 200sqm does not impact on traffic. • Appendix 7 – ‘Substantially the Same’ Legal Advice • Appendix 8 – VPA • An amended development description and development statistics have also been prepared in this RFI along with a response to the submissions made during the exhibition of the proposal. <p>The applicant also seeks amendments to the wording of Conditions 60, 85, 86 and 92 to state “Prior to the issue of any Construction Certificate (other than demolition).</p> <p>The design was amended in the following way to address the issues that was raised:</p> <ul style="list-style-type: none"> • The scheme has been amended to include 6 additional 1-bedroom units, which increases the number of 1-bedroom units and bedsits to 19 dwellings. Internal layouts and minor changes to the exterior had been proposed to achieve this. • Utilises existing solid glass spandrel panels and the application of a mid-level translucent glazing film/frit design combined with a minor reduction in external architectural vertical fins. • Horizontal expression has been strengthened in the facade articulation by increasing depth and size of horizontal elements on the Plaza side elevations. • Privacy measures had been proposed to units B102 and C207 to address potential visual issues. • The Tigers Lane stair width has been increased to 3m in width, and reconfigured to widen at the interface with the pedestrian walkway.

	<ul style="list-style-type: none"> • Unisex accessible toilets have been placed in key communal areas at Level 1, Level 10 and Level 11. • BBQ's have been provided in each of the primary communal open spaces, except for the private, respite focused Level 10 space located in Building A. Sinks have not been allocated. • Building C 's lift over-run increased to RL 74.6 from RL74.5. • Community premises reduced to 200sqm to be consistent with the Voluntary Planning Agreement from 445 sqm and the leftover floor area to be converted to a commercial premises. <p>The above changes overall are considered to be of a lesser impact than the originally notified application as the changes would result in a reduced variation to the Diverse Housing development standard; responds to issues raised by Council; and would not result in additional impacts to adjoining compared to the development originally notified, and therefore, the modified proposal is not required to be renotified as per the requirements of Council's Community Engagement Strategy 2022-24.</p>
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PART D - ASSESSMENT

D1. Section 4.55 Modification of Consent

The following is a summary of the assessment of the application in accordance with Section 4.55 of the *Environmental Planning and Assessment Act 1979* (EPA Act 1979).

Section 4.55(2)

Section 4.55(2) of the *EPA Act 1979* allows a consent authority to modify a development consent granted by it, if:

- “(a) it is satisfied that the development to which the consent as modified relates is substantially the same development as the development for which consent was originally granted and before that consent as originally granted was modified (if at all), and*
- (b) it has consulted with the relevant Minister, public authority or approval body (within the meaning of Division 4.8) in respect of a condition imposed as a requirement of a concurrence to the consent or in accordance with the general terms of an approval proposed to be granted by the approval body and that Minister, authority or body has not, within 21 days after being consulted, objected to the modification of that consent, and*
- (c) it has notified the application in accordance with—*
 - (i) the regulations, if the regulations so require, or*
 - (ii) a development control plan, if the consent authority is a council that has made a development control plan that requires the notification or advertising of applications for modification of a development consent, and*
- (d) it has considered any submissions made concerning the proposed modification within the period prescribed by the regulations or provided by the development control plan, as the case may be.”*

While the proposal seeks changes to the apartment and retail mix, changes to the external architectural form, the modified development will continue to consist of a mixed-use development consisting of a supermarket, retail and commercial premises and three residential towers. Even with the change in apartment mix, the number of storeys of the three towers does not change and the general location of the towers does not change, and therefore, the resultant bulk and scale is similar to the original development approval. The proposed changes to car parking will also retain the same access points and the same number of levels as the originally approved development.

Having considered the above where the modified development will continue to be a mixed-use development with the same number of storeys, same access points and a similar scale to the originally approved development, it is considered that the resultant development from the modifications will be substantially the same development as the originally approved development.

As discussed in later sections of the report:

- The relevant approval bodies were consulted, and any responses considered.
- The application was notified to persons who made a submission against the original application sought to be modified; and
- The submissions that were received have been considered.

It can also be noted that the applicant has provided legal advice regarding the substantially the same test prepared by Mills Oakley and dated 28 April 2023 as per the SECPP's request.

D2. ENVIRONMENTAL PLANNING INSTRUMENTS

The application has been assessed against the relevant Environmental Planning Instruments listed below:

- State Environmental Planning Policy No. 65 – Design Quality Residential Apartment Development and Apartment Design Guide
- State Environmental Planning Policy (Resilience and Hazards) 2021
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004
- State Environmental Planning Policy (Transport and Infrastructure) 2021
- State Environmental Planning Policy (Biodiversity and Conservation) 2021
- Leichhardt Local Environmental Plan 2000

The assessment of the proposal against the above Environmental Planning Instruments is as follows.

- **State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development and Apartment Design Guide**

The proposal has been reviewed against the aims and objectives of the State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) and accompanying Apartment Design Guide (ADG). A comprehensive assessment of the proposal against the objectives of SEPP 65, the design quality principles and the accompanying ADG has been carried out.

A statement from a qualified Architect was submitted with the application verifying that they directed the design of the development. The statement also provides an explanation that verifies how the design quality principles are achieved within the development and demonstrates, in terms of the Apartment Design Guide (ADG), how the objectives in Parts 3 and 4 of the ADG have been achieved.

A detailed assessment of the proposed development is included in the following table overleaf.

• **SEPP 65 Assessment Table**

Relevant Sections – SEPP 65	Consideration and Comments	Consistent?				
Aims of Policy This policy aims to improve the design quality of residential apartment development in New South Wales.	<ul style="list-style-type: none">This is considered in detail below.	See below				
Clause 28 Determination of development applications A consent authority must consider: a) the advice obtained from the design review panel (if any); b) the design quality of the development when evaluated in accordance with the design quality principles; and c) the Apartment Design Guide.	<ul style="list-style-type: none">Inner West Council has established an Architectural Excellence Design Referral Panel (AEDRP) to provide high level independent expert advice and expertise on architectural quality/excellence to review matters in relation to SEPP No 65.The Panel has reviewed the proposed modifications twice, on 21 February 2023 and 6 July 2023 and has met with the architect and urban planner for the project.The Panel's meeting minutes have been provided to the Applicant. The conclusions of the most recent meeting of 6 July 2023 are summarised below. <table><tr><th>AEDRP comment 21 Feb 2023</th><th>AEDRP comment 6 July 2023</th></tr><tr><td><i>The Panel understands that while the applicant retains the DA-approved residential floor space ratio, the apartment mix and sizes have been modified by increasing the average apartment size and reducing the overall number of apartments. The proposal reduces the proportion of smaller apartments (studio and 1 bedroom units) to 9% which is significantly below the minimum LLEP 2000 requirement of 25%.</i></td><td><i>The Panel notes that the amended apartment mix is:</i> <i>. Studio units 1 %</i> <i>. One bedroom 11 %</i> <i>. Two bedroom 56%</i> <i>. Three bedroom 32%</i> <i>The Panel is satisfied that the amended unit mix represents an acceptable diversity of dwelling formats and sizes consistent with the guidance provided by the ADG, and notes that larger dwelling sizes increasingly cater for families seeking more affordable accommodation and post-pandemic households seeking additional space to allow work from home flexibility.</i></td></tr></table>	AEDRP comment 21 Feb 2023	AEDRP comment 6 July 2023	<i>The Panel understands that while the applicant retains the DA-approved residential floor space ratio, the apartment mix and sizes have been modified by increasing the average apartment size and reducing the overall number of apartments. The proposal reduces the proportion of smaller apartments (studio and 1 bedroom units) to 9% which is significantly below the minimum LLEP 2000 requirement of 25%.</i>	<i>The Panel notes that the amended apartment mix is:</i> <i>. Studio units 1 %</i> <i>. One bedroom 11 %</i> <i>. Two bedroom 56%</i> <i>. Three bedroom 32%</i> <i>The Panel is satisfied that the amended unit mix represents an acceptable diversity of dwelling formats and sizes consistent with the guidance provided by the ADG, and notes that larger dwelling sizes increasingly cater for families seeking more affordable accommodation and post-pandemic households seeking additional space to allow work from home flexibility.</i>	Yes
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	<i>The Panel noted that this minimum target within the LLEP 2000 is likely in the interest of supporting housing diversity and affordability. Whether a 9% proportion of smaller apartments is acceptable in terms of its impact on Council's housing affordability aspirations, and whether the modification remains 'substantially the same' is a separate statutory planning matter to be discussed with Council's assessment officers.</i>	<i>Given the Panel's support for the final amended dwelling mix, Council is encouraged to satisfy itself that the objective of the LLEP clause has been met despite the numeric non-compliance.</i>
	<i>The Panel recommends that the residential floor space ratio calculation method undertaken by the applicant should be confirmed with Council's assessment officers to ensure a 'like-for-like' basis of comparison with the method used to calculate the existing approved GFA, in particular the Panel is keen to ensure whether winter gardens as proposed should be included in the gross floor area calculations.</i>	<i>The Panel supports the final amended proposal and Council should satisfy itself that the FSR can be considered on a 'like-for-like' basis.</i>
	<i>The glassy Building A at the eastern corner of the site includes lower level apartments which are likely to be exposed to visual privacy issues from Victoria Road and the properties to the south east (addressing Darling Street) which are expected to be redeveloped in future. The applicant should consider effective design strategies to improve residential amenity and privacy in the vicinity of the south eastern site interface</i>	<p><i>The applicant presented a proposal to incorporate privacy film to spandrel areas up to level 6 to address visual privacy concerns, and clarified that the external fins (projecting 300mm beyond the glazing line) will mitigate privacy issues to some extent. The Panel supports the extent of the proposed treatment (assumed to align with balustrade and transom heights at 1 m), but considers that a solid spandrel (presenting as a colour-backed glazed facade) would be a more durable, substantial and appropriate way to achieve this outcome.</i></p> <p>Planner's comment: This will be addressed as a condition of consent.</p>
	<i>Additionally, the Panel notes the earlier, more prominent horizontal expression provided by the residential slab edges in Buildings Band C on both their northern and southern elevations. Reintroducing some form of stronger horizontal expression would be</i>	<i>The applicant has incorporated additional horizontal expression to the rear elevations to enhance the articulation of these facades, while the double height expression to Victoria Road has been retained. The Panel supports these proposed design amendments.</i>

	<p><i>appropriate to the residential nature of this building and would also assist with the balance of horizontal and vertical elements within the overall building composition. Such a strategy should also consider the management of built form and scale from Victoria Road viewpoints</i></p>		
	<p><i>a. 'Snorkelled' bedrooms within typical apartments B101, C104, A202, A602, A604 (and all other apartments with similar layouts) should be carefully justified to ensure the full extent of the window is visible from all points within the room;</i></p>	<p><i>The applicant has reviewed the Panel's comments, made some adjustments to the proposed apartment planning and has sought to leave a number of units unchanged (given they perform to some degree and are approved in the existing consent).</i></p> <p><i>The Panel remains concerned about the adequacy of the ventilation and light provided by the newly proposed 'blinker' windows, eg. apartments C105, C205, A202, A204 (and those similarly laid out apartments to the floors above).</i></p> <p><i>These windows appear to be too narrow to offer acceptable outlook, and acoustic performance may be compromised if windows are open for natural ventilation in some cases.</i></p> <p>Planner's comment: While the panel's concerns in relation to the size of these windows are noted, given the limited opportunities in achieve larger windows because of the built form, it is considered acceptable in this instance.</p>	
	<p><i>b. Combined living, dining and kitchen areas with depths greater than 8m should be avoided to ensure consistency with the guidance offered within the NSW Apartment Design Guide (ADG) Part 4D-2; Inner West AEDRP - Meeting Minutes & Recommendations Page 3 of 3</i></p>	<p><i>The final amended proposal is acceptable.</i></p>	
	<p><i>c. Potential inter-tenancy privacy issues between the master bedrooms of typical apartment B 1 02 and the</i></p>	<p><i>The visual privacy concerns between typical apartments B102 and B103 have been largely ameliorated through</i></p>	

	<p><i>balconies of typical apartment B 1 03 should be resolved. The Panel is concerned that privacy screens alone are unlikely to resolve acoustic privacy issues due to the adjacencies</i></p>	<p><i>the provision of additional landscaping and directional louvres between them.</i></p> <p><i>The Panel understands that acoustic privacy between these apartments is being addressed via double glazing, but may be compromised if opened for natural ventilation.</i></p> <p>Planner's comment: While the panel's concerns in relation to the acoustic privacy of these windows are noted, given the limited opportunities in achieve windows elsewhere on this bedroom because of the built form, it is considered acceptable in this instance.</p>	
	<p><i>d. Although not specifically discussed at the meeting, residential storage volumes for all apartments should be confirmed in terms of consistency with Part 4G of the NSWADG.</i></p>	<p><i>Not discussed at Panel meeting. Council should satisfy itself that the targets for storage established by the ADG have been met or maintained.</i></p>	
	<p><i>e. There are potential privacy issues at the re-entrant corner where typical apartment C107 is located. The bedrooms and balconies are in close proximity to the common corridors and reconfiguration is recommended to avoid visual and acoustic privacy issues. The outlook of bedrooms from typical apartment C207 into a blank wall should also be reconsidered</i></p>	<p><i>The privacy, outlook and amenity issues identified by the Panel have not been fully addressed (noting the relevant apartment is now numbered C102). Although the number of bedrooms affected has reduced, the master bedroom particularly, enjoys little outlook. The identified issue of the outlook from the bedroom to the blank wall has not been addressed (noting the relevant apartment is now numbered C202). The second bedroom particularly, enjoys little outlook.</i></p>	
	<p><i>The Panel recommends that each communal open space within the proposal should be provided with an outdoor kitchenette or a barbeque, a sink, and a unisex accessible toilet</i></p>	<p><i>The applicant noted that a unisex accessible toilet is to be provided on levels 1 & 11, and a unisex toilet at L 10.</i></p> <p><i>The Panel maintains its view that a kitchen sink is capable of being provided at each of the communal open spaces which also provide a BBQ and outdoor kitchen, and should be provided for the amenity of the occupants.</i></p>	

		Planner's comment: This will be addressed as a condition of consent.	
	<i>The Panel suggested that the width and proportion of central stair off Victoria Avenue linking into Tigers Lane be reviewed</i>	<i>The Panel supports the amendments indicated to the reconfigured Tigers Lane stair to increase the width to 3m.</i>	
	<i>Developed architectural documentation should include details of each primary facade type setting out the design intent with 1:20 or 1:50 sections indicating materials, balustrade types and fixing, junctions, rainwater drainage including any downpipes, Ale condenser unit enclosures, any acoustic plenums and similar details in line with the Department of Planning and Environment Application requirements March 2022 1.2(k).</i>	<p><i>The applicant showed examples of the design development drawings that have been developed for the project, including the corbeled brickwork detailing proposed for the podium and sectional details through each primary facade type. The Panel is satisfied that due consideration of architectural detailing has been given and that the proposed architectural expression is capable of being executed with the design intent preserved or improved.</i></p> <p><i>The applicant noted that downpipes are to be cast into columns and that condenser units are centralised and not located on balconies.</i></p> <p><i>The Panel recommends that indicative samples of these drawings describing the resolved design intent for primary facade types (at 1 :20 scale) be included in the documents submitted as part of the MOD to provide the maximum description of design intent, and to ensure the design quality is not diminished in the design development and for ongoing construction documentation.</i></p>	
	<p><i>In addition, the Panel considers that:</i></p> <ul style="list-style-type: none"> <i>. Ceiling fans should be indicated in all living rooms and bedrooms</i> <i>. The Panel supports the full electrification of the building and the elimination of gas.</i> <p>Planner's comment: The AEDRP comments are noted in regards to sustainability but as the proposal is similar in nature to the what was originally approved and ESD issues was originally addressed in the original development application, the proposal is considered to be satisfactory in regards to sustainability.</p>		

	<p>Conclusion:</p> <p><i>The Architectural Excellence & Design Review Panel thanks the applicant for providing a comprehensive response to the previous AEDRP report. The Panel is of the view that, subject to the further design amendments recommended above, the proposal is capable of delivering a high level of design quality.</i></p>	
Schedule 1	The proposal is evaluated in accordance with the design quality principles and the Apartment Design Guide below.	Consistent?
Design quality principles		
1: Context and neighbourhood character	<p>The proposed design is considered to comply with this part:</p> <ul style="list-style-type: none"> • The proposed modifications respond to the characteristics of Tigers and Rozelle, that celebrates the high street, and the creation of public spaces, lanes, street gaps and plazas are compatible with the neighbourhood character.. • Creates a public Plaza that has direct access on grade from Darling Street, through and encompassing the existing building facades that is compatible with the Heritage Conservation Area. • The location of the entrance to the key retail areas is close to Darling Street which will help to support the economic viability of these businesses through increased activity, through residents, works, Club and retail patrons. • The public Plaza in turn 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 plaza as ‘public’ and a space that can be used for community events, child’s play and rest. Importantly it offers a respite or relief from the traffic and noise associated with Victoria Road. • The location of the Club allows for the Tigers to be the anchor to the plaza and retail precinct. The historic and social relevance of a community club becomes clear and legible. • The predominant bulk and scale of the development sits on Victoria Road in order to allow the development to step down to a maximum of three stories on Waterloo Street; allowing for the detailed design to reflect the scale and materiality of Waterloo Street, as it transitions from larger brick warehouse style buildings (on the corner of Darling Street) into the fine grain residential neighbourhood of Rozelle. • The introduction of flexible and shared workspaces on Level 1 supports smaller businesses, start ups and local businesses; whilst increasing patronage to the retail offers and the plaza. • The residential common open space is located above the Club and on roof levels clearly separate from the public space of the plaza and lanes. • Subject to the retention of the existing conditions, the proposal will not have significant detrimental impacts on the amenity of existing and future adjoining development. 	Yes, as conditioned

2: Built form and scale	<ul style="list-style-type: none"> • The proposal is consistent with the height controls in Leichhardt LEP 2000 (LLEP). • Subject to conditions in relation to design changes to the proposed winter gardens, the proposal will have an FSR of 3.9:1 (28,414m²) which complies with the maximum 3.9:1 requirement under LLEP 2000. • The amended proposal is generally compliant with the key development standards outlined in the LLEP 2000 Schedule 1, Part 3 '<i>Amended controls on specific sites – Balmain Leagues Club Precinct site</i>', Clause 4. Where it proposes to vary from these development standards is with respect to the mix of uses and the variation is supported by a SEPP 1 Objection. • The amended proposal is generally consistent with the desired future character and objectives of the site specific controls in Leichhardt DCP – Part D1. • The amended proposal is considered to be an appropriate built form for the site as it is well articulated and appropriately addresses the street frontages of Victoria Road, Waterloo Street and Darling Street. • The bulk of the modified development continues to be focused on the eastern part of the site, along Victoria Road. The bulk and scale of the development is reduced to three storeys along Waterloo Street on the western portion of the site, in response to the existing lower scale development. Heights to Darling Street are comparable to adjoining buildings. • The proposed public plaza or plaza is located in the middle portion of the site and will be surrounded by active frontages, including retail, commercial and Club uses. • Connections to the proposed public plaza from Victoria Road, Waterloo Street and Darling Street encourage views and vistas from the public domain into the plaza. • Green walls, varied setbacks above the podium and a differing façade expression assist in reducing the perceived bulk and scale of the development. 	Yes
3: Density	<ul style="list-style-type: none"> • The building is of an appropriate density consistent with the future densities of the area as identified by the LLEP 2000. • Subject to conditions in relation to design changes to the proposed winter gardens, The total GFA for the site is 28,417m², which equates to an FSR of 3.9:1. This is in accordance with the LLEP 2000. • The proposed density achieves a high level of residential amenity and will support a diversity of complementary uses. • The development is endorsing the desired future character of Balmain Leagues Club Precinct as set out in LDCP 2000 and the proposed density is supported by future infrastructure including WestConnex. 	Yes
4: Sustainability	<ul style="list-style-type: none"> • A BASIX Certificate has been submitted, indicating that the building will satisfy the energy and water targets set by the BASIX SEPP. • The proposal is consistent with the ESD principles set out in the LDCP 2000. 	Yes

	<ul style="list-style-type: none"> • The modified proposal responds to sustainable building principles and best practice, and improves environmental performance through energy efficient design, technology, and renewable energy. • The modified proposal encourages sustainable transport choices, including use of public transport, walking and cycling. • Apartments have been designed to provide a good level of cross-ventilation and solar access in mid-winter with 67% of units achieving cross ventilation and 70% of units achieving solar access. • The proposed design incorporates the use of passive strategies to reduce the demand on resources. 	
5: Landscape	<ul style="list-style-type: none"> • The modified proposal provides landscaping that integrates the development to the public domain by providing for canopy tree planting, green walls, and green roofs throughout the development. • Deep soil landscaping is proposed where access to sunlight is available for plant growth • The proposal will achieve a landscape outcome for the communal open space areas and roof tops that responds to the constraints of the site and will create functional areas providing a good level of amenity for occupants of the development. 	Yes
6: Amenity	<ul style="list-style-type: none"> • The modified proposal, as conditioned, satisfies relevant guidelines in respect to apartment size, access to sunlight, ventilation, visual and acoustic privacy, storage, and access requirements, ensuring good amenity for the occupants of the development. • There are a number of minor numerical non-compliances with separation design criteria; however, this is consistent with the separation distances in the originally approved development application and the objective of protecting the visual privacy between apartments is achieved. • Communal open space is provided for residents, in addition to private balconies. There are some minor numerical non-compliances with separation design criteria, however, the design includes appropriate privacy mitigation measures. 	Yes, subject to conditions
7: Safety	<ul style="list-style-type: none"> • The development has been designed in accordance with the Crime Prevention Through Environmental Design standards. • The submitted SEPP 65 response makes includes the following comments in relation to safety: <ul style="list-style-type: none"> • <i>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 plaza and to Victoria Road.</i> • <i>The laneways connecting from the Streets to the plaza have the capacity to benefit from passive surveillance and appropriately illuminated spaces. These lanes are very lineal and avoid dead ends or entrapment points.</i> • <i>On the lower Street level of Victoria Road, residential address points share the frontage with terraces to the Club in order to ensure the additional passive surveillance from the Club.</i> 	Yes

	<ul style="list-style-type: none"> • <i>The building form along Waterloo Street, allows for a series of entrances off the Street for improved activation and passive surveillance.</i> • <i>A common retail lift ensures all users arrive at a common point and clear circulation path in the plaza.</i> • The proposal provides natural surveillance of public areas and natural access control and territorial reinforcement by clearly differentiating between public and private space. • There is no significant difference in this regard compared to the originally approved application. 	
8: Housing diversity and social interaction	<ul style="list-style-type: none"> • The proposal includes a mix of apartment sizes, providing a range of options for residents and housing choice for different demographics, living needs and household budgets. • Reduction in units from 164 to 149 (3 live work units to remain). New unit mix proposed: <ul style="list-style-type: none"> ○ 2 x studio units; ○ 17x 1-bedroom units; ○ 83 x 2-bedroom units; and ○ 47x 3-bedroom units. <p>Issues in relation to Housing diversity is discussed in more detail in a later section of the report and the proposed unit mix is considered to be acceptable.</p> <ul style="list-style-type: none"> • The proposal includes a licensed Club and retail premises, which will provide social interaction opportunities for residents and visitors. • Where the development proposes to vary from the development standard LLEP2000 Schedule 1, Part 3 'Amended controls on specific sites – Balmain Leagues Club Precinct site', Clause 4 with respect to the mix of uses, the variation is supported by a SEPP 1 Objection. • The large communal open spaces at roof level will provide opportunities for social interaction for residents. 	Yes
9: Aesthetics	<ul style="list-style-type: none"> • The proposal makes use of a diversity of built form and address points, allowing buildings to respond to the varying context of Victoria Road, Darling Street, Waterloo Street and the public plaza. • The proposal provides high quality and enduring architectural materiality through varied brickwork treatments, combined with fine grain detailing that resonates with the local character, whilst establishing benchmark design quality in the area. • The aesthetics of the proposed building, as proposed and as conditioned, responds to the environment and local context and will contribute to the desired future character of the area and be compatible with the heritage conservation area. 	Yes, as conditioned

An assessment against the objectives of the ADG are summarised below:

Objectives	Design Response	Consistent?
Part 3: Siting		
3A Site analysis		
Site analysis illustrates that design decisions have been based on opportunities and constraints of the site conditions and their relationship to the surrounding context.	<ul style="list-style-type: none"> The proposal is informed by a site analysis, identifying opportunities and constraints of the site and surrounding context. 	Yes
3B Orientation		
Building types and layouts respond to the streetscape and site while optimising solar access within the development.	<ul style="list-style-type: none"> The site has an area of 7,330m² and has frontages to Victoria Road, Waterloo Street and Darling Street. The intersection of Victoria Road and Darling Street represents the peak of a ridge running north east / south west. The frontage to Victoria Road is 97 metres and the land falls approximately 6.3 metres towards the Iron Cove Bridge to the north west. The modified development continues to propose the removal of one of the two existing buildings on Darling Street to create a link into the Heritage Lane. The facade and awning of the remaining building is to be maintained for visual consistency and weather protection. The proposed building on Waterloo Street is consistent with the requirements of LDCP2000 as it conforms with the residential scale, character, and materials of the existing terraces along the southern side of the street. Taller buildings are located along Victoria Rd enabling optimised solar access to communal and public open spaces. Lower scale buildings are located on Waterloo St reflecting the scale and materiality of the existing neighbourhood. Taller buildings are located along the Victoria Road frontage to maximise solar access to communal and public open spaces within the development in accordance with LDCP 2000 – Part D1. 	Yes
Overshadowing of neighbouring properties is minimised during mid-winter.	<ul style="list-style-type: none"> LDCP – Part D1 requires that residential properties along Waterloo Street to the west receive direct sunlight for a minimum of three hours between 9am and 3pm in mid-winter. The proposal complies with this requirement. The proposed modified development will not result in any further additional impacts to the adjoining properties when compared with the originally approved development. 	Yes
3C Public domain interface		
Transition between private and public domain is achieved without compromising safety and security.	<ul style="list-style-type: none"> Passive surveillance is available from balconies and windows which overlook the public domain and public open space surrounding the site. 	Yes

	<ul style="list-style-type: none"> Building entries are located on different street frontages. The proposal incorporates awnings, signage and considered visual elements to highlight building entry points off footpath. The residential components of the development have clear entrances with foyers for casual interaction and these clearly delineate the public and private domain. 	
Amenity of the public domain is retained and enhanced.	<ul style="list-style-type: none"> The ground floor contains commercial and retail tenancies to activate the public domain, including outdoor dining area, as well as residential foyers. The entrances to each component are well separated and have differences in design and architectural detailing to avoid confusion. Planting is provided along Victoria Road and Waterloo Street to improve the public domain. The design positively addresses all street frontages with active façades and minimal use of blank walls. 	Yes
3D Communal and public open space		
<p>An adequate area of communal open space is provided to enhance residential amenity and to provide opportunities for landscaping</p> <ul style="list-style-type: none"> Communal open space has a minimum area equal to 25% of the site Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid-winter) 	<ul style="list-style-type: none"> 1,818 sqm of communal open space provided equating to 26% of the site. Proposed 1,400 sqm plaza (19% of site area) which is privately owned with public access (POP) is provided to offset the remainder of the provision. Plaza will provide additional amenity to the public and the residents. Which equates to a total of 3,023m² or 41.2% of site area. These spaces are well-designed, easily identifiable, accessible, and usable area. The objectives of LDCP – Part D1 with respect to communal open space are met. Communal open space areas receive direct sunlight between 9am and 3pm on the 21st of June. The proposed communal open spaces will receive solar access to at least 50% of its area between 11am and 1pm and therefore complies with the requirement. 	Yes
Communal open space is designed to allow for a range of activities, respond to site conditions and be attractive and inviting	<ul style="list-style-type: none"> The communal open space provided over various levels provides a diverse group of landscape spaces that can be used for recreational purposes. Spaces include seating areas, barbeque facilities and amenities, and planting. 	Yes
Communal open space is designed to maximise safety	<ul style="list-style-type: none"> Located at higher levels and roof levels ensures access by residents only. Apartments are designed around the courtyard with windows and balconies providing a visual connection. For safety, along the edges of the common open space areas there will be a balustrade to provide separation between the resident's activity zones and the edge of the building. 	Yes

Public open space, where provided, is responsive to the existing pattern and uses of the neighbourhood	<ul style="list-style-type: none"> Public open space provided in the form of the new plaza. This will enhance the neighbourhood by providing connections from Darling St and between Victoria Rd and Waterloo St. 	Yes												
3E Deep soil zones														
<p>Deep soil zones are to meet the following minimum requirements: 7% deep soil zone and a minimum dimension of 6m</p>	<ul style="list-style-type: none"> Deep soil zones meet the minimum ADG requirement with 530m² (7%) deep soil area provided; however, LDCP 2000 – Part D1 requires a minimum of 733m² (10%) of site area to be provided as deep soil. The locations of the deep soil areas are on the Waterloo and Victoria Road frontages, plus along the proposed Heritage Lane. The total of the deep soil area and the soil vault equates to approximately 10% of the site area. It is considered that the deep soil areas proposed are a significant improvement on the existing site conditions. Having regard to the requirements of both the ADG and LDCP 2000 – Part D1, the proposed deep soil zones are generally provided where some access is available to sunlight to support appropriate plant growth. Where pedestrian access is provided within the deep soil zones this will incorporate permeable paving and seating spaces on decks, to maintain water infiltration. Indicative locations of the proposed deep soil areas are shown on the following diagram: 	Yes objective satisfied												
3F Visual privacy														
<p>Separation distances from building to boundary:</p> <table border="1"> <thead> <tr> <th>Height</th><th>Habitable rooms & balconies</th><th>Non-habitable rooms</th></tr> </thead> <tbody> <tr> <td>Up to 12m (4 storeys)</td><td>6 m</td><td>3 m</td></tr> <tr> <td>Up to 25m (5-8 storeys)</td><td>9 m</td><td>4.5 m</td></tr> <tr> <td>Over 25m (9+ storeys)</td><td>12 m</td><td>6 m</td></tr> </tbody> </table> <p>Separation distances between buildings on the same site should combine required building separations depending on the type of room.</p>	Height	Habitable rooms & balconies	Non-habitable rooms	Up to 12m (4 storeys)	6 m	3 m	Up to 25m (5-8 storeys)	9 m	4.5 m	Over 25m (9+ storeys)	12 m	6 m	<ul style="list-style-type: none"> The purpose of setting guidelines for separation distances is to provide visual privacy between adjoining developments. The modified development generally retains the same separation distances that was approved in the original development in D/2018/219. For the full height of Building C, along the north-western boundary (adjoining 168 Victoria Road and 17 Waterloo Street – note both properties are in the same ownership), the proposed development generally provides a 6m separation distance off the boundary. As per the table in the ADG, separation distances from side boundaries are required to increase as the number of storeys rise. As Building C is over 9 storeys above Victoria Road, the separation distance from the north-western boundary should increase from 6m to 12m for the topmost levels. However, the controls in LDCP 2000 – Part D1 allow for a 6m setback off the north-western boundary (Building C) and also the north-eastern boundary (Building A). There are portions of Building C that encroach into this setback. However, this is consistent with the original approved development under D/2018/219 and the privacy impacts had been resolved by the provision of privacy measures including translucent glass and privacy screens within the 6m setback (i.e. condition 8). These privacy measures have been incorporated into the design, and therefore, the proposal as modified is considered to be satisfactory and condition 8 can be deleted. It is noted that the principal planning controls that apply to the adjoining properties are a 3 storey DCP control and FSR of around 1:1. The Applicant has prepared an indicative built form and development 	Yes, subject to conditions.
Height	Habitable rooms & balconies	Non-habitable rooms												
Up to 12m (4 storeys)	6 m	3 m												
Up to 25m (5-8 storeys)	9 m	4.5 m												
Over 25m (9+ storeys)	12 m	6 m												

	<p>envelope that demonstrates how this property could be feasibly redeveloped under the existing planning controls. The lower three levels of Building C (part of the podium) incorporate a blank wall and will therefore not provide opportunities for onlooking even if the adjoining properties were redeveloped.</p> <ul style="list-style-type: none"> • A consistent 6m setback is provided from the north-eastern boundary for Building A. The proposal is setback from this boundary to accommodate Little Darling Lane. 	
Site and building design elements increase privacy without compromising access to light and air and balance outlook and views from habitable rooms and private open space	<ul style="list-style-type: none"> • Privacy to courtyard apartments from communal open spaces at podium level is achieved by wall and landscape enclosure. • Privacy between adjacent balconies and between apartments is achieved by a combination of blade walls and fixed louvre screens. 	Yes
3G Pedestrian access and entries		
Building entries and pedestrian access connects to and addresses the public domain	<ul style="list-style-type: none"> • Entries to the residential buildings are either at the upper ground public domain level or at street level. • Both the residential and other land uses within the development have a clear entrance that can be found by persons entering the site from the surrounding streets. 	Yes
Access, entries, and pathways are accessible and easy to identify	<ul style="list-style-type: none"> • Entries to the buildings are fully accessible and identifiable. 	Yes
Large sites provide pedestrian links for access to streets and connection to destinations	<ul style="list-style-type: none"> • Pedestrian linkages are provided between Victoria Road and Waterloo Street as well as to Darling Street via the public plaza. 	Yes
3H Vehicle access		
Vehicle access points are to be designed and located to achieve safety, minimise conflicts between pedestrians and vehicles and create high quality streetscapes.	<ul style="list-style-type: none"> • No proposed significant changes to originally approved development in this regard. 	Yes
3J Bicycle and car parking		
Car parking is provided based on proximity to public transport in metropolitan Sydney and centres in regional areas.	<ul style="list-style-type: none"> • In the original development application (D/2018/219), The development proposed a total of 334 on-site car spaces in response to the requirements of the LDCP 2000. During the assessment process, Council and the Applicant agree that this can be achieved by the multiple use of the commercial car parking spaces over a 24 hour / 7 day period and conditions are recommended requiring the total number of on-site car paces to be reduced to 320. • Due to the proposed change in unit mix, the modification application proposes an addition 4 car spaces so the total number is 324 spaces. Council's Engineering section had reviewed the proposed change and raises no objections. 	Yes

Parking and facilities are provided for other modes of transport.	<ul style="list-style-type: none"> The original development provides 192 bicycle spaces and 18 motorcycle spaces. The modified development proposes a small reduction in bicycles spaces to 188 bicycle spaces and retains 18 motorcycle spaces. This satisfies the requirements of the LDCP 2000. 	Yes
Car park design and access is safe and secure.	<ul style="list-style-type: none"> No proposed significant changes to originally approved development in this regard. 	Yes
Visual and environmental impacts of underground car parking are minimised.	<ul style="list-style-type: none"> No proposed significant changes to originally approved development in this regard. 	Yes
Visual and environmental impacts of on-grade car parking are minimised.	<ul style="list-style-type: none"> No proposed significant changes to originally approved development in this regard. 	Yes
Visual and environmental impacts of above ground enclosed car parking are minimised.	<ul style="list-style-type: none"> All parking is provided as basement parking. 	Yes
Objectives	Design response	Consistent?
Part 4: Building		
4A: Solar and daylight access		
<p>To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space:</p> <ul style="list-style-type: none"> At least 70% of apartments' living rooms and private open spaces receive a minimum of 2 hours direct sunlight between 9 am-3 pm in mid-winter A maximum of 15% of apartments receive no direct sunlight between 9 am-3 pm in midwinter 	<ul style="list-style-type: none"> 70% of apartments receive 2 hours of sun between 9am and 3pm to living rooms and balconies. Refer architectural drawings for demonstration of solar access. 12% of apartments receiving no direct sunlight between 9 am and 3 pm at mid-winter. 	Yes
Daylight access is maximised where sunlight is limited	<ul style="list-style-type: none"> The site is not overshadowed by adjacent development. All apartments have habitable rooms that will receive daylight exceeding the minimum required by the BCA. 	Yes

Design incorporates shading and glare control, particularly for warmer months	<ul style="list-style-type: none">Sun control for apartments facing a generally northern or westerly direction is provided by deep balconies.The Applicant has submitted BASIX/ESD reports nominating that where living areas are located on the outside face of the façade (to maximise solar access), glazing is to be provided in accordance with the BASIX requirements to minimise solar heat gain. Glare control to be by provision of internal blinds.	Yes				
4B Natural ventilation						
All habitable rooms are naturally ventilated	<ul style="list-style-type: none">The building's orientation allows for the capture of prevailing breezes for natural ventilation.All habitable rooms are naturally ventilated with open balconies, openable windows, or doors.	Yes				
The layout and design of single aspect apartments maximises natural ventilation.	<ul style="list-style-type: none">Apartments depths have been kept to a minimum. The primary living spaces are all within close proximity to openings.	Yes				
The number of apartments with natural cross ventilation is maximised to create a comfortable indoor environment for residents: <ul style="list-style-type: none">at least 60% of apartments are naturally cross ventilated in the first nine storeys (apartments 10-storeys or greater are deemed to be cross ventilated)Overall depth of a cross-over or cross-through apartment does not exceed 18 m, measured from glass to glass	<ul style="list-style-type: none">67.46% of apartments in the first 9 levels [Level 1 – 8 inclusive] are cross ventilated.No apartments exceed 18 m in depth.	Yes				
4C Ceiling heights						
Ceiling height achieves sufficient natural ventilation and daylight access. Measured from finished floor level to finished ceiling level, minimum ceiling heights are: <table><tr><td>Habitable rooms</td><td>2.7 m</td></tr><tr><td>Non-habitable rooms</td><td>2.4 m</td></tr></table>	Habitable rooms	2.7 m	Non-habitable rooms	2.4 m	<ul style="list-style-type: none">The residential areas of the development propose a minimum 3.1m floor to floor height to facilitate the required 2.7m ceiling height for habitable rooms. Non-habitable rooms can achieve a minimum 2.4m ceiling height.Other land uses in the development will have the following floor to floor heights:<ul style="list-style-type: none">Supermarket - 6mClub - 5mRetail – 5mCommercial – 3.6m	Yes
Habitable rooms	2.7 m					
Non-habitable rooms	2.4 m					

2 storey apartments	2.7 m for main living area floor 2.4 m for second floor, where its area does not exceed 50% of the apartment area	<ul style="list-style-type: none">Residential ceiling heights are sufficient to allow adequate ventilation and daylight within apartments and will provide a sense of space within apartments.The achievable ceiling heights within other land uses will promote future flexibility of those spaces.															
Attic spaces	1.8 m at edge of room with a 30 degree minimum ceiling slope																
If located in mixed use areas	3.3 m for ground and first floor to promote future flexibility of use																
4D Apartment size and layout																	
<p>The layout of rooms within a apartment is functional, well organised and provides a high standard of amenity.</p> <ul style="list-style-type: none">Apartments are required to have the following minimum internal areas: <table><tr><th>Apartment type</th><th>Min. internal area</th></tr><tr><td>Studio</td><td>35 m²</td></tr><tr><td>1 bedroom</td><td>50 m²</td></tr><tr><td>2 bedroom</td><td>70 m²</td></tr><tr><td>3 bedroom</td><td>90 m²</td></tr><tr><td>Additional bathrooms</td><td>+5 m² / bathroom</td></tr><tr><td>Additional bedrooms</td><td>+12 m² / bedroom</td></tr></table> <ul style="list-style-type: none">Every habitable room must have a window in an external wall with a total glass area of not less than 10% of the floor area. Daylight and air may not be borrowed from other rooms.		Apartment type	Min. internal area	Studio	35 m ²	1 bedroom	50 m ²	2 bedroom	70 m ²	3 bedroom	90 m ²	Additional bathrooms	+5 m ² / bathroom	Additional bedrooms	+12 m ² / bedroom	<ul style="list-style-type: none">All apartments comply with the minimum internal area.Habitable rooms have a window or an external wall or a door / window onto the balcony and exceed the 10% requirement.	Yes
Apartment type	Min. internal area																
Studio	35 m ²																
1 bedroom	50 m ²																
2 bedroom	70 m ²																
3 bedroom	90 m ²																
Additional bathrooms	+5 m ² / bathroom																
Additional bedrooms	+12 m ² / bedroom																
Environmental performance of the apartment is maximised:		<ul style="list-style-type: none">In open plan layouts, where the living, dining and kitchen are combined, maximum habitable room depth is no more than 8m from a window.	Yes														

<ul style="list-style-type: none"> Habitable room depths are limited to a maximum of 2.5 x the ceiling height (2.7 m) In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 8 m from a window 		
<p>Apartment layouts are designed to accommodate a variety of household activities and needs:</p> <ul style="list-style-type: none"> Master bedrooms have a minimum area of 10 m² and other bedrooms have 9 m² (excluding wardrobe space) Bedrooms have a minimum dimension of 3 m (excluding wardrobe space) Living rooms or combined living / dining rooms have a minimum width of 3.6 m for studio and 1 bed apartments and 4 m for 2 and 3 bed apartments The width of cross-over or cross-through apartments are at least 4 m internally to avoid deep narrow apartment layouts 	<ul style="list-style-type: none"> Master bedrooms are minimum 10m². Other bedrooms are minimum 9m² as recommended by the guidelines. Bedrooms have minimum dimensions of 3m. Combined living / dining rooms have minimum dimensions of 4m. All cross-through apartments are at least 4m wide. 	Yes
4E Private open space and balconies		

<p>Apartments provide appropriately sized principal private open space and balconies to enhance residential amenity:</p> <table border="1" data-bbox="188 322 584 477"> <thead> <tr> <th>Dwelling type</th><th>Min. area</th><th>Min. depth</th></tr> </thead> <tbody> <tr> <td>Studio</td><td>4 m²</td><td>-</td></tr> <tr> <td>1 bedroom</td><td>8 m²</td><td>2 m</td></tr> <tr> <td>2 bedroom</td><td>10 m²</td><td>2 m</td></tr> <tr> <td>3+ bedroom</td><td>12 m²</td><td>2.4 m</td></tr> </tbody> </table> <p>Minimum depth to count towards area is 1m.</p> <p>Private open space on the ground level has a minimum area of 15m² and a minimum depth of 3m</p>	Dwelling type	Min. area	Min. depth	Studio	4 m ²	-	1 bedroom	8 m ²	2 m	2 bedroom	10 m ²	2 m	3+ bedroom	12 m ²	2.4 m	<ul style="list-style-type: none"> • All apartments provide open space in the form of balconies or private courtyards. • All balconies and private courtyards comply. 	<p>Yes</p>
Dwelling type	Min. area	Min. depth															
Studio	4 m ²	-															
1 bedroom	8 m ²	2 m															
2 bedroom	10 m ²	2 m															
3+ bedroom	12 m ²	2.4 m															
<p>Primary private open space and balconies are appropriately located to enhance liveability for residents.</p>	<ul style="list-style-type: none"> • Primary private open space areas are located adjacent to the living room, dining room or kitchen. 	<p>Yes</p>															
<p>Private open space and balcony design is integrated into and contributes to the overall architectural form and detail of the building.</p>	<ul style="list-style-type: none"> • The private open space is well designed and is integrated with the building architecture. • Balcony design is a significant contributor to the overall aesthetic of the building. 	<p>Yes</p>															
<p>Private open space and balcony design maximises safety.</p>	<ul style="list-style-type: none"> • The balustrade design is to meet BCA requirements for safety. 	<p>Yes</p>															
<p>4F Common circulation and spaces</p>																	
<p>Common circulation spaces achieve good amenity and properly service the number of apartments:</p> <ul style="list-style-type: none"> • Maximum number of apartments off a circulation core is eight (or no more than 12 apartments). • For buildings of 10-storeys and over, the maximum number of 	<ul style="list-style-type: none"> • As this is a building over 10 storeys, the maximum number of apartments sharing a single lift is 40. The development complies with this requirement. • The number of apartments off each dual lift core on a single level is averages less than eight. • The underlying objective of this guideline is to achieve good amenity along circulation corridors. Common circulation spaces are of generous width and provided with access to light and ventilation and provide direct and legible access between the lift cores and apartment entries. 	<p>Yes</p>															

apartments sharing a single lift is 40. Common circulation spaces promote safety and provide for social interaction between residents.												
4G Storage												
<p>Adequate, well designed storage is provided in each apartment. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table><tr><th>Dwelling type</th><th>Storage size volume</th></tr><tr><td>Studio</td><td>4 m³</td></tr><tr><td>1 bedroom</td><td>6 m³</td></tr><tr><td>2 bedroom</td><td>8 m³</td></tr><tr><td>3+ bedroom</td><td>10 m³</td></tr></table> <p>With at least 50% located within the apartment.</p> <p>Additional storage is conveniently located, accessible and nominated for individual apartments.</p>	Dwelling type	Storage size volume	Studio	4 m ³	1 bedroom	6 m ³	2 bedroom	8 m ³	3+ bedroom	10 m ³	<ul style="list-style-type: none">• A minimum of 50% of required storage is proposed inside the apartment and the other 50% located within the basement levels.• Additional storage above the minimum requirements is proposed in the residential parking basement and will be allocated to specific apartments.• No storage is included on a balcony.	Yes
Dwelling type	Storage size volume											
Studio	4 m ³											
1 bedroom	6 m ³											
2 bedroom	8 m ³											
3+ bedroom	10 m ³											
4H Acoustic privacy												
<p>Noise transfer is minimised through the siting of buildings and building layout.</p> <p>Noise impacts are mitigated within apartments through layout and acoustic treatments.</p>	<ul style="list-style-type: none">• The open plan apartment arrangement groups kitchen and living spaces together. Bedrooms and bathroom spaces generally have offset entries and openings with respect to primary living spaces.• Bedrooms are not positioned along common walls with the living rooms of adjoining apartments.	Yes										
4J Noise and pollution												
<p>In noisy or hostile environments, the impacts of external noise and pollution are minimised through the</p>	<ul style="list-style-type: none">• The Applicant's Acoustic Report makes recommendations to ensure nominated criteria are met, particularly in relation to glazing.	Yes										

careful siting and layout of buildings. Appropriate noise shielding or attenuation techniques for the building design, construction and choices of materials are used to mitigate noise transmission.		
4K Apartment mix		
A range of apartment types and sizes is provided to cater for different household types now and into the future. The apartment mix is distributed to suitable locations within the building.	<ul style="list-style-type: none"> A variety of apartment sizes and types will be provided: <ul style="list-style-type: none"> Studio – 2 (1%) 1 Bed – 17 (11%) 2 Bed – 83 (56%) 3 Bed – 47 (32%) Total – 149 (100%) Livework – 3 (N/A) As discussed in a later section of the report in relation to the Diverse Housing development standard under Leichhardt LEP 2000, this quantity and mix are suitable for the housing needs of the area are accommodated and appropriately located within the building as demonstrated. 	Yes
4L Ground floor apartments		
Street frontage activity is maximised where ground floor apartments are located. Design of ground floor apartments delivers amenity and safety for residents.	<ul style="list-style-type: none"> There are no ground floor residential apartments. 	Yes
4M Facades		
Building facades provide visual interest along the street while respecting the character of the local area.	<ul style="list-style-type: none"> Brick podium fine grained façade responds to the character of the local area. Articulated multi-storey residential buildings' facades achieve significant variety and visual interest by the use of cantilevered balconies, sliding screens and glazed window wall corner emphasis. Façade in Waterloo St responds to the scale and materiality of the residential neighbourhood opposite. 	Yes
Building functions are expressed by the façade.	<ul style="list-style-type: none"> The residential, Club, commercial and retail functions of the development are expressed with identifiable entries. The building satisfactorily addresses Victoria Road, Darling Street and Waterloo Street. 	Yes
4N Roof design		

Roof treatments are integrated into the building design and positively respond to the street.	<ul style="list-style-type: none"> • Roof edges to Buildings A, B and C are expressed as horizontal edges completing the geometric form of the buildings. • Roofscapes in Waterloo St respond to the scale and materiality of the surrounding residential neighbourhood. • Mechanical plant or solar panels placed on the roof of Buildings A, B and C will be located amongst the landscaping proposed to be incorporated to create green roof space and will not be readily visible from the street except from a considerable distance away from the site. 	Yes
4O Landscape design		
Landscape design is viable and sustainable. Landscape design contributes to the streetscape and amenity.	<ul style="list-style-type: none"> • Landscape design is considered to be viable and sustainable. • Although the extent of deep soil planting around the perimeter is limited, the proposed development will provide new trees to be planted within the footpath outside the subject property. 	Yes
4P Planting on structures		
Appropriate soil profiles are provided. Plant growth is optimised with appropriate selection and maintenance. Planting on structures contributes to the quality and amenity of communal and public open spaces.	<ul style="list-style-type: none"> • Satisfactory 	Yes
4Q Universal design		
Universal design features are included in apartment design to promote flexible housing for all community members (Developments achieve a benchmark of 20% of the total apartments incorporating the Liveable Housing Guidelines silver level universal design features). A variety of apartments with adaptable designs are provided.	<ul style="list-style-type: none"> • The Applicant has submitted an Access Report with this application. • The submitted architectural plans nominate 20% of apartments that will incorporate Liveable Housing Guidelines Silver Level Universal design features. • The proposal incorporates 10% adaptable apartments in accordance with LEP requirements. 	Yes

Apartment layouts are flexible and accommodate a range of lifestyle needs.		
4S Mixed use		
Mixed use developments are provided in appropriate locations and provide active street frontages that encourage pedestrian movement.	<ul style="list-style-type: none"> • The development actively addresses all street frontages. • The residential entry, Club/commercial/retail entries and services area are appropriately separated, and concealment opportunities are minimised. • The development can be readily accessed by public transport. 	Yes
Residential levels of the building are integrated within the development, and safety and amenity is maximised for residents.	<ul style="list-style-type: none"> • Residential circulation areas are clearly defined, and communal open space is well located and easily identifiable. 	Yes
4T Awning and signage		
Awnings are well located and complement and integrate with the building design.	<ul style="list-style-type: none"> • Street awnings have been carefully considered and integrate with the building design. • Proposed awnings for GF retail Darling Lane provide shade and weather protection over public footpaths, combined colonnade connections increasing protected active retail frontages. • Signage will be required by the retail uses and will be the subject of future applications (i.e. complying development or DA). 	Yes
4U Energy efficiency		

<p>Development incorporates passive environmental design.</p> <p>Development incorporates passive solar design to optimise heat storage in winter and reduce heat transfer in summer.</p> <p>Adequate natural ventilation minimises the need for mechanical ventilation.</p>	<ul style="list-style-type: none"> Satisfactory. Updated BASIX report had been submitted as part of the proposed modification and will be referenced in the conditions of consent. 	Yes
4V Water management and conservation		
<p>Potable water use is minimised.</p> <p>Urban stormwater is treated on site before being discharged to receiving waters.</p> <p>Flood management systems are integrated into site design.</p>	<ul style="list-style-type: none"> Water efficient fittings and appliances will be installed. The Applicant's NCC Section J and BASIX Assessment Report has recommended water sensitive design initiatives to minimise consumption include water-efficient fittings and fixtures, water-efficient appliances and low-water use air-conditioning and irrigation systems. The site is not affected by flooding. 	Yes
4W Waste management		
<p>Waste storage facilities are designed to minimise impacts on the streetscape, building entry and amenity of residents.</p> <p>Domestic waste is minimised by providing safe and convenient source separation and recycling.</p>	<ul style="list-style-type: none"> A Waste Management Plan has been prepared for the ongoing management of waste and to ensure waste is managed to reduce the amount of waste and recyclables to land fill. Conditions concerning ongoing waste management and collection will be retained. 	Yes
4X Building maintenance		
<p>Building design detail provides protection from weathering.</p> <p>Systems and access enable ease of maintenance.</p>	<ul style="list-style-type: none"> Material selection is intentionally robust, reducing ongoing maintenance requirements. 	Yes

Material selection reduces ongoing maintenance costs.		
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- *State Environmental Planning Policy (Resilience and Hazards) 2021*

Chapter 4 Remediation of land

Section 4.16 (1) of the SEPP requires the consent authority not consent to the carrying out of any development on land unless:

- “(a) it has considered whether the land is contaminated, and*
- (b) if the land is contaminated, it is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for the purpose for which the development is proposed to be carried out, and*
- (c) if the land requires remediation to be made suitable for the purpose for which the development is proposed to be carried out, it is satisfied that the land will be remediated before the land is used for that purpose.”*

The site has been used in the past for activities which could have potentially contaminated the site. The site history indicates development across the site in the late 1800s and early 1900s along Darling Street with retail shops including fishmongers, butchers, furniture warehouse, chemist, grocers, video hire; Victoria Road included numerous residential dwellings; the current Balmain Leagues Club was developed in the early 1960s at 138-152 Victoria Road with the three-storey carpark constructed in the late 1960s. The property at 154 Victoria Road has been a mechanical workshop since the 1960s with two associated underground storage tanks (USTs).

In the original development D/2018/219, a deferred commencement condition was recommended requiring the Remediation Action Plan (RAP) to be further revised and for Council to review the final findings and recommendations prior to the consent becoming operational. A revised Remediation Action Plan prepared by PRM and dated 08/09/2020 (ref: P034504.003, Version C) was submitted to Council, and the subject condition was satisfied and the application was made operational on 23 March 2021.

The modified development proposes a similar excavation area to the original approved development and it is considered that subject to the findings and recommendations in the revised Remediation Action Plan prepared by PRM and dated 08/09/2020 (ref: P034504.003, Version C) being carried out, the consent authority can be satisfied that the land will be suitable for the proposed use and that the land can be remediated.

- *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004*

The development application (DA) stage of all new residential dwellings in New South Wales (NSW) requires a BASIX certificate. This applies to all new NSW dwellings that cost \$50,000 or more.

A BASIX Certificate was submitted with the application, and it has been updated to reflect the most current architectural design (Certificate number: 1347426M_05 Date of issue: 24 November 2022) indicating that the proposal achieves full compliance with the BASIX requirements.

- *State Environmental Planning Policy (Transport and Infrastructure) 2021*

Chapter 2 Infrastructure

Development likely to affect an electricity transmission or distribution network

The proposed development meets the criteria for referral to the electricity supply authority within Section 2.48 of *SEPP (Transport and Infrastructure) 2021* and has been referred for comment for 21 days.

This application was referred to Ausgrid and a response was received on 17/03/2023. No objections are raised. Conditions have been provided.

Development in, above, below or adjacent to rail corridors and interim rail corridors, Development with frontage to classified road, Excavation in or immediately adjacent to corridors, Traffic-generating development

The modification application was referred to Transport for NSW in relation to the above sections in and the following comments were received on 9 June 2023:

“Reference is made to Council’s referral regarding a Section 4.55 (2) modification application associated with the above development, which was referred to Transport for NSW (TfNSW) for comment under section 38 of the Environmental Planning and Assessment Regulation 2021. TfNSW has reviewed the application and has no requirements as the proposed modifications will have a negligible impact on the classified road network.”

5(a)(i) State Environmental Planning Policy (Biodiversity and Conservation) 2021

Chapter 2 Vegetation in non-rural areas

The protection/removal of vegetation identified under the SEPP and gives effect to the local tree preservation provisions of Council’s DCP. The proposed modification application was referred to council’s urban forest section which provided the following comment:

“The submitted Landscape Plan package prepared by Scott Carver (Revision 6 to 8) dated 6 December 2022 satisfy the requirements of the deferred commencement condition C of D/2018/219. The Urban Forest team support the plans and it is recommended that the plans are approved under this Section 4.55 Modification.

All other tree related conditions shall remain unchanged.”

Therefore, the proposal is satisfactory in this regard.

• Leichhardt Local Environmental Plan 2000 (LLEP 2000)

The site is a deferred site under the Inner West Local Environmental Plan 2022. The provisions of the LLEP 2000 apply.

The land is zoned **Business** and is the subject of site specific controls under LLEP 2000 (Amendment 16). The proposed uses on the site, being residential, retail, commercial, and Club, are all permissible uses in the zone.

The following table presents an assessment of the proposed development against the relevant development standards set out in clause 19 of Part 4 *Housing*; and clauses 4 (a) to (h) of Part 3 of Schedule 1 of LLEP 2000.

LLEP 2000	Development	Proposed	Compliance
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	Control		
Part 4 - Housing			
Clause 19(6) <i>Diverse Housing</i>	<ul style="list-style-type: none"> • <u>Minimum</u> 25% bedsit or 1 bedroom • <u>Maximum</u> 30% 3 or more dwellings 	Studio – 2 (1%) 1 Bed – 17 (11%) 2 Bed – 83 (56%) 3 Bed – 47 (32%) Total – 149 (100%) Livework – 3 (N/A)	No
Clause 19(7) <i>Adaptable Housing</i>	<u>Minimum</u> 10% of dwellings	10% - 16 dwellings	Yes
Schedule 1 – Additional uses and controls for certain land			
Part 3 - Amended controls on specific sites - Balmain Leagues Club Precinct site			
Clause (4)(a) <i>Max. Floor Space Ratio – Total</i>	3.9:1 <ul style="list-style-type: none"> • Site Area = 7330m² • Max GFA = 28,587m² 	3.88:1 (excluding winter garden) <ul style="list-style-type: none"> • GFA = 28,417m² 	Refer to discussion below
Clause (4)(b) <i>Max. FSR – Retail/Shops (incl. supermarket)</i>	1.3:1 <ul style="list-style-type: none"> • Max GFA = 9,529m² 	0.74:1 <ul style="list-style-type: none"> • GFA = 5461m² 	Yes
Clause (4)(c) <i>Max. FSR – Commercial (incl. Live/Work(</i>	0.2:1 <ul style="list-style-type: none"> • Max GFA = 1,467m² 	0.2:1 <ul style="list-style-type: none"> • GFA = 1,462m² 	Yes
Clause 3(4)(d) <i>Max. FSR – Club</i>	0.5:1 <ul style="list-style-type: none"> • Max GFA = 3,667m² 	0.39:1 <ul style="list-style-type: none"> • GFA = 2870m² 	Yes
Clause 3(4)(e) <i>Max. FSR – Residential</i>	1.9:1 Max GFA = 13,935m ²	2.54:1 (excluding winter gardens) <ul style="list-style-type: none"> • GFA = 18,624m² 	No 33.6% variation
Clause 3(4)(f) <i>Max. Building Height within 10m of Waterloo Street</i>	12.5m above road level	All building heights within 10m of Waterloo Street are less than 12.4m above road level	Yes
Clause 3(4)(g) <i>Max. Building Height and No. of storeys within 36m of Darling Street</i>	RL52AHD or no greater than 2 storeys	All building heights within 36m of Darling Street are less than RL52	Yes
Clause 3(4)(h) <i>Max. Maximum building height and number of storeys</i>	RL82AHD or 12 storeys	RL81.5 and 12 storeys	Yes

Clause (4)(a) Max. Floor Space Ratio – Total and Clause 3(4)(e) Max. FSR – Residential

The Statement of Environment Effects prepared by The Planning Studio (dated 6 December 2022) and also the response to Request for Further Information also prepared by the Planning Studio dated 19 May 2023 indicate that the total Gross Floor Area is 28417 sqm and the residential component is 18,624 sqm which does not result in any increases to the original approved development. However, from the calculation diagrams provided by applicant, the areas associated with the winter gardens are not included in any Gross Floor Area calculations.

In *Haralambis Management Pty Ltd v Council of the City of Sydney* [2013] NSWLEC 1009, it was held that the floor area inside closeable bi-fold windows over solid balustrades and closable aluminium framed glass louvres will need to be included in the calculation of Gross Floor Area. If areas associated with the winter gardens are included in the calculations, this will result in an approximate additional of 1600sqm area to the gross floor area. This will result in a further breach of the maximum FSR to residential premises - clause 3(4)(e) with a FSR of 2.76:1 (approximately 45% variation) and result in total FSR of 4.1:1 which breaches the maximum 3.9:1 (approximately 5% variation) requirement under Clause 4(a).

Given that the proposed winter gardens in their current form appear to be of a form that would allow the entire area to be fully enclosed, a condition will be recommended that requires the proposed winter garden areas to be amended to ensure these subject areas cannot be fully enclosed.

This would ensure that there are no further breaches to maximum FSR to residential premises and no breach to the total FSR allowed. As the proposed winter gardens would front Victoria, there is a likelihood that these winter gardens will be fully enclosed for a large amount of time, so the recommended conditions will also allow the proposed 'winter gardens' to function as balconies and serve its intended purposes as private open spaces for the associated residential units.

As a result of the condition the proposed total FSR will be 3.88:1 and compliant with the total Maximum Floor Space Ratio under Clause (4)(a) and the resultant FSR for the residential components will be 2.54:1 which is consistent with the original development approval and result in no further breaches to Clause (4)(e) to the original approved development.

Clause 19(6) Diverse Housing

The following controls are applicable in relation to the provision of diverse housing:

Diverse housing Consent must not be granted for development that will provide 4 or more dwellings, unless it provides a mix of dwelling types in accordance with the following Table, to the nearest whole number of dwellings—

- *Bedsitter or one bedroom dwelling: Minimum 25%*
- *Three or more bedroom dwelling: Maximum 30% Extent of the variation*

The subject modification MOD/2022/0447 is seeking modifications to Development Consent D/2018/219 and its dwelling mix. As part of the modification application RFI response, the mix of units has been changed, which will result in a variation to this Clause of:

- 12.75% of bedsit/1-bedroom (2 x bedsits and 17 x 1-bedroom units (19/149) where a minimum of 25% are required (therefore a variation of 49%); and
- 31.5% of 3-bedroom units including live work (47/149), where a maximum of 30% are required (therefore a variation of 5%).

As the subject application is a Section 4.55(2) modification, therefore, a SEPP 1 Objection is technically not required to be provided, however, the applicant has provided the following justifications to support a variation to Clause 19(6) of the LLEP 2000:

- *The proposed development delivers a mix of dwelling types in size, type, form, layout and location, despite the variation to the numerical control. The number of 3-bedroom*

dwellings proposed only just exceeds the maximum by less than 2%. Whilst the development provides fewer 1-bedroom dwellings than required by the control, it still delivers a mix of dwelling types – particularly given that it also delivers 3 ‘live/work’ or ‘soho’ style housing that are in strong demand as a consequence of the move to hybrid working models from Covid. The modifications made to the scheme have also increased the compliance of the proposal with the 1-bedroom and bedsits control to 12.75%.

- *Covid has also driven a significant change in the types of dwellings people choose to live in. In particular, many singles or young couples are now choosing to reside in 2-bedroom dwellings so that the second bedroom can be used as a home office space. Prior to 2020, many of these demographics would have instead chosen a 1-bedroom unit, as they were required to work most if not all at a central workplace. Given this control pre-dated Covid, it is reasonable to argue that the increased 2-bedroom units proposed as part of the modification better reflect the mix of dwelling types needed in an area such as Rozelle as a consequence of the pandemic. This approach to 2-bedroom dwellings also particularly aligns with Objective 17(e).*
- *A Yield Mix Analysis prepared by Hadron Group provides a detailed analysis of the supply and demand for 1-bedroom units in Rozelle and other suburbs in Inner West Council LGA including Balmain, Leichhardt, Ashfield, and Marrickville. Findings from the analysis showed Rozelle is not undersupplied with 1-bedroom or studio dwellings compared to the surrounding suburbs and that projected growth in household types supports delivery of a lower share of these bedroom mixes than required under the housing diversity clause over the period 2021 to 2031. The analysis also suggests there is a potential market for households looking to downsize in Rozelle and other former Leichhardt LGA suburbs and that the Rozelle Village development price-points for 1-bedroom units represent a significant premium on the current market medians for Rozelle suburb.*
- *The VPA attached to the development consent requires a significant contribution to affordable housing of \$1 million – which is more significant than what would otherwise apply under Council’s policy, and will deliver an improved mix of dwellings in the LGA, despite the reduced number of 1-bedroom dwellings on the subject site.*
- *The development (as modified) provides a more suitable dwelling mix for the demographics of the area, which includes many professionals working a hybrid model post Covid who now work from home multiple days a week and need a separate work space.*
- *The development still provides an appropriate dwelling mix, including live/work dwellings, which are not required in the development, and the modification has increased 1-bedroom units up to 17.*

The objectives under Part 4 Housing (i.e. Clause 17) applies to these development standards:

17 Objectives

The objectives of the Plan in relation to housing are as follows—

- (a) to provide development standards to ensure that the density and landscaped areas of new housing are complimentary to and compatible with the style, orientation and pattern of surrounding buildings, works and landscaping and to take into account the suite of controls in *Leichhardt Development Control Plan 2000* to achieve the desired future character,
- (b) to provide landscaped areas that are suitable for substantial tree planting and of a size and location suitable for the use and enjoyment of residents,

- (c) to provide for a minimum residential allotment size in order to protect the area's diverse subdivision pattern and to ensure the orderly and economic use and development of residential land,
- (d) to provide a diverse range of housing in terms of size, type, form, layout, location, affordability and adaptability to accommodate the varied needs of the community, including persons with special needs,
- (e) to improve opportunities to work from home.

Having considered the justifications provided by the applicant, it is considered that, despite a variation to the development standards in relation to diverse housing, it has been demonstrated that the modified proposal will retain the ability to provide a diverse range of housing to accommodate the varied needs of the community and thus complies with objective 17(d). The proposed changes in unit mix will also allow further improved opportunities to work from home, and thus achieves better compliance with objective 17(e), and as the proposed variations does not impact objective with objectives 17(a), 17(b) and 17(c), it can be concluded that the proposed variations will continue to achieve the relevant objectives under clause 17 and therefore can be supported.

It is considered the proposal will provide for the proper management and development of land within the Inner West LGA for the purpose of promoting the social and economic welfare of the community and a better environment. The proposal is consistent with the planning framework for the site, as set out in LLEP 2000 and LDCP 2000. It is also considered that the proposal facilitates the orderly and economic redevelopment of the site, providing residential and employment opportunities, in an existing urban area in close proximity to public transport and the Sydney CBD.

In the circumstances, strict application of the development standard would hinder the attainment of the objectives of the EP& A Act.

This analysis has found notwithstanding the non-compliance with the development standards, the proposed development achieves the underlying objectives of the standards. Consequently, it is considered the SEPP 1 Objection has established that compliance with the development standard is unreasonable and unnecessary in the circumstances.

D2. LEICHHARDT DEVELOPMENT CONTROL PLAN 2000

The proposal has been assessed against the following provisions of the LDCP 2000:

Part	Description	Satisfactory Compliance
A3.0	Principles of Ecological Sustainable Development	Yes
A3a.0	Sustainable Water and Risk Management	Yes
A4.0	Urban Form and Design	Yes
A5.0	Amenity	Yes
A6.0	Site Analysis	Yes
A7.0	Heritage Conservation	Yes
A8.0	Parking Standards and Controls	Generally, the modifications will result to similar parking impacts to the originally approved development and the parking standards and controls are satisfactory.
A9a.0	Colours and Tones	Yes
A10.5.5	Rozelle Commercial Neighbourhood	Yes

B1.1	Demolition, Site Layout, Subdivision and Design	Yes
B1.2	Building Form, Envelope and Siting	Yes
B1.3	Car Parking	Comments included under A8.0 above are applicable.
B1.4	Site Drainage and Stormwater Control	Yes
B1.5	Elevation and Materials	Yes
B1.6	Front Gardens and Dwelling Entries	Yes
B1.8	Site Facilities	Yes
B2.8	Landscaping	Yes
B3.1	Solar Access	Yes
B3.2	Private Open Space	Yes
B3.3	Visual Privacy	Yes, as conditioned and discussed in the section regard AEDRP comments.
B3.4	Access to Views	Yes
B3.5	Acoustic Privacy	Yes
B4.7	Diverse and Affordable Housing	Yes
C1.1	Site Layout and Building Design	Yes
C1.2	Parking Layout, Servicing and Manoeuvring	Yes
C1.3	Landscaping	Yes
C1.4	Elevation and Materials	Yes
C1.5	Site Facilities	Yes
C1.6	Shopfronts	Yes
C1.7	Protective Structures in the Public Domain – Balconies, Verandahs and Awnings	Yes
C2.0	Ecologically Sustainable Non-Residential Development	Yes
C2.1	Site Drainage and Stormwater Control	Yes
C2.2	Energy Efficient Siting and Layout	Yes
C2.3	Building Construction, Thermal Mass and Materials	Yes
C2.4	Solar Control, External Window Shading and Internal and External Lighting	Yes
C2.5	Insulation	Yes
C2.6	Ventilation	Yes
C2.7	Space Heating and Cooling	Yes
C2.8	Using Sola Energy	Yes
C2.9	Appliances and Equipment	Yes
C3.0	Interface Amenity	Yes
C3.1	Noise and Vibration Generation	Yes
C3.2	Air Pollution	Yes
C3.3	Water Pollution	Yes
C3.4	Working Hours	The Club, retail and commercial premises will be subject to future applications.
C4.1	Home Based Employment	Yes
C4.5	Public Domain	Yes
C4.9	Licensed Premises	Yes

An assessment of the proposal against the controls within the Leichhardt DCP 2000 – Part D1 is set out in the table below.

Section	Provisions	Compliance
Site Specific Controls – Balmain Leagues Club Precinct		
D.10 Background	<ul style="list-style-type: none"> This section of LDCP 2000 has been amended from the previous version which was adopted on 3 June 2008 and came into effect on 26 August 2008. This section has been updated to reflect Council's current view on the most appropriate development for the site and has been designed to guide the redevelopment of the Balmain Leagues Club Precinct in conjunction with the sites specific provisions contained within Schedule 1 Part 3 of the LLEP 2000 (Amendment 16). 	<ul style="list-style-type: none"> Noted
D1.1 Land to which this section applies	<ul style="list-style-type: none"> 138-152 Victoria Road Rozelle (being Lot 1 DP 528045) 154-156 Victoria Road Rozelle (being Lot 1 DP 109047) 697 Darling Street Rozelle (being Lot 104 DP 733658) 1-7 Waterloo Street Rozelle (being Lots 101 & 102 DP629133, Lot 37 & 38 DP 421 and Lot 36 DP190866) 	<ul style="list-style-type: none"> Noted – applies to the subject site.
D1.2 Relationship to other sections of this DCP	<ul style="list-style-type: none"> This section of the DCP applies to the Balmain Leagues Club Precinct only. 	<ul style="list-style-type: none"> Noted
D1.3 Character Statement	<ul style="list-style-type: none"> The Precinct is an anomaly within an otherwise fine-grain and vibrant neighbourhood. The presentation of the existing buildings and structures does not contribute positively to the Victoria Road and Waterloo Street streetscapes. A portion of the Precinct along Darling Street and Waterloo Street is within a Heritage Conservation Area (HCA). Architectural and landscape character of development is to enhance the Precinct's appearance by using articulation, materials, finishes, and species that are sympathetic to the HCA and the heritage items nearby. Revitalisation and redevelopment of the site with a sensitive built form response and a high-quality architectural and urban design outcome is a key objective for the Precinct. Key aspects of new development are to include: <ul style="list-style-type: none"> Re-establishment of the Balmain Leagues Club Victoria Road will provide a street wall of appropriate height that contributes to the desired future character identified for the Victoria Road Sub Area in Part C of Leichhardt DCP 2013 (which applies to land adjoining the Precinct). A new plaza to be provided to benefit the local community, future residents, the Club, and businesses. A sensitive urban design response and relationship with the fine grained houses along Waterloo Street. Darling Street interface will be designed to integrate an 'open to the sky' pedestrian link which will visually and physically connect Darling Street with the future plaza, as well as Club uses within the podium of the tower building. Improve the interface with the Right of Way (legally described as Lot 1 DP 1063965 and Lots A-E DP 25838) adjacent to the southeast boundary of the Precinct. A new 'open to the sky' pedestrian link, with active uses along its length, will be provided along the southeast boundary of the Precinct. 	<ul style="list-style-type: none"> That portion of the Precinct within the HCA is identified in Figure 11 below. The proposed modifications generally satisfies the indicative design principles for the Precinct as identified in Figure 12 below.


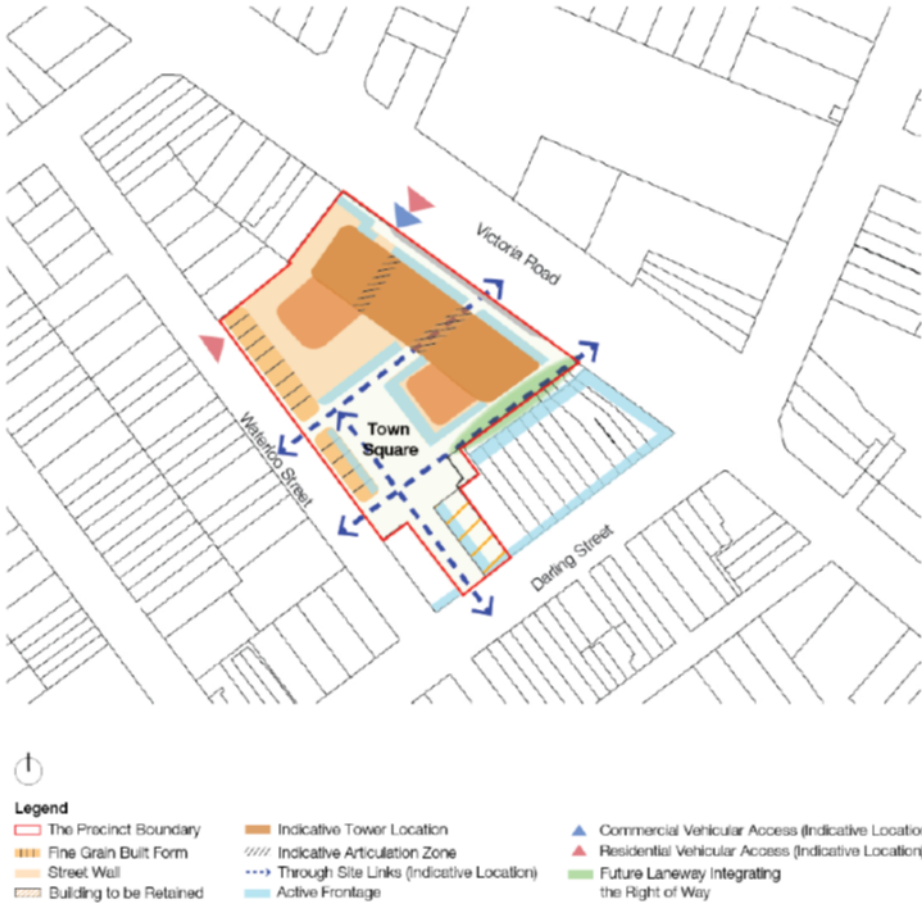
Section	Provisions	Compliance
	<ul style="list-style-type: none"> - High quality, culturally relevant and engaging public artworks will be provided within the Precinct. - The indicative design principles for the Precinct are shown in the diagram below: 	
	 <p>The map displays a street grid with several streets labeled: Stretton Street, Austin Street, Stretton Street, Campbell Street, Darling Street, Stretton Street, Darling Street, and Stretton Street. A red line outlines the precinct boundary. Various areas are shaded in brown, indicating heritage items or conservation areas. A legend at the bottom left explains the symbols: a red line for 'The Precinct Boundary', a brown square for 'Heritage item', a brown square with diagonal lines for 'Heritage Conservation Area (LLEP 2013)', and a brown square with horizontal lines for 'Heritage Conservation Area (LLEP 2000)'.</p>	

Figure 11: Heritage Map (Source: *Leichhardt DCP – Part D1*)

Section	Provisions	Compliance
	 <p>Figure 12: Design Principles (Source: <i>Leichhardt DCP – Part D1</i>)</p>	
<p>D1.4 General objectives</p>	<ul style="list-style-type: none"> • O1. To ensure the long term viability of Balmain Leagues Club on the site, for the benefit of the local community. • O2. To achieve high quality urban design for the Precinct and integration of the Precinct with the surrounding areas. • O3. To enable the redevelopment of the Balmain Leagues Club Precinct as a consolidated parcel. • O4. To achieve design excellence which provides high quality built form that responds to the existing and future context. • O5. To minimise the impact to the surrounding HCA and heritage items. • O6. To locate tower forms along Victoria Road and provide transition in scale to the surrounding low scale areas. • O7. To provide low scale and density buildings along Waterloo Street. • O8. To improve the Victoria Road and Waterloo Street streetscapes and to enhance the existing streetscape along Darling Street. • O9. To improve the pedestrian environment, connectivity and activity within the Precinct and along surrounding road and retail street frontages. • O10. To provide a publicly accessible plaza and network of laneways in the Precinct with maximised amenity. 	<p>Yes, as conditioned</p> <ul style="list-style-type: none"> • The proposed modified development satisfies these general objectives as it provides: <ul style="list-style-type: none"> - specific premises for a licenced Club; - development of the precinct as a consolidated parcel; - tower forms along Victoria Road and a transition in scale to surrounding low scale areas; - low scale and density along Waterloo Street; - an improved pedestrian environment, a public plaza and a network of laneways; - vibrancy to the Rozelle Commercial centre - housing diversity, which will promote affordability; and

Section	Provisions	Compliance
	<ul style="list-style-type: none"> • O11. To promote development that links to and contributes to the ongoing vibrancy and viability of the Rozelle Commercial Centre. • O12. To promote housing diversity through a mix of dwelling types. • O13. To promote affordable housing within the precinct. • O14. To achieve high quality residential amenity. • O15. To promote high quality landscaping, public art, signage, and ecologically sustainable development. 	<ul style="list-style-type: none"> - landscaping, public art and include ESD initiatives. • Objectives relating to the quality of the building design (including the amenity for future residents) and its place within the streetscape are satisfied, subject to conditions, and discussion on these points can be found previously in this report in the assessment of the proposal against the provisions of SEPP 65 and the criteria set out in the ADG, as well the detail discussion under the relevant sections of Leichhardt DCP 2000 – Part D1 below.
D1.5 Built form, height, and density	<ul style="list-style-type: none"> • C1. The maximum building height (including plantrooms and lift overruns) shall be consistent with that shown in Figure 5 to minimise visual impacts, building scale and overshadowing issues. The Reduced Level (RLs) identified in Figure 5 are relative to the Australian Height Datum (AHD). • C2. All roof structures, such as plant and lift overruns, shall be integrated into the design of the development. They are not to exceed the building heights contained within LLEP 2000 and are to be fully screened when viewed from street. • C3. Lift overruns on the top of buildings are permitted if: <ul style="list-style-type: none"> - within the maximum allowable height of RL 82.0 - are smaller or equal to 24m² in plan dimension if located at podium level • C4. Provide a higher built form fronting Victoria Road and a low scale built form along Waterloo Street and Darling Street to reflect the existing low scale and fine grain character of the streetscapes. • C5. Lower podium level buildings are to be placed around the perimeter of the Precinct to form a street edge. • C6. The tower built form along Victoria Road is to step down from southeast (highest) to northwest (lowest) to provide a height transition to the low scale properties to the northwest of the Precinct and protect solar access to the proposed plaza at the centre of the Precinct. Refer to Figure 5. • C7. A two storey (10m maximum height) street wall is to be provided along Victoria Road which is to be defined by appropriate architectural treatments and materials. Building forms (i.e. towers) above the street wall height shall be setback from the line of the building below a minimum of 3m. • C8. Provide effective built form and façade articulation to break up the overall podium and tower building envelopes along Victoria Road. • C9. The building forms along Waterloo Street should be vertically articulated to reflect the pattern of residential lot development and step with the topography. Design the Waterloo Street frontage as a transition between the existing residential streetscape and the new mixed-use development. 	<p>Yes, as conditioned</p> <ul style="list-style-type: none"> • The proposed modified development will comply with the maximum building height controls of the LLEP 2000, including plant and lift overruns). The main height and massing of building will be in accordance with the requirements of the DCP and concentrated along Victoria Road with three separate and articulated buildings that break up the overall podium and tower building envelopes. These buildings step down Victoria Road consistent with the falling topography. • As discussed in an earlier section of report in relation to FSR, subject to conditions, the proposed modified development will comply with the maximum FSR • The proposed plaza will continue to retain two hours sunlight at the winter solstice and the residential properties along Waterloo Street will have no additional overshadowing after mid-morning in mid-winter. • The modified proposal will retain the proposed 2 storey height along Darling Street which will limit the visual impacts of the development from Darling Street.

Section	Provisions	Compliance
	<ul style="list-style-type: none"> C10. Development within the HCA shall be restricted to a maximum height of RL 52.0 AHD and be consistent with adjoining properties with respect to height and scale. C11. The maximum floor space ratio may not necessarily be able to be achieved if adverse visual, acoustic, privacy, amenity and overshadowing impacts occur to neighbouring properties and/or impact the development within the Precinct. C12. The building envelopes in Figure 5 define the preferred built form outcome for the Precinct, whilst permitting architectural innovation within the building envelopes. C13. The building envelopes illustrated in this section allow for some flexibility in the detailed architectural design of buildings. This development control is intended to promote highly articulated buildings with generous balconies, recesses, and steps in facades to avoid a sense of excessive bulk, especially along Victoria Road and when viewed from Darling and Waterloo Streets. C14. Alternative building envelopes will only be permitted if the proposal can demonstrate a higher quality outcome can be achieved with regard to: <ul style="list-style-type: none"> - response to the surrounding context - built form and scale transition across the Precinct - impacts to the HCA and heritage items - amenity to the surrounding properties and within the Precinct - amenity to the future plaza - the Precinct's permeability and connectivity 	<ul style="list-style-type: none"> The proposed built forms along Waterloo Street the storey street wall presentation to Victoria is generally consistent with the original approved development. The proposed modified development generally accords with the indicative building envelopes depicted in Figure 13 below.

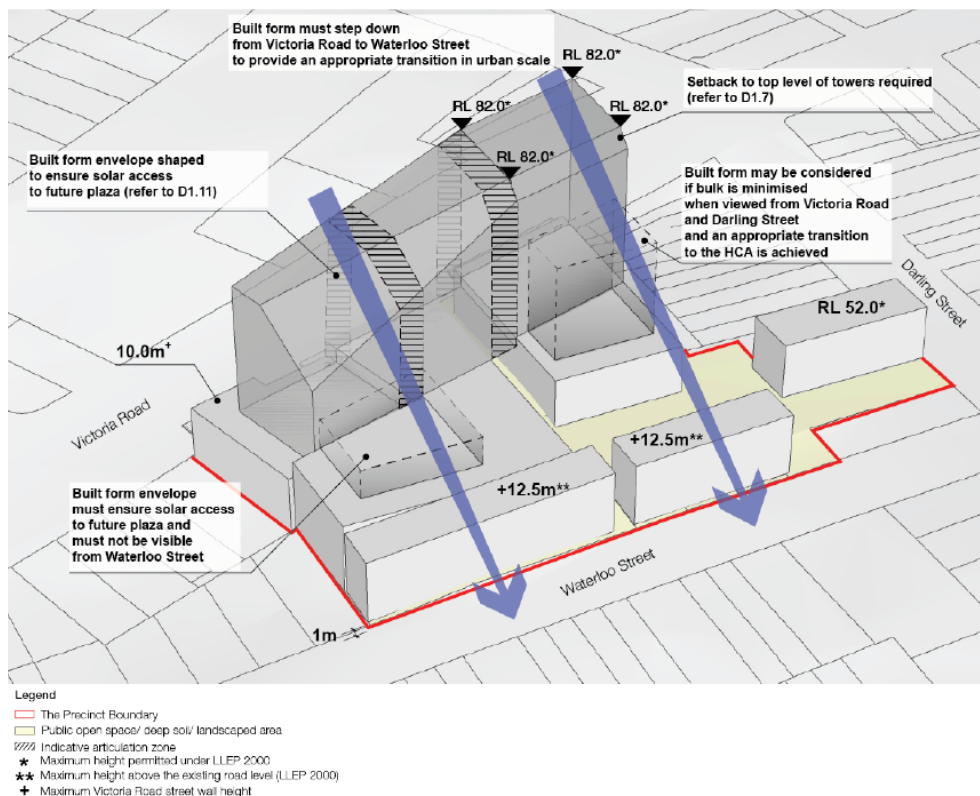
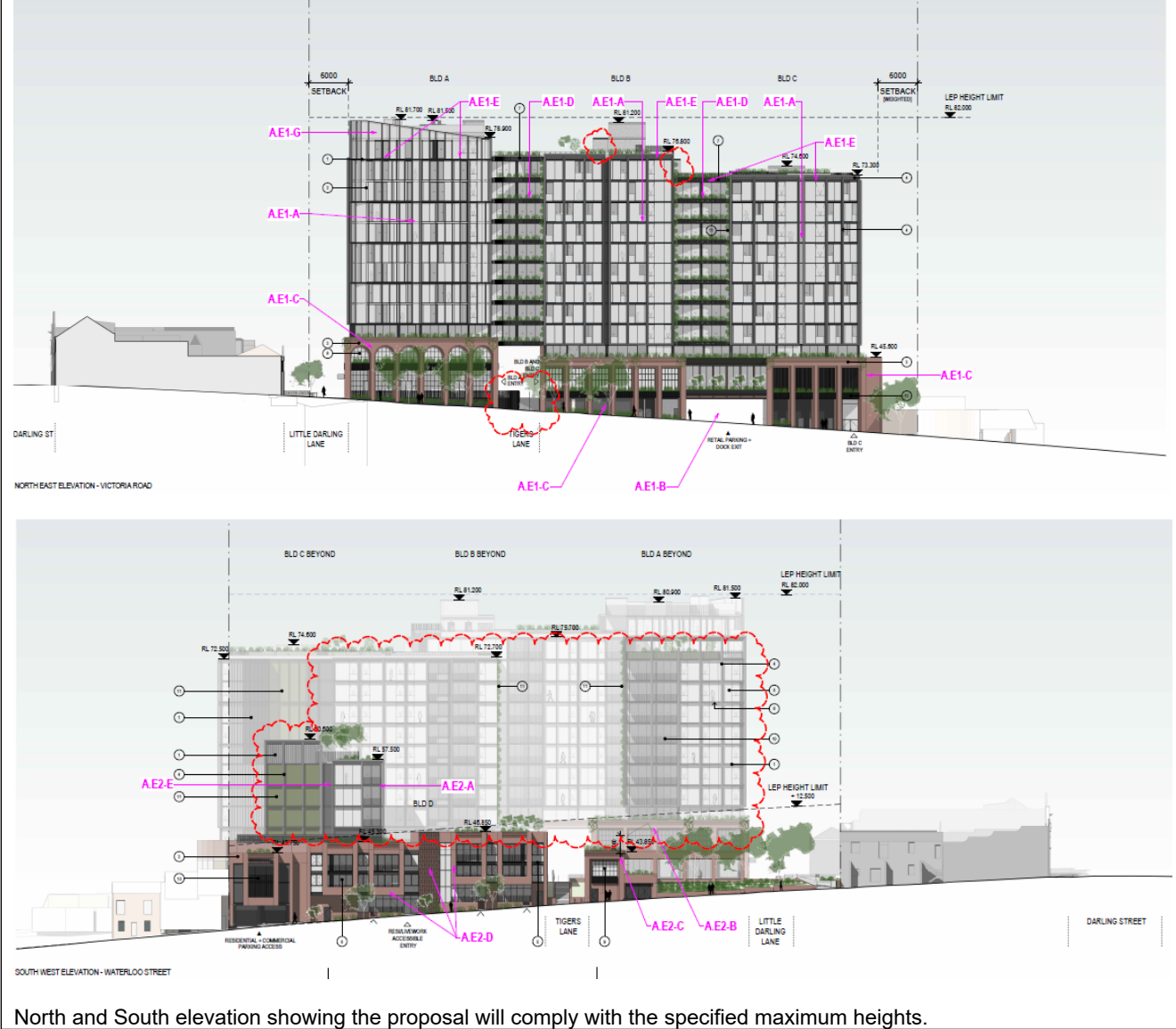


Figure 13: Building envelopes – illustrates the maximum development envelopes (Source: Leichhardt DCP – Part D1)

Section	Provisions	Compliance
 <p>NORTH EAST ELEVATION - VICTORIA ROAD</p> <p>SOUTH WEST ELEVATION - WATERLOO STREET</p>	<p>North and South elevation showing the proposal will comply with the specified maximum heights.</p>	
<p>D1.6 Land use</p>	<ul style="list-style-type: none"> • C1. Provide a range of land uses to promote the development of a vibrant Rozelle Commercial Centre that meets the needs of the local community. The range of uses shall include: <ul style="list-style-type: none"> - Balmain Leagues Club - public plaza and other publicly accessible spaces - commercial - retail, including <ul style="list-style-type: none"> o a supermarket o limited speciality retail focused on food and beverage retail that does not detract from the surrounding Rozelle Commercial Centre - residential - car parking • C2. Any development application must demonstrate that the gross floor area provided for Club use will be occupied by the Balmain Leagues Club (or its successor) for its long term viable usage. This may be in the form of a report confirming that the proposed Club is of a size that will service the needs of the Balmain Leagues Club (or its successor) and the community, or an indicative contract with the Balmain Leagues Club (or its successor). 	<p>Yes</p> <ul style="list-style-type: none"> • The proposed development provides for the range of land uses required by C1. • The location of proposed club is the same as the original development application with the area reduced slight to 2,870 m², which equates to an FSR of 0.39, but is considered of a size that is still appropriate for a financially viable Club as a key community facility and social space. • The proposed modified development includes smaller scale retail units and commercial space, of different sizes to allow for different tenures.

Section	Provisions	Compliance
	<ul style="list-style-type: none"> C3. Locate smaller scale retail units, in particular cafes and restaurants, around the future plaza, the Club, laneways and Darling Street to promote activity. C4. Encourage greater surveillance along Waterloo Street by providing individual entryways to residential dwellings. C5. The development shall be well integrated with Darling Street and maximise the activation of the corner where the proposed pedestrian link meets Darling Street. C6. A variety of dwelling types shall be provided within the Precinct including apartments (ranging from studios to 3 and more bedroom units) within the tower buildings and terrace type dwellings along Waterloo Street. C7. The development shall comply with Council's requirements for Diverse Housing and Adaptable Housing (refer Part 4 Clause 19 of LLEP 2000). C8. Dwellings of different sizes and tenures should be well integrated within the development. 	<ul style="list-style-type: none"> Live/work units will front Waterloo Street providing casual surveillance of the street frontage. The proposed unit mix provides for a wide range of dwelling types. The proposed modified development satisfies clause 19 of LLEP 2000 by providing for more than 10% of residential units as adaptable dwellings.
D1.7 Setback and separation	<ul style="list-style-type: none"> C1. Provide setbacks and separation distances in accordance with Figure 6. C2. Allow for future Victoria Road footpath reconfiguration and widening to minimum 4.5m across the frontage. The additional setback is to be dedicated to Council at no cost. C3. The setback to Victoria Road shall prioritise pedestrian movement. The design of the Victoria Road footpath shall also reference D1.14 Vehicular and Pedestrian Access. C4. Allow for future Waterloo Street footpath widening by setting back any development along Waterloo Street a minimum of 1m. The 1m setback is to be dedicated to Council at no cost. C5. An upper level setback of 3m is to be provided above podium/street wall level along the Victoria Road frontage. C6. Upper level setbacks are to be free of any encroachments from any parts of new building structures. C7. Development above the podium shall be setback 6m from the northwest and southeast common boundaries to mitigate the tower scale and provide adequate separation distances to adjoining properties. C8. The tower forms shall provide setbacks to the upper levels facing the centre of the Precinct to minimise overshadowing of the plaza and to mitigate the scale of the tower buildings. 	<p>Yes</p> <ul style="list-style-type: none"> All primary setback, separation and plaza dimensions remain unchanged from the original approved development.
D1.8 Visual impact to HCA and heritage items	<ul style="list-style-type: none"> C1. A Heritage Impact Statement (HIS) is to be submitted with any development application for the redevelopment of the Precinct, addressing the impact of the proposed works on the HCA and heritage items in the vicinity of the proposal. C2. This Statement should include consideration of 'The Design Context: Guidelines for Infill Development in the Historic Environment' (prepared by the NSW Heritage Office and Royal Australian Institute of Architects NSW Chapter) with regard to scale, form, materials, colours and responding to the local character. C3. Any development application is to be accompanied by 'before' and 'after' perspective views from the heritage items, from Darling Street and from Waterloo 	<p>Yes</p> <ul style="list-style-type: none"> A revised Statement of Heritage Impact (HIS), prepared by Heritage 21, dated November 2022 has been submitted with this application consistent with C1. The HIS has considered the proposed development having regard to the Heritage Conservation Area (HCA) and surrounding listed heritage

Section	Provisions	Compliance
	<p>Street to assess the potential impact on heritage items and the HCA.</p>	<p>items under LLEP 2000 and the provisions of this DCP.</p> <ul style="list-style-type: none"> • The HIS has considered '<i>The Design Context: Guidelines for Infill Development in the Historic Environment</i>' (prepared by the NSW Heritage Office and Royal Australian Institute of Architects NSW Chapter). • This application is accompanied by 'before' and 'after' perspective views from the heritage items, from Darling Street and from Waterloo Street • Overall, the proposed modifications are acceptable from a heritage perspective because they are within the approved building envelope and bulk of the approved development. There will be no further impact from a heritage perspective. • Retail spaces have been refined providing smaller retail spaces off Darling Street and to Victoria Road. This is acceptable as it is more in character with the retail character within the surrounding streetscapes. The design to the facade at the podium level has been redesigned with recessed articulation and arches. This is a positive heritage outcome as it will ensure the lower levels better relate to the surrounding streetscape and will provide greater visual interest and human scale to the proposal. • Changes have been made to the proposed Materials Schedule. These changes are acceptable given the proposed context on the infill development. The use of face brickwork will be sympathetic to the face brickwork of the 2 storey shop top development to the east of the intersection at Victoria Road and Darling Street. • As discussed in an earlier section of the report, the

Section	Provisions	Compliance
		<p>AEDRP is generally satisfied with the Built form and materiality and the conditions required by the AEDRP are only related to amenity concerns.</p>
<p>D1.9 Acoustic privacy</p>	<ul style="list-style-type: none"> • C1. Adequate setback distances to the common boundaries are to be provided in accordance with the controls in D1.7 to minimise impact to adjacent properties. • C2. Windows and balconies should be offset. • C3. Buildings that are exposed to high levels of external noise are to be designed and constructed to mitigate noise impacts and to ensure architectural integrity. • C4. Private open spaces and habitable rooms shall be located away from high noise sources, especially Victoria Road, or protected with appropriate noise shielding devices. • C5. When designing the tower buildings along Victoria Road, the following measures shall be considered to mitigate the noise impacts: <ul style="list-style-type: none"> - turning away habitable spaces from noise source - utilising fixed solid glazed edges to provide an enclosed space for ventilation - providing angled walls, winter gardens, screening and solid balconies - orienting operable windows away from noise source • C6. Building design shall also address the NSW Road Noise Policy by the NSW Environment Protection Authority (EPA). • C7. Noise generating facilities within communal open spaces such as swimming pools and barbecue areas shall be located away from bedroom areas. • C8. Rooms with similar noise requirements shall be grouped together. 	<p>Yes</p> <ul style="list-style-type: none"> • Setbacks are consistent with the original approved development. • Windows and balconies are sufficiently offset to protect acoustic privacy • A revised acoustic report prepared by ADP Consulting Pty Ltd, reference SYD2266 dated 18/5/2023 has been submitted to Council for assessment. • The Acoustic report provided the following recommendations: <ul style="list-style-type: none"> - Support points for major plant items should be structurally rigid. Mid span areas of floor slab should be avoided where practical. Ideally columns, thick structural slabs or very strong beams should be provided in such cases. - 200mm concrete slabs and precast/in-situ concrete walls surrounding plant rooms. - Vibration isolators for equipment rotating plant and machinery located in plant rooms with > 90% isolation efficiency. - Plant complete with associated motor and drive assemblies should be mounted on rigid integral steel chassis or concrete inertia blocks. - All penetrations to plant rooms should be properly dimensioned, packed and sealed. - Main services ducts and pipes to have their own individual penetrations, with suitable spacing to allow good sealing. - Allowance for acoustic attenuation treatments e.g.

Section	Provisions	Compliance												
		<p>internal lining to air inlets and discharges to meet external noise emission criteria.</p> <ul style="list-style-type: none"> - For major equipment such as chillers and cooling towers, allow for local stiffening of the plant room floor. - Speed controllers, if used, should be of good quality and compatible with the motor model. Poor quality controllers can result in significant increase in motor noise, as much as 10dB(A), with an offensive characteristic such as high frequency tone. - Selection of low noise fans, allowance for smooth airflow conditions in ductwork, use of attenuators and lined duct work while minimising regenerated noise at bends, take-offs and transitions. - Selection of plant and acoustic measures such as lined ductwork, silencers and enclosures, that will ensure that noise emission levels are complied with. • Noise impacts of the proposed development have been reviewed and found to be satisfactory subject to recommended conditions that include a condition requiring the recommendations of the acoustic report to be carried out. 												
<p>D1.10 Communal open space, Deep soil area and landscaping</p>	<ul style="list-style-type: none"> • C1. A minimum of 10% of the site area is to be provided as deep soil zone. • C2. Where possible, deep soil areas are to be well integrated into a development and not provided on the periphery of the site. • C3. The consolidation of deep soil areas is encouraged to assist drainage and to allow for effective deep soil planting. • C4. Any planting on structure is to satisfy the following soil volume requirements: <table border="1" data-bbox="384 1883 900 2027"> <thead> <tr> <th>Tree size</th><th>Height</th><th>Soil volume</th></tr> </thead> <tbody> <tr> <td>Small</td><td>6-9m</td><td>20m³</td></tr> <tr> <td>Medium</td><td>10-13m</td><td>30m³</td></tr> <tr> <td>Large</td><td>14m+</td><td>40m³</td></tr> </tbody> </table>	Tree size	Height	Soil volume	Small	6-9m	20m ³	Medium	10-13m	30m ³	Large	14m+	40m ³	<ul style="list-style-type: none"> • A minimum of 7% of the site area is a deep soil zone. The proposed development complies with the criteria of the ADG. • The proposed landscaping is considered to be satisfactory.
Tree size	Height	Soil volume												
Small	6-9m	20m ³												
Medium	10-13m	30m ³												
Large	14m+	40m ³												

Section	Provisions	Compliance
	<ul style="list-style-type: none"> • C5. The minimum number of trees is 1 large tree (at least 12 metres) per 90m² of soil, or 2 medium trees per 90m² of soil. • C6. Locate landscaping where the microclimate will support favourable growing conditions with appropriate sunlight and wind protection. • C7. Landscaping and mature tree planting with large canopy trees shall achieve 15% site canopy coverage. • C8. Incorporate mass planting including a mix of indigenous shrubs, grasses, and groundcovers. • C9. Utilise a diverse variety of local Inner West native plant species and plant types with low water needs, including trees, shrubs, grasses, groundcovers, and climbers. • C10. Landscaping is to be of the highest quality, and use appropriate stone, high quality precast concrete elements and high quality pavements. • C11. Suitable soil depth, drainage and irrigation are to be provided for all landscaping built on structures. • C12. A landscape plan prepared by a suitably qualified Landscape Architect is to be submitted with the development application showing the: <ul style="list-style-type: none"> - levels adjacent to the public domain - planting schedule with numbers and species of plants (botanical and common name) - number and name (botanical and common name) of mature trees on site - type and detail of paving, seating, walling, fencing and other details of external areas of the site, including the plaza • C13. Minimise the impact upon street trees and trees on adjoining land. • C14. Overhead power cables along the Victoria Road and Waterloo Street frontages must be relocated underground and replaced with appropriate street lighting given the scale of the development and the significant aesthetic benefit resulting from undergrounding, including allowing for viable street tree planting. • C15. Incorporate street trees along Victoria Road, Darling Street and Waterloo Street in vault style structural soil to minimise available soil volume for mature trees. 	
D1.11 Plaza	<ul style="list-style-type: none"> • C1. A plaza shall be located at the centre of the Precinct, with a clear pedestrian and visual connection to Darling Street. It will be designed to accommodate a range of activities such as outdoor restaurants, cafes, stalls, kiosks and display areas. The plaza location shall be generally in accordance with Figure 7. • C2. The level of the plaza shall align or closely align with the Darling Street footpath to provide unimpeded pedestrian access from Darling Street with no steps. • C3. The plaza shall have active uses on all sides. • C4. The plaza shall have a minimum area of 1,400m² (including the linkage from Darling Street to the plaza) and is to be accessible between 7am and 10pm, at the minimum. • C5. The plaza shall have a minimum dimension of 23m. • C6. A maximum of 500m² of the plaza may be used for retail purposes (e.g. outdoor seating/dining and kiosks) and must not conflict with paths of travel. 	<p>Yes</p> <ul style="list-style-type: none"> • The proposed modifications will result in a plaza that is similar in size and character to the plaza area approved in the original approved development.

Section	Provisions	Compliance
	<ul style="list-style-type: none"> C7. Mature deciduous tree planting in deep soil and/or structural vault style soil shall be incorporated into the design of the plaza to ensure the space has canopy cover and is usable during summer months. 	
D1.12 Solar access	<ul style="list-style-type: none"> C1. The surrounding residential properties along Waterloo Street are to receive a minimum three hours of direct sunlight to 50% of windows to principal living areas and 50% of principal open space between 9am and 3pm at the winter solstice. Where properties receive less solar access than specified above, there should be no further reduction. C2. Shadow diagrams shall be prepared to establish if there is any additional overshadowing of the Darling Street footpaths beyond that generated by the current buildings, and wherever possible additional overshadowing is to be limited through design measures. C3. The minimum requirements of solar access to the plaza between 12:30pm and 2pm in mid-winter are: <ul style="list-style-type: none"> - 35% of the plaza area shall receive solar access at 12:30pm - 50% of the plaza area shall receive solar access at 1pm - 65% of the plaza area shall receive solar access at 2pm 	<p>Yes</p> <ul style="list-style-type: none"> As demonstrated in the Shadow Diagrams submitted with this DA, the proposed modification does not result in any additional overshadowing compared to the originally approved development. Solar access to the plaza is consistent with the minimum requirements in control C3. The plaza will receive solar access on 21 June: 12:30pm – 35.1% 1:00pm – 55.4% 2:00pm – 73.7% and therefore complies.
D1.13 Linkages	<ul style="list-style-type: none"> C1. The proposal is to be consistent with Figures 6, 7 and 8 which show indicative locations for laneways, through site links, the plaza and improved pedestrian footpaths. C2. Upgrade surrounding footpaths at the perimeter of the Precinct to Council's satisfaction, including street tree planting, paving materials and street furniture. C3. Provide unrestricted pedestrian access between Victoria Road, Darling Street and Waterloo Street to increase permeability and enhance the local pedestrian network. C4. Provide a strong visual and pedestrian link from Darling Street through to the Precinct and plaza. C5. The development shall improve the Precinct's accessibility from Darling Street while retaining the continuous shop front as much as possible. This can be achieved by retaining the street frontage of No. 697 Darling Street and removing No. 1 Waterloo Street to improve access to the Precinct and facilitate a legible pedestrian link and visual connection between Darling Street and the proposed plaza at the heart of the new development. C6. Any development application for the redevelopment of the Precinct must be accompanied by an economic study outlining how the design will support the long-term prosperity of the Rozelle commercial centre. C7. A development application for the redevelopment of the Precinct must be accompanied by a concept drawing detailing how the design of the 'open to the sky' pedestrian link along the southeast boundary of the Precinct is integrated with the adjoining Right of Way and the rear of the properties directly to the south, both in the short and long term. A consistent edge-to-edge finished shared zone that is free of obstructions, including level changes, columns, steps or planter boxes and ventilation shafts, shall be provided once the Darling Street shops are redeveloped in the future. 	<p>Yes</p> <ul style="list-style-type: none"> The site access and site links are consistent with the originally approved development. This aspect of the development remains unchanged. An Economic Impact Assessment (EIA) was submitted with the original application. The main conclusion of the EIA is that a substantial net community benefit will result from the proposed development. Offsetting the trading impacts on some existing retailers, there are very substantial positive impacts including the following: <ul style="list-style-type: none"> <i>The addition of a full-line supermarket would bring the provision of supermarket floorspace within the main trade area closer to the Sydney and Australian average. The proposed mix of uses has been designed in response to the Council Darling Street Retail Study, which</i>

Section	Provisions	Compliance
	<p>Temporary measures such as providing planter boxes to mitigate the level change are permitted. However, the design shall not preclude the long term integration with the Right of Way.</p> <ul style="list-style-type: none"> • C8. Awnings shall be provided along Victoria Road. • C9. The awning face shall be horizontal. Steps for design articulation and to accommodate the sloping along Victoria Road shall be provided. • C10. Awning width is to be a minimum of 3m. • C11. A minimum of 3.5m underpass clearance shall be provided for the awnings along Victoria Road. • C12. Awnings shall have no more than 50% of their area transparent to protect pedestrians from the sun. • C13. Awning materials and colours shall be of high quality and contribute to the overall building aesthetics. 	<p><i>highlighted that there is a need for supermarket style retail in the area.</i></p> <ul style="list-style-type: none"> - <i>The retail offer at the development would provide a convenient and competitive offer for local residents that would satisfy the significant retail demand currently within the main trade area.</i> - <i>The addition of a full-line supermarket would also result in the retention of spending currently being directed to other large supermarket facilities at the major shopping centres beyond the main trade area.</i> <p>While the number of premises is proposed to be changed, the overall gross floor of the proposed retail and commercial areas is similar to the originally approval and the findings of this report is considered to remain applicable and the proposed supermarket is likely to attract a higher amount of foot traffic and shoppers to the surrounding area and on balance, be a positive impact to the retail premises located nearby.</p> <ul style="list-style-type: none"> • There are no proposed significantly departures from the original approved development with regards to Control C7, the adjoining properties to the southeast are in the HCA and the redevelopment of these properties proposing a major increase in size and scale is not expected. Little Darling Lane, which runs along the south-eastern boundary, provides the primary pedestrian route through the site, as it is closest to the primary pedestrian routes for those approaching the site from the Victoria Road and Darling Street intersection. It is considered that the design

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		allows for the longer term integration of the adjoining Right of Way into the redevelopment of the Precinct.



Figure 17: Linkages, access and egress (*Source: Leichhardt DCP – Part D1*)

D1.14
Vehicular and pedestrian access

- C1. Vehicular access shall be provided generally in the locations shown in Figure 8 and in accordance with the table below.

Land use	Ingress/ Egress
Residential	Waterloo Street and Victoria Road
Club	Victoria Road
Retail	Victoria Road
Commercial	Victoria Road
Servicing un/loading	Victoria Road
- C2. Ingress and egress from the site shall be in a forward direction.
- C3. Basement ramps must be within the built form. Exposed basement ramps are not permitted.
- C4. Subject to Roads and Maritime Services (RMS) and local traffic authority approval, where necessary, the development is to incorporate the following:
 - extension of existing dual lane right turn bay from Victoria Road eastbound into Darling Street
 - deceleration lane (approx. 60m) into the development

Yes, subject to conditions

- TfNSW have given concurrence under Section 138 of the *Roads Act, 1993* for the proposed development to proceed subject to general terms of approval.
- A Transport Statement has been prepared by JMT Consulting. The report concluded that the traffic and transport impacts arising from the proposed modification are considered acceptable due to the following:
 - Vehicle site access from the surrounding street network via Waterloo Street and Victoria Road remains under this modification
 - All on-site car parking and service vehicle parking has been designed in accordance with relevant guidelines and

Section	Provisions	Compliance
	<ul style="list-style-type: none"> - relocation of the southbound Darling Street bus stop (subject to State Transit Authority approval) • C5. Vehicular access to the site shall: <ul style="list-style-type: none"> - minimise the impact of additional vehicular movements in surrounding residential streets, in particular heavy vehicles - concentrate retail and commercial vehicle movements to and from Victoria Road - provide ease of ingress/egress for vehicles to and from Victoria Road - minimise potential pedestrian and vehicular conflicts - identify physical works to the surrounding road network to accommodate the proposed development • C6. Service areas and loading docks for all land uses (such as deliveries, waste and recycling collection) which require access by heavy vehicles are to be directly accessed from Victoria Road only. • C7. Lifts to/from basement and entry/access points are to be separate for residential/non-residential uses. • C8. The minimum width of the footpath along Victoria Road is to be 4.5m to prioritise pedestrian movement. • C9. When designing the Victoria Road footpath: <ul style="list-style-type: none"> - Continue footpath level and finishes across vehicular entry points - Delineate the vehicular crossing point with bollards • C10. Provide a clear street address for residential entries. • C11. The final mix of uses within the development must ensure traffic does not significantly impact the road network in the area. • C12. A Traffic Management Plan (TMP) that addresses issues relating to the construction and operation phase of development shall be prepared. The TMP shall assess additional traffic generated by the development. • C13. The development shall include the following: <ul style="list-style-type: none"> - a community bus that is owned and operated by the Club and is to travel along the major roads of the municipality from East Balmain to Parramatta Road - a designated area, in an easily accessible place within the development, for taxis to pick up and drop off. 	<p>standards – consistent with the current approval.</p> <ul style="list-style-type: none"> - The layout and operation of the loading dock remains unchanged under this modification when compared to the current site approval, with four truck spaces provided for site loading and servicing. - Due to an altered dwelling mix and resultant reduction in total apartment numbers, the modification proposal will result in a net reduction in peak hour and daily traffic movements when compared to the current approval for the site – therefore having positive implications for the surrounding road network.
D1.15 Parking	<p>Vehicular Parking</p> <ul style="list-style-type: none"> • C1. Integrate the required quantum of vehicular parking in basement levels or screened from view within the design of buildings. • C2. Car parking is to be provided in accordance with the table below. • C3. If providing less than the required parking, a traffic and parking study shall be submitted to justify the proposed parking rate and ensure no impact on surrounding streets. • C4. A minimum of 22 car parking spaces are to be provided on site for public use. These spaces are to be free for a minimum of 2 hours, at all times. • C5. Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time. 	<p>Yes, subject to conditions</p> <ul style="list-style-type: none"> • Refer to discussion under SEPP 65 – 3G <i>Pedestrian access and entries</i> and 3J <i>Bicycle and car parking</i>, and also the internal referral response from Council's Development Engineer in a later section of the report. • The proposed modifications are considered to be result in similar parking demands to the originally approved development. Council's Development Engineer has reviewed the application and

Section	Provisions	Compliance
	<ul style="list-style-type: none"> • C6. Motor bike parking is to be provided at a rate of one (1) space for the first 10 vehicle spaces and 5% of the required vehicle parking thereafter. • C7. Motor bike parking spaces are: <ul style="list-style-type: none"> - to be located away from car reversing or manoeuvring areas - to be located on flat and even surfaces where the gradient does not exceed 1 in 20 (5%) either parallel to or at 90 degrees to the angle of parking - to be 2.5m x 1.2m in dimension - to be clearly marked and where located adjacent to car parking bays delineated by landscaped areas, bollards or other protective barriers • C8. Retain separate parking areas for residential and non-residential uses on site. Appropriate security measures are to be taken on site for residential parking areas. • C9. Separate un/loading areas from parking areas and pedestrian routes. • C10. No parking permits will be issued to workers or residents. <p>Bicycle Parking</p> <ul style="list-style-type: none"> • C11. Bicycle parking is to be provided in accordance with the rates outlined in Table C6 of Part C Section C1.11 of Leichhardt DCP 2013. • C12. Bicycle parking facilities are to be provided in accordance with Australian Standard AS2890.3-2015 Parking Facilities Part 3: Bicycle Parking as follows: <ul style="list-style-type: none"> - class 1 Bicycle lockers – for occupants of residential buildings - class 2 Bicycle lockers – for staff/employees of any land use - class 3 Bicycle rails – for visitors of any land use • C13. Residential apartment buildings are to include a lockable bicycle storeroom with adequate space and bicycle stands or hooks to accommodate the required number of bicycles. • C14. Buildings used for non-residential purposes are to incorporate bicycle parking facilities as follows: <ul style="list-style-type: none"> - one (1) personal locker for each bicycle parking space - one (1) shower/change cubicle for 1 up to 10 bicycle parking spaces - two (2) shower/change cubicles where 11 to 20 or more bicycle parking spaces are provided - two (2) additional showers/cubicles for each additional 20 bicycle parking spaces or part thereof • C15. Bicycle storage facilities for use by the public are to be located prominently within the public domain. • C16. The pedestrian route between the bicycle storage facility and the land use it serves is to be designed and constructed in accordance with the Safety by Design principles and guidelines outlined in Part C Section 1.9 – Safety by Design of Leichhardt Development Control Plan 2013. <p>On-Site Car Share Facilities</p> <ul style="list-style-type: none"> • C17. Residential development – a minimum of one (1) car share space per 50 residential units. • C18. Office, business, or retail premises – a minimum of one (1) car share space per 50 car spaces provided. • C19. Written evidence, in the form of a letter of commitment, from an established car share operator 	<p>considered that the proposed modified development to be satisfactory in relation to traffic and parking matters.</p>

Section	Provisions	Compliance
	<p>must be provided with the development application demonstrating the operator's intentions and method of management of the space(s).</p> <ul style="list-style-type: none"> • C20. Car share spaces are to be conveniently located and appropriately sign posted. 	
D1.16 Finishes and materials	<ul style="list-style-type: none"> • C1. Employ high quality finishes and materials that are contemporary, with reference to the following: <ul style="list-style-type: none"> - Modern forms that incorporate ecologically sustainable development principles - Materials and finishes: use high quality materials and finishes that highlight architectural features and enhance articulation in particular at the lower levels of the street frontages and plaza interface. Encourage the use of materials that are durable, produce low glare and do not require high levels of maintenance, particularly around public spaces - Legibility: use balanced variations in form, articulation, and materials/finishes to highlight individual buildings and enhance the visibility of entrances - Fenestration: reflect the function of buildings through fenestration patterns. Avoid expansive areas of blank glass especially along Waterloo Street, to adjoining properties and internal public spaces. Avoid solid walls unless required for ADG or BCA purposes - Roof structures: carefully integrate roof structures into the architectural style of the building and minimise the impact of any plant or telecommunications equipment • C2. Incorporate finishes and materials in the scheme which reference, and are sympathetic to, the surrounding heritage items and HCAs. <p>Green Roofs and Podiums</p> <ul style="list-style-type: none"> • C3. Green roofs and podiums are encouraged on all buildings. The size of the green roofs for buildings with the following gross floor areas are to be: <ul style="list-style-type: none"> - 250 to 999m² — 30% of roof space - 1,000 to 1,499 m² — 50% of roof space - 1,500m² or greater — 75% of roof space • C4. Green roofs and podiums must be planted with suitable Australian native plants (endemic to the Inner West where possible) and include habitat features such as habitat boxes, stone boulders and native beehives. • C5. Green roofs must have a minimum substrate depth of 150mm. • C6. Green roof areas designed for use as communal open space are to have a high standard of finish and design. • C7. A detailed description, plan and sections of the roof top design are to be submitted with the development application (as part of landscape plan). The design must address: <ul style="list-style-type: none"> • - safety and security • - biodiversity • - visual and acoustic privacy • - maintenance and servicing • - wind effects <p>Green Walls and Façades</p> <ul style="list-style-type: none"> • C8. Green walls and façades are required on at least 15% of the available building surfaces, with particular focus on the north-eastern façades facing Victoria Road. 	<p>Yes, as the modified development was considered by the AEDRP (discussed in more detail in earlier section of the report) and the proposed finishes and materials are considered to be satisfactory.</p>

Section	Provisions	Compliance
	<ul style="list-style-type: none"> • C9. Green walls and façades must be planted with suitable Australian native plants (endemic to the Inner West where possible) and include habitat features. • C10. Green facades using planter boxes/container planting installed at different levels across the building are encouraged • C11. A detailed description, plan and sections of the proposed green wall and/or facade design are to be submitted with the development application (as part of landscape plan). The design of any green wall or facade is to address: <ul style="list-style-type: none"> - safety and security - biodiversity - maintenance and servicing - wind effects 	
D1.17 Signage	<ul style="list-style-type: none"> • C1. Signage shall be compatible with the architecture, finishes and materials of the building and streetscape. • C2. Signage shall be designed to avoid confusion with directional and traffic signs. • C3. A co-ordinated presentation of signs is required where there are multiple occupancies or uses within a single building. • C4. Signs are not permitted on public footpaths unless associated with a bus stop shelter or kiosk. • C5. Signage that will detract from the amenity or visual quality of heritage items or HCAs is not permitted. • C6. Tower building facades shall be free from signage from the top of the podium to the rooftop. • C7. Signage is not permitted facing private residential streets, or on side walls abutting residential properties. • C8. Signage is not to contain reflective materials and finishes. • C9. The lights to illuminate signage should be concealed or integral with the sign. • C10. Illuminated signs must not impact residential amenity. • C11. Relevant controls contained in Part C 1.15 Signs and Outdoor Advertising of Leichhardt DCP 2013 shall be considered when designing signs. 	<ul style="list-style-type: none"> • Signage does not form part of the proposed development. • Consent for any future signage will be sought under separate application, as required.
D1.18 Public art strategy	<ul style="list-style-type: none"> • C1. A minimum of 1% of the overall development value should be provided for the development of public art. • C2. All public art shall be relevant to the local character, the surrounding heritage items and HCAs, be of a scale appropriate to the public realm, and be specific to time and place. Themes relevant to the Precinct include: <ul style="list-style-type: none"> - local geography, flora and fauna - local heritage - urban revitalisation • C3. Development applications are to include a Public Art Strategy that describes how proposed public art has been selected to suit the historic, environmental, and social contexts of the Precinct and the surrounding area and contributes to a unique 'sense of place'. • C4. Public art must be located in publicly accessible places such as street frontages, the plaza and external facing walls. Alternatively, monetary contributions may be made to Council's public art programs. • C5. Consult with Council and community groups in the design and execution of public artworks. • C6. The use of public artists is encouraged. 	No, but no changes to the original approved development in this regard.

Section	Provisions	Compliance
	<ul style="list-style-type: none"> C7. The Leichhardt Public Art Policy 10-Year Strategic Plan 2015-2024 should be considered when preparing the Public Art Strategy. 	
D1.19 Environmental management	<p><i>Ecologically Sustainable Development (ESD)</i></p> <ul style="list-style-type: none"> C1. The development is encouraged to use an environmental rating tool, such as Green Star, to demonstrate the degree to which it is an ecologically sustainable development. Where Green Star is used, achievement of a minimum of 5 stars is encouraged. C2. The installation and use of photovoltaic solar panels is encouraged. Where possible, solar panels should be co-located with extensive green roofs to increase the operational efficiency of the solar panels. C3. The development must increase urban green cover on the site through tree planting, mass planted garden beds, WSUD, and green roofs and walls. C4. The development must enhance urban biodiversity by increasing habitat for local flora and fauna. C5. Use building materials, fittings and finishes that have been recycled, made from or incorporate recycled materials, and have been certified as sustainable or 'environmentally friendly' by a recognised third party certification scheme. C6. Where office premises with a net lettable area of 1,000m² or more are proposed, documentation is to be submitted confirming that the building will be capable of supporting a Base Building National Australian Built Environment Rating System (NABERS) Energy Commitment Agreement of 5.5 stars with the NSW Office of Environment and Heritage. Such an agreement is to be entered into prior to any construction certificate being issued for the approved development. C7. All new water fittings and fixtures such as showerheads, water tap outlets, urinals and toilet cisterns, in all non-residential development, the public domain, and private open space are to be the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of development. C8. Non-residential development is to be designed to minimise the need for active heating and cooling by incorporating passive design measures related to glazing, natural ventilation, thermal mass, external shading, and vegetation. C9. All lighting within the public domain should be energy-efficient, such as LED lighting. <p><i>Water Sensitive Urban Design (WSUD)</i></p> <ul style="list-style-type: none"> C10. The development should adopt an integrated approach to water cycle management and address water conservation, efficiency, stormwater management, drainage and flooding through a coordinated process. C11. A suitably qualified engineer with experience in stormwater, drainage and WSUD is to assess the site requirements for the proposed development, and prepare the required stormwater, drainage and WSUD plans in accordance with the provisions of this DCP and with best practice sustainable water management techniques. C12. Design the site to maximise infiltration of stormwater, water, and drainage of residual flows into permeable surfaces, tree pits and treatment areas. 	<p>Yes</p> <ul style="list-style-type: none"> The Applicant has submitted an updated BASIX Assessment Report. The initiatives presented in this report demonstrate a wide range of measures which will result in high levels of environmental performance and also improvement of occupants' health, productivity, comfort, and satisfaction.

Section	Provisions	Compliance
	<ul style="list-style-type: none"> • C13. Bioswales and rain gardens are to be incorporated into public open space and footpath design. • C14. Where filtration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater. <p>Water Re-use, Recycling and Harvesting</p> <ul style="list-style-type: none"> • C15. Water used for irrigation of public and private open space (including green roofs and walls) is to be drawn from reclaimed water or harvested rainwater sources where there is feasible access to those water sources. Possible sources include harvested stormwater, treated greywater and wastewater and water from a decentralised local network. Water treatment measures must be incorporated to ensure that the water is fit for purpose. • C16. Rainwater tanks should be installed where there are roof forms from which rainwater can be feasibly collected and plumbed to appropriate end uses. <p>Biodiversity</p> <ul style="list-style-type: none"> • C17. New habitat features are to be incorporated into the development, including trees, shrubs and groundcover vegetation, water bodies, artificial habitat (such as insect hotels and habitat boxes), rockeries, and green roofs and walls where possible. • C18. Opportunities to link to, extend or enhance existing or potential biodiversity corridors should be realised in the new development. • C19. A mix of locally indigenous tree, shrub, grass, and groundcover species should be incorporated into the planting palette. Where this is not practical, use Australian native plants. 	
D1.20 Waste management	<ul style="list-style-type: none"> • C1. The collection of all residential and commercial waste, recycling and bulky waste is to occur on-site. • C2. Residential and commercial waste areas are to be separated (these areas should not be accessible to one another). • C3. Waste and recycling must be managed, stored, and presented within acoustically treated areas to minimise the noise of collection. • C4. A Site Waste Minimisation and Management Plan (SWMMP) addressing the demolition and construction phases is to be submitted with a development application. The SWMMP is to provide details of the following: <ul style="list-style-type: none"> - the volume and type of waste and recyclable materials that will be generated at each stage of demolition and construction - the storage and disposal, and reuse where possible, of materials - full disclosure of any asbestos-contaminated material found on site, and details of how it will be managed in accordance with the guidelines for asbestos work published by Safework NSW • C5. A Resource Recovery and Waste Management Plan (RWMP) addressing ongoing waste and resource recovery for both residential, retail and commercial components of the development is to be submitted. The RWMP is to include details of the following: <ul style="list-style-type: none"> - types and estimated quantities of the predicted waste streams - size and location of recycling and waste storage areas, including bulky waste 	<p>Yes, subject to conditions</p> <ul style="list-style-type: none"> • Three chutes service the residential cores. There is sufficient space shown in the bin storage areas for the number of bins that will be required. Cupboards on each level house a single recycling bin. Food waste rollout announced after this DA was submitted, so best location for food bins will need to be decided once built. • As per the submitted WMP, residents will need to walk large cardboard packaging down to the residential bin holding room for collection. • Residential bulky waste storage meets requirements. • The Traffic Impact Statement shows swept path for HRV to enter building and return to Victoria Road facing forwards. <p>As there are no significant changes to the supermarket that forms as the proposed modifications, there is no need for additional information that</p>

Section	Provisions	Compliance										
	<ul style="list-style-type: none">- routes of access and transfer from source to storage areas for all users- routes of transfer from storage areas to collection point- access route for waste and recycling collection vehicle- ongoing management, including responsibility for cleaning and transfer of bins between storage areas and collection points, implementation and maintenance of relevant signage, and ongoing education of all residents/tenants <p>Residential Waste Controls</p> <ul style="list-style-type: none">• C6. The residential component of the development must be designed to accommodate standard Council waste and recycling services and collection vehicles. <table><tr><th colspan="2">Truck Dimensions (approx.)</th></tr><tr><td>Length</td><td>9.5 metres</td></tr><tr><td>Width</td><td>2.6 metres</td></tr><tr><td>Height</td><td>4.5 metres (operational)</td></tr><tr><td>Mass</td><td>23,000 kg</td></tr></table> <ul style="list-style-type: none">• C7. Waste and recycling storage areas are to be provided within the premises in reasonable proximity to the vehicle entrance, and no lower than one level below street level.• C8. Truck access must be designed to comply with Australian Standard AS 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities.• C9. Access to garbage and recycling disposal points is to be provided on each residential level, either in the form of inlet hoppers, or bin storage cupboards/rooms. For residential buildings with a rise of four storeys or more, a waste chute is advisable.• C10. Cupboards/space is to be provided within each residential unit with the capacity to store up to two day's generation of garbage, food waste and recycling.• C11. A dedicated space (room or caged area) is to be provided within or in close proximity to the bin storage area for the interim storage and management of Council-collected bulky waste and mattresses. A minimum of 8m2 is to be provided for every 50 residences.• C12. Additional communal space is to be provided for the separate recovery of materials including (but not limited to) textiles, hazardous, e-waste, polystyrene, materials under product stewardship schemes and problem wastes. A minimum of 1m2 is to be provided for every 50 residences.• C13. A dedicated space is to be allocated for communal composting or worm-farming for residents or design for source separation, collection, and processing of food organics. <p>Non-Residential Waste Controls</p> <ul style="list-style-type: none">• C14. On-site composting via small scale composting system (such as anaerobic digestion system, dehydrator, composting) to avoid food waste entering the waste stream or design for source separation, collection, and processing of food organics.• C15. Arrange collection points to minimise the need for truck access and movement of trucks through the site.	Truck Dimensions (approx.)		Length	9.5 metres	Width	2.6 metres	Height	4.5 metres (operational)	Mass	23,000 kg	needs to be provided for commercial waste collection.
Truck Dimensions (approx.)												
Length	9.5 metres											
Width	2.6 metres											
Height	4.5 metres (operational)											
Mass	23,000 kg											

Section	Provisions	Compliance
	<ul style="list-style-type: none"> • C16. A minimum of 4m2 of dedicated space is to be provided for every 500m2 of retail, or every 2,000m2 of office space for the interim storage of bulky or fit-out waste, paper, cardboard packaging, batteries, equipment containing printed circuit boards, computers, televisions, fluorescent tubes or other recyclable resources from the waste stream. • C17. Space must be provided on-site in reasonable proximity to retail or commercial premises to store re-usable commercial items such as crates, pallets, kegs, and polystyrene packaging. • C18. Secure space is to be allocated for the separate storage of liquid wastes, including commercial cleaning products, chemicals, paints, solvents, motor and cooking oils. • C19. A Litter Management Plan for the Precinct's open spaces and surrounding streets is to be submitted. • C20. The Precinct is likely to produce very large quantities of containers that are eligible for refund as part of the Container Deposit Scheme. Allocation of space for a publicly accessible Return and Earn take-back point (e.g. a reverse vending machine) is encouraged. 	
D1.21 Design Excellence	<ul style="list-style-type: none"> • C1. Design excellence is to be achieved to ensure a high quality outcome for the Precinct. • C2. Council's design and heritage experts shall assess proposals for the site and/or a Design Excellence Panel shall be appointed by Council to determine whether design excellence is achieved by the project. The proponent shall cover the cost of a design review process. • C3. The following criteria shall be considered to determine whether design excellence is achieved: <ul style="list-style-type: none"> - excellence of architectural design, including internal layout, façade treatment, architectural detailing, roof features and spaces between buildings - the proposed uses and use mix - heritage conservation and restoration - streetscape character and site context - the location of any tower/s proposed, having regard to the need to achieve an acceptable relationship with other buildings on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form - the bulk, massing and modulation of buildings - street frontage heights - environmental outcomes, such as sustainable design - overshadowing and solar access, visual and acoustic privacy, wind and reflectivity - noise and air pollution attenuation, especially along Victoria Road - the achievement of the principles of Ecological Sustainable Development - pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network - the impact on, and any proposed improvements to the public domain - achieving appropriate interfaces at ground level between the building and the public domain - excellence and integration of landscape design 	<p>Yes, as conditioned</p> <ul style="list-style-type: none"> • Refer to discussion under SEPP 65 – clause 28. • The proposed development has been reviewed by Council's Architectural Excellence & Design Referral Panel (AEDRP) on two occasions. • The AEDRP provided the following conclusion: <p>Conclusion:</p> <p><i>The Architectural Excellence & Design Review Panel thanks the applicant for providing a comprehensive response to the previous AEDRP report. The Panel is of the view that, subject to the further design amendments recommended above, the proposal is capable of delivering a high level of design quality.</i></p> <p>The recommended design changes by the AEDRP will be recommended as design changes as conditions of consent.</p>

Section	Provisions	Compliance
	<ul style="list-style-type: none"> - high quality finishes and materials - public art excellence 	

D3. CONTRIBUTIONS PLANS

In the original development consent under D/2018/219, a monetary contribution equals **\$3,340,000** was required in accordance with the Leichhardt Developer Contributions Plan No.1 – *Open Space and Recreation*; Developer Contributions Plan No.2 – *Community Facilities and Services (2005)*; and Leichhardt Developer Contributions Plan – *Transport and Access*. Condition 2 requiring that contribution to be paid is included in the recommendation.

2. Section 7.11 (Former Section 94) Contribution

*Unless provision is made in a VPA for payment of a monetary contribution in lieu of Section 7.11 Contributions, prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution of **\$3,340,000.00** in accordance with Developer Contributions Plan No.1 – Open Space and Recreation; Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access (“CP”) has been paid to the Council.*

The above contribution is the contribution applicable as at 31/07/20

The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:

Local Infrastructure Type:	Contribution \$
<i>Community Facilities and Services</i>	<i>\$445,746.33</i>
<i>Open Space and Recreation</i>	<i>\$2,878,733.05</i>
<i>Local Area Traffic Management</i>	<i>\$12,099.14</i>
<i>Bicycle Works</i>	<i>\$3,421.47</i>
TOTAL	\$3,340,000.00

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

****Note:*** *A 0.75% credit card transaction fee applies to all credit card transactions.*

The applicant proposes this condition to be deleted as the condition is now satisfied through the provision of a VPA. It should be noted that the following was outlined in the assessment of contribution plans:

“On 31 March 2020, the Applicant submitted a letter of offer to amend the existing 2008 Voluntary Planning Agreement (VPA) that is registered on the title of the land but has never

been acted upon. The agreed value of the current VPA is \$9,590,000 (as at the date of acceptance by Council) and includes infrastructure items that no longer form part of the proposed development (e.g. the pedestrian bridge over Victoria Road). The new offer proposes to provide public benefit by monetary contributions and local infrastructure items to the amount (as calculated by the Applicant) of \$16,275,675.

Section 4.15 (1) (iia) requires a consent authority when determining a development application, to take into consideration, so far as is relevant to the proposed development, any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4.

The Applicant's Planner has objected to a number of recommended public domain conditions as the VPA offer contradicts a number of these conditions; including an offer of monetary contributions in lieu of s. 7.11 contributions payments. However, as at the date of this report Council had not agreed to accept the offer to amend the existing VPA.

Council is to consider the Applicant's offer at its meeting on 8 September 2020. If the offer is accepted, the requirement to impose a condition requiring section 7.11 contributions to be paid may be unwarranted and therefore unnecessary."

It had been confirmed by Council's Property Section that the subject VPA had been executed, and hence, there are no objections to the deletion of Condition 2 as requested.

D4. THE LIKELY IMPACTS

The likely impacts of the proposed development have been discussed in detail throughout this report.

Overall, having regard to all likely impacts of the proposed modified development, the proposal will have similar impacts to the originally approved development application and subject to conditions, have acceptable impacts in the locality.

D5. THE SUITABILITY OF THE SITE FOR THE DEVELOPMENT

Provided that any adverse effects on adjoining properties are minimised, this site is considered suitable to accommodate the proposed development, and this has been demonstrated in the assessment of the application.

D6. COMMUNITY CONSULTATION

The originally submitted development proposal was notified in accordance with Council's Notification Policy for 30 days between 28/02/2023 and 30/03/2023

In total, 9 submissions were received.

The majority of objections received raised the following concerns that have been addressed throughout the main body of the report:

- (x) Traffic and parking impacts.
- (xi) Overshadowing.
- (xii) Non-compliant with diverse housing development standards as expressed by LEP.
- (xiii) Economic viability.
- (xiv) Bulk and scale impacts.
- (xv) Height.
- (xvi) Amenity impacts (acoustic and visual privacy).

- (xvii) Incompatibility with existing character.
 (xviii) Club use.

In addition to the above, the submissions raised the following concerns, which are discussed under the respective headings below:

Issues and Submissions	Response
<p>Poor community consultation</p> <ul style="list-style-type: none"> ▪ Lack of progress update since original DA was approved ▪ Briefing was held online on a workday with no available recording ▪ Face-to-face community consultation should have been held. 	<p>Consultation of proposed developments and modifications are undertaken through a range of methods, including online. The proposed modification was notified to approximately 40,000 residents and business owners, and as previously noted, the amended plans did not require renotification.</p> <p>Furthermore, the proponent undertook independent letterbox drop prior and in addition to Council's notification process.</p> <p>Comments on ways to improve the briefing session will be noted for future improvements.</p> <p>Progress updates regarding a proposed development after a development has been determined is not generally available for Council as the progress is not known.</p>
<p>Increased traffic congestion</p> <ul style="list-style-type: none"> ▪ Increased congestion on local roads and nearby Gladesville Bridge, Iron Cove Bridge and traffic in and out of the City, ▪ Shortage of parking spaces; and ▪ Unsafe for pedestrians. ▪ Increased aggressive "rat runners" which results in regular hit-and-run accidents to parked cars on local streets. ▪ Increased traffic will detract visitors to Rozelle impacting local businesses. ▪ Reduced local traffic speed to 30km/h. 	<p>It is considered that the proposed modification which includes a change to the apartment and retail mix is not expected to significantly alter the traffic and parking impacts to the development that was previously approved and conditioned under D/2018/219, and overall, the proposed modification will have similar impacts from previously approved.</p> <p>Existing conditions of consent, as imposed under D/2018/219, for traffic calming measures to reduce adverse impacts upon, and enhance safety for, the local residents utilising the local roads will be retained. It is considered that, subject to the retention of existing conditions relating to traffic management, the proposed modification has been designed appropriately and will ensure the protection of surrounding residents and pedestrians accessing the site and in the vicinity.</p> <p>The ability to reduce local traffic speed is outside the scope and assessment of the submitted proposed</p>

Issues and Submissions	Response
	modification as assessed under s4.55(2) of the <i>Environmental Planning and Assessment Act 1979</i> .
<p>Carparking</p> <ul style="list-style-type: none"> ▪ Vehicular movements are suggested to be decreased so why is parking spaces being increased? ▪ Increased public car sharing spaces should be included in the proposal. ▪ Private and publicly available EV charging stations should be made as part of the proposal. 	<p>The proposed parking spaces are increased by four (4) car spaces for the residential component. The amended carparking spaces, including the previously approved EV car spaces x 2 remain compliant with the site specific DCP and as previously conditioned by D/2018/219.</p>
<p>Economic viability</p> <ul style="list-style-type: none"> ▪ Increased retail shops, including a large supermarket, within the complex will compete with struggling smaller and existing retail shops, restaurants and businesses on Darling Street and surrounds. ▪ Increased retail when original proposal only included larger supermarkets ▪ Viability of smaller retail and smaller business should have priority over private retail malls. ▪ Increased traffic will deter visitors to the area. 	<p>The mix of retail and supermarket floorspaces are not significantly altered from that approved under D/2018/219. The retail mix in this complex is expected to meet the demand of the expected population growth generated by the residential towers, which will also generate and improve the retail experience of Darling Street Rozelle.</p> <p>Overall, the inclusion of a supermarket on the subject site is considered to be an element that would attract potential shoppers to the locality and create a positive effect on the surrounding retail premises.</p>
<p>Height Increase</p> <ul style="list-style-type: none"> ▪ The proposed modification is uncharacteristic of the height and scale of existing build within Rozelle including Victoria Road, Darling Street and Callan Park ▪ Incremental height increase, 1.5m, should not be considered as it sets precedent of stretching 	<p>The proposed modification is subject to a maximum height of RL82 under the LEP. The residential buildings are all within the maximum height limit and the proposed modification does not include any height that increases above the maximum height.</p> <p>In addition, the proposal generally accords with the site-specific LDCP 2000 provisions and is considered to result in a form of development, which is consistent with the desired future character of the Balmain Leagues Club Precinct, and the objectives of the</p>

Issues and Submissions	Response
boundaries to community detriment.	Business Zone.
Characteristic of the Area <ul style="list-style-type: none"> ▪ The development is inconsistent with the character of Rozelle, Balmain and Callan Park peninsula. ▪ Development gentrifies the area and out of touch with the community. ▪ The proposal will alter the village characteristic of the area and will turn into a Chatswood and North Sydney. 	<p>The subject site is not listed as a heritage item or located within a Heritage Conservation Area (HCA) under the LLEP 2000. The proposed modification is considered able to establish a balance between the size, location, and relationships of all the spaces and the different land uses within the proposed development. In addition, the proposed finishes and materials are also considered satisfactory having regard to the controls and objectives of D.1.16 of the LDCP 2000.</p>
Change in residential dwelling mix <ul style="list-style-type: none"> ▪ Reduced number of units should be considered with population projection in the area. ▪ Significant reduction in the number of studio/1-bed/1-bed with study will impact on the number of single-member households who buy and live in the complex. ▪ No affordable/social housing offered and “losing our teachers, nurses, police, cleaners, child carers, aged carers, public servants etc”. 	<p>The proposed development requires a minimum 25% of 1-bed units or bedsits. The modified proposal brings the development closer to this control which provides for 19 x 1-bed units or bedsits.</p> <p>The proposal does not seek consent for affordable housing. The proposal is accompanied by a Voluntary Planning Agreement that makes provisions for a monetary payment. This payment is to be invested at Council’s discretion and could potentially contribute to the provision of affordable housing in an alternative location.</p>
Solar Access <ul style="list-style-type: none"> ▪ Overshadowing to Waterloo Street. 	<p>As demonstrated in the Shadow Diagrams submitted with this DA, the proposed modification does not result in any additional overshadowing compared to the originally approved development in regards to overshadowing of properties to Waterloo Street.</p>
Club Use <ul style="list-style-type: none"> ▪ The proposal can lead to increased gambling and poker machines which are not welcome. 	<p>No approval was granted for the use of the club under D/2018/219. The proposed modification also does not include any proposed club use and is therefore outside the scope of this modification proposal. Future club use will be subject to a separate development application.</p>

Issues and Submissions	Response
<ul style="list-style-type: none"> Tigers site not adding any amenity or advantage to the community. 	
Acoustic Privacy <ul style="list-style-type: none"> Noise level of the adjacent road and its impact on residential development in relation to s2.120 of the Infrastructure and Transport SEPP. 	<p>The proposed modification does not include any changes which alters the previously imposed condition regarding noise pollution and acoustic privacy. An updated acoustic report was provided and the updated report and its recommendations will be included in the conditions of consent.</p>
Other Comments <ul style="list-style-type: none"> China has good luxury apartment developments which should be built at the site instead of three tall towers obstructing views of the stars and the sun. Tigers need an economically viable business plan before occupying custom built premises 	<ul style="list-style-type: none"> The submission regarding China's luxury apartment developments is noted. Balmain Business Plan is outside the scope s4.55(2) assessment of the proposed modification.

D7. THE PUBLIC INTEREST

The public interest is best served by the consistent application of the requirements of the relevant Environmental Planning Instruments, and by Council ensuring that any adverse effects on the surrounding area and the environment are appropriately managed.

The proposal is not contrary to the public interest.

D8. REFERRALS

Internal Authority Submissions

Property
No objections to deletion of condition 2 and the reduction of community premise to 200sqm. Both these changes are consistent with the VPA.
Building Certification
No objection raised subject to conditions of consent.
Community Services/Social Planning
We have reviewed this plan from a cultural and accessible perspective. It is pleasing to see the use of universal design principles. No objections to the proposed modifications.
Environmental Health

No objection raised subject to conditions of consent.

Heritage & Urban Design

Overall, the proposed modifications are acceptable from a heritage perspective because they are within the approved building envelope and bulk of the approved development. There will be no further impact from a heritage perspective.

Retail spaces have been refined providing smaller retail spaces off Darling Street and to Victoria Road. This is acceptable as it is more in character with the retail character within the surrounding streetscapes. The design to the facade at the podium level has been redesigned with recessed articulation and arches. This is a positive heritage outcome as it will ensure the lower levels better relate to the surrounding streetscape and will provide greater visual interest and human scale to the proposal.

Changes have been made to the proposed Materials Schedule. These changes are acceptable given the proposed context on the infill development. The use of face brickwork will be sympathetic to the face brickwork of the 2 storey shop top development to the east of the intersection at Victoria Road and Darling Street.

The proposed modification is acceptable from a heritage perspective as it will not detract from the heritage significance of The Valley Heritage Conservation Area or the heritage items in the vicinity and is in accordance with Part 3: Heritage Conservation from the Leichhardt LEP 2000 and the relevant objectives and controls in the Leichhardt DCP 2000.

Urban Forest

The submitted Landscape Plan package prepared by Scott Carver (Revision 6 to 8) dated 6 December 2022 satisfy the requirements of the deferred commencement condition C of D/2018/219. The Urban Forest team support the plans and it is recommended that the plans are approved under this Section 4.55 Modification.

All other tree related conditions shall remain unchanged.

Waste

Residential

- Three chutes service the residential cores. There is sufficient space shown in the bin storage areas for the number of bins that will be required. Cupboards on each level house a single recycling bin. Food waste rollout announced after this DA was submitted, so best location for FOO bins will need to be decided once built.
- As per the submitted WMP, residents will need to walk large cardboard packaging down to the residential bin holding room for collection.
- Residential bulky waste storage meets requirements.
- Traffic Impact Statement shows swept path for HRV to enter building and return to Victoria Road facing forwards.
- An updated WMP has been submitted.

Commercial:

- In the revised Waste Management Plan 17 April 2023 ongoing waste management practices for the supermarket have not been provided such as number, types, size of bins and frequency of collections has not been stated. A condition has been placed requiring this information to be provided prior to the issue of the Construction Certificate.
- Without this information it is difficult to be satisfied that all collection vehicles are able to collect waste from the loading dock. A concern is supermarkets usually use bins that require front lift collection

vehicles. These vehicles require high overhead clearance at the collection point (loading bay) and sweep paths are different from other collection vehicles.

- It is recommended that information on what collection vehicle is being proposed for the supermarket be obtained so Council's engineers can be satisfied this collection vehicle can collect from the site and place a suitable condition to address this concern.
- Also, the bin storage location for the supermarket is not shown on the architectural plans. A condition has been recommended to address this.

Planner's comments: It was clarified with Council Engineers that as there are no significant changes to the supermarket that forms as the proposed modifications, there is no need for additional information that needs to be provided for commercial waste collection.

Development Engineer / Transport Planner

No objection to proposed modifications. Please refer to previous comments below

- No objection to the proposed modifications subject to additional information being provided to allow for 3 carwash bays with a minimum width of 3.6m - ***Issue resolved with amended plans.***
- The proposed increase in the overall parking numbers from 320 to 324 spaces is supported.
- There will be no increase in traffic based on the change in the residential unit mix of the apartments. Overall unit numbers have reduced from 164 units to 147 Units.
- The general layout and operation of the loading dock remains unchanged. - ***The loading dock has been designed for use for a HRV 12.5m in length with 4.5m head clearance which would be suitable for waste collection.***
- Conditions 1 and 88 will need to be amended to reference the new stormwater plans.
- Condition 6 needs to be amended to reflect the slight changes in parking mix and numbers. Please note that the deletion of condition 6(c) as proposed is not supported although the last sentence which references tandem spaces may be deleted.

Architecture Excellence Panel

- Refer to discussion under SEPP 65 – clause 28.
- The proposed development has been reviewed by Council's Architectural Excellence & Design Referral Panel (AEDRP) on two occasions.
- The AEDRP provided the following conclusion:

Conclusion:

The Architectural Excellence & Design Review Panel thanks the applicant for providing a comprehensive response to the previous AEDRP report. The Panel is of the view that, subject to the further design amendments recommended above, the proposal is capable of delivering a high level of design quality.

The recommended design changes by the AEDRP will be recommended as design changes as conditions of consent.

External Authority submissions

Transport for NSW (TfNSW)

Reference is made to Council's referral regarding a Section 4.55 (2) modification application associated with the above development, which was referred to Transport for NSW (TfNSW) for comment under section 38 of the Environmental Planning and Assessment Regulation 2021. TfNSW has reviewed the

application and has no requirements as the proposed modifications will have a negligible impact on the classified road network.
Ausgrid
No objections subject to conditions.
NSW Police
No comments were received.

PART E – CONCLUSION AND RECOMMENDATION

E1. CONCLUSION

The proposed modifications generally complies with the aims, objectives and design parameters contained in *State Environmental Planning Policy No 65 - Design Quality of Residential Apartment Development*, the LLEP 2000 and LDCP 2000, with particular regard to the site specific provisions. The development will have an acceptable impact on the amenity of adjoining premises and the streetscape, subject to conditions.

The application is suitable for approval subject to the imposition of appropriate terms and conditions.

E2. RECOMMENDATION

That the Sydney Eastern City Planning Panel exercising the functions of the Council as the consent authority, pursuant to Section 4.55 of the *Environmental Planning and Assessment Act 1979* grant approval to the modification applicant MOD/2022/0447 subject to the consent being modified in the following manner:

A. Modify the following Condition/s to read as follows:

DOCUMENTS RELATED TO THE CONSENT

Documents related to the consent

The development must be carried out in accordance with plans and documents listed below:

Plan & Revision No.	Architectural Plans	Date Issued	Prepared by
AD-DA000 [4] [12]	Cover Page	23/07/20 05/12/22	Scott Carver
AD-DA0001 [4] [8]	Site Plan	23/07/20 17/05/23	Scott Carver
AD-DA099 [8] [16]	Basement Level 3	23/07/20 17/05/23	Scott Carver
AD-DA100 [9] [17]	Basement Level 2	23/07/20 17/05/23	Scott Carver
AD-DA101 [9] [16]	Basement Level 1	23/07/20 18/05/23	Scott Carver
AD-DA102 [6] [12]	Floor Plan – Lower Ground	23/07/20 05/12/22	Scott Carver

AD-DA103 [6] [12]	Floor Plan – Lower Ground Mez.	23/07/20 05/12/22	Scott Carver
AD-DA104 [6] [13]	Floor Plan – Upper Ground	23/07/20 17/05/23	Scott Carver
AD-DA105 [4] [11]	Floor Plan – Upper Ground Mez.	23/07/20 17/05/23	Scott Carver
AD-DA106 [4] [12]	Floor Plan – Level 01 - Commercial	23/07/20 17/05/23	Scott Carver
AD-DA107 [4] [11]	Floor Plan – Level 02	23/07/20 17/05/23	Scott Carver
AD-DA108 [4] [11]	Floor Plan – Level 03	23/07/20 17/05/23	Scott Carver
AD-DA109 [4] [12]	Floor Plan – Level 04	23/07/20 17/05/23	Scott Carver
AD-DA110 [4] [11]	Floor Plan – Level 05	23/07/20 17/05/23	Scott Carver
AD-DA111 [4] [11]	Floor Plan – Level 06	23/07/20 17/05/23	Scott Carver
AD-DA112 [4] [11]	Floor Plan – Level 07	23/07/20 17/05/23	Scott Carver
AD-DA113 [4] [11]	Floor Plan – Level 08	23/07/20 17/05/23	Scott Carver
AD-DA114 [4] [11]	Floor Plan – Level 09	23/07/20 17/05/23	Scott Carver
AD-DA115 [4] [12]	Floor Plan – Level 10	23/07/20 17/05/23	Scott Carver
AD-DA116 [4] [12]	Floor Plan – Level 11	23/07/20 17/05/23	Scott Carver
AD-DA117 [4] [11]	Floor Plan – Level 12	23/07/20 17/05/23	Scott Carver
AD-DA118 [4] [10]	Roof Plan	23/07/20 17/05/23	Scott Carver
AD-DA201 [4] [12]	Victoria Road Elevation 1	23/07/20 17/05/23	Scott Carver

AD-DA202 [4] [12]	Waterloo Street Elevation 2	23/07/20 17/05/23	Scott Carver
AD-DA203 [4] [11]	Little Darling Lane Elevation 3	23/07/20 17/05/23	Scott Carver
AD-DA204 [4] [11]	Elevation 4	23/07/20 17/05/23	Scott Carver
AD-DA205 [4] [11]	Darling Street Elevation 5	23/07/20 17/05/23	Scott Carver
AD-DA211 [5] [10]	Section 1	23/07/20 17/05/23	Scott Carver
AD-DA212 [5] [10]	Section 2	23/07/20 17/05/23	Scott Carver
AD-DA213 [5] [10]	Section 3	23/07/20 17/05/23	Scott Carver
AD-DA214 [5] [9]	Section 4	23/07/20 17/05/23	Scott Carver
AD-DA300 [4] [8]	Materials	23/07/20 18/11/22	Scott Carver
AD-DA301 [4] AD-DA321 [5]	Adaptable Apartment (Type 1) Adaptable Apartment – Type 1	23/07/20 17/05/23	Scott Carver
AD-DA302 [4] AD-DA322 [4]	Adaptable Apartment (Type 2) Adaptable Apartment – Type 2	23/07/20 18/11/22	Scott Carver
AD-DA303 [1] [6]	Typical Unit Plans – Sheet 1	23/07/20 17/05/23	Scott Carver
AD-DA304 [1] []	Typical Unit Plans – Sheet 2	23/07/20 17/05/23	Scott Carver
AD-DA305 [1] [5]	Typical Unit Plans – Sheet 3	23/07/20 18/11/22	Scott Carver
AD-DA306 [1] [6]	Typical Unit Plans – Sheet 4	23/07/20 17/05/23	Scott Carver
AD-DA901 [4] [7]	Vehicle Entry Ramp–Victoria Road	23/07/20 18/11/22	Scott Carver
AD-DA902 [4] [7]	Vehicle Entry Ramp–Waterloo Street	23/07/20 18/11/22	Scott Carver

Plan & Revision No.	Landscaping	Date Issued	Prepared by
LD-DA000 [3] [10]	Cover Sheet	12/05/20 17/05/23	Scott Carver
LD-DA100 [2] [6]	LG and GF GA Plan	12/05/20 05/12/22	Scott Carver
LD-DA110 [2] [6]	L1 GA Plan	12/05/20 19/05/23	Scott Carver
LD-DA120 [3] [6]	L5 GA Plan L2 & L5 GA Plan	12/05/20 05/12/22	Scott Carver
LD-DA130 [3] [7]	L10 and L11 Plan L10, L11 & 12 GA Plan	12/05/20 19/05/23	Scott Carver
LD-DA200 [4] [3]	Little Darling Lane Elevation	04/05/20 18/11/22	Scott Carver
LD-DA210 [4] [3]	Heritage Lane Section	04/05/20 18/11/22	Scott Carver
LD-DA220 [4] [3]	Waterloo Street Elevation	04/05/20 18/11/22	Scott Carver
LD-DA230 [4] [3]	Victoria Road Elevation	04/05/20 18/11/22	Scott Carver
LD-DA240 [4] [3]	Darling Street Elevation	04/05/20 18/11/22	Scott Carver
LD-DA250 [4] [3]	Tiger Lane Sections	04/05/20 18/11/22	Scott Carver
LD-DA260 [4] [5]	Soil Depth Sections	12/05/20 05/12/22	Scott Carver
LD-DA300 [4] [6]	Planting GF Plan	04/05/20 24/11/22	Scott Carver
LD-DA310 [4] [8]	Planting L1 Plan	04/05/20 19/05/23	Scott Carver
LD-DA320 [2] [8]	Planting L5 Plan Planting L2 & L5 Plan	12/05/20 05/12/22	Scott Carver
LD-DA500/1	Little Darling Future Works	04.05.20	Scott Carver
Plan & Revision No.	Survey	Date Issued	Prepared by
Ref: 50194001DT Revision A	Plan of Details and Levels Sheets 1 to 10	19.02.2018	LTS Lockley

	Date of Survey 21.12.2017		Registered Surveyors
Plan & Revision No.	Stormwater	Date Issued	Prepared by
Drawing No. C200 Revision P8	Lower Ground Floor - Drainage Plan	26.08.20	Webber Design Structural Engineering
Drawing No. C210 Revision P7	Upper Ground Floor - Drainage Plan	25.08.20.	Webber Design Structural Engineering
Drawing No. C215 Revision P4	Overland Flow Path	25.08.20.	Webber Design Structural Engineering
Drawing No. C502 Revision P5	Civil Section – Sheet 1	25.08.20.	Webber Design Structural Engineering
Drawing No. C503 Revision P4	Civil Section – Sheet 2	25.08.20.	Webber Design Structural Engineering
Reference	Supporting Report Name	Date Issued	Prepared by
-	Statement of Environmental Effects	20.12.2020	Mecone
-	SEPP 1 Objection	August 2020	Mecone
904484M_05 1347426M	BASIX Certificate	31.07.2020 24 November 2022	Integrated Group Services ADP Consulting
Revision 01	ESD, NCC Section J & BASIX Assessment Report	31.07.2020 24 November 2022	Integrated Group Services ADP Consulting
-	Cost Summary Report	17.04.2018	WT Partnership

		18.11.2022	Mitchell Brandtman
Project 17043 Revision H Project 17033 Revision E	Waste Management Plan	06.05.2020 17/05/2023	Elephants Foot
Job No: 9717-3123 Issue 9	Statement of Heritage Impact	January 2020 November 2022	Heritage 21
Ref: 31190Zrpt Revision 0	Geotechnical Investigation	04.04.2018	JK Geotechnics
-	Structural Design Criteria Report	06.04.2018	Webber Design
P034504.003/B	Remedial Action Plan	March 2020	PRM
IA 1301-1915_02	Interim Site Audit Advice	5.03.2020	Enviroview
-	Phase 1 Preliminary Site Inspection	April 2018	AECOM
	Construction Management Plan	March 2018	
-	Economic Impact Assessment	April 2018	Location IQ
2017/3051 R1.4 Regulatory Compliance Report	BCA (Fire Safety) Report	April 2018 22 November 2022	Steve Watson and Partners Mckenzie group
EN-N17_123/Rev.03	Building Services Design Report	April 2018	Integrated Group Services
-	Draft Plan of Management for Club	April 2018	Mecone
DA Final V2 Accessibility Design Review 2022	Access Review	19.12.2019 22 November 2022	Morris – Go ding Accessibilit y Consulting Mckenzie Group
-	Trolley Management Report	April 2018	Urban Develop

Reference: 18071 Revision 2	Green Travel Plan	26.06.2020	The Transport Planning Partnership
WD985- 0102 F02 Revision 2	Wind Report	13.04.2018 November 22 2022	Windtech Consultants
20171460.1/0103A/ R2/BW	Acoustic Report	12.04.2018	Acoustic Logic
20171460.1/0708A/ R0/VF	Acoustic Report	07.08.2019	Acoustic Logic
20171460.5/2209A/ R0/VF	Acoustic Report	22.09.2019	Acoustic Logic
20171460.6/0705A/ R0/VF	Acoustic Review of Amended Development Application	07.05.2020	Acoustic Logic
Ref:0534r07v2	Revised Traffic and Transport Study	20,12,2019	Ason Group
-	Balmain Leagues Club – JMT Traffic Review	29.06.2020 18 May 2023	JMT Consulting
0534I05v5	Revised Evening Access Strategy	13.05.2020	Ason Group
0534107v1	Ramp Design Requirements	13.05.2020	
Rozelle Laneways	Urban Design Report	August 2019 28 November 2022	Scott Carver
5668	Arboricultural Impact Assessment & Tree Management Plan	6.12.2019	Redgum Horticultural
Project: SA7365	Social Impact Assessment	25.05.2018	Urbis

As amended by the conditions of consent.

(Amended – INSERT DATE – MOD/2022/0447)

GENERAL CONDITIONS

6. Traffic and Parking

Prior to the issue of the relevant Construction Certificate, plans and documentation prepared and submitted to the satisfaction of Council's Development Assessment Manager addressing the following:

- a) ~~17 car parking spaces allocated to the Club and/or Retail components of the development are to be deleted.~~
- b) ~~3 commercial car spaces are to be added to the residential car space allocation to cater for the 3 live/work units. The residential car space allocation is to be increased to 137 and the commercial allocation is to remain at 23.~~
- c) ~~Designate 23 car parking spaces allocated to the Commercial component of the development as dual use car parking spaces that are exclusive use of the Commercial Tenants and their visitors between 8.00am and 6.00pm on weekdays. Outside of these times, all Commercial Car Parking Spaces must be available for public use. The layout must be amended to permit public use e.g. no tandem parking spaces.~~
- d) ~~Total car parking spaces must be no less than 320 spaces. Car parking spaces are to be provided and allocated in accordance with the following table:~~

Parking spaces by land use	Required Car Parking
Residential (<i>incl. live/work</i>)	137
Commercial (<i>excl. live/work</i>)	23
Club	<i>To be reduced by 23 spaces to provide total club/retail spaces (<u>excl. car share and bus</u>)</i>
Retail	
<i>Total Club and Retail</i>	147
Community Bus (<i>separately allocated</i>)	4
Car Share spaces (<i>separately allocated</i>)	6
<i>Sub-total</i>	314
Parking spaces by land use	DCP General requirement
Car wash, taxi/Uber & community bus (<i>1 additional bus bay to that required by DCP Amendment No. 18</i>)	6
<i>Total</i>	320

Use	Parking Numbers	
	Current approval	Proposed modification
Residential (incl. live/work units)	137	141
Commercial (excl. live/work)	23	23
Club & Retail	147	147
Community bus (separately allocated)	1	1
Car share	6	6
Sub-Total	314	318
Car wash, taxi/Uber & community bus (1 additional bus bay to that required by DCP Amendment No. 18)	6	6
Total	320	324

e) A plan of the loading dock showing all relevant dimensions.

(Amended – INSERT DATE – MOD/2022/0447)

60. Timing of Construction Certificate

(TfNSW Condition provided 27 November 2019)

The applicant should consult with TfNSW to confirm the timing of each Construction Certificate and associated documentation and activities prior to preparation of requested documentation. The applicant should provide the information to TfNSW for review and endorsement. The Principal Certifying Authority (PCA) is not to issue the relevant Construction Certificate until received written confirmation from TfNSW that the following conditions have been complied with.

a) Prior to issue of any Construction Certificate (**other than demolition**), the applicant shall address the adverse effects of the approved development on the CBD Metro identified in State Environmental Planning Policy (Infrastructure) 2007. The applicant must:

- i. Provide the following for TfNSW review and endorsement:
 - Geotechnical Report - Geotechnical Report shall be updated with an engineering assessment of the ground/structure interaction, associated with the future tunnel construction shall be required. A detailed geotechnical and hydrological analysis shall be undertaken to the satisfaction of TfNSW to demonstrate likely movements of the ground due to the future CBD Metro;

- Structural Assessment - Structural Report shall be provided with structural foundation design and associated drawings and to confirm the appropriate consideration of the future CBD Metro to enable verification of compliance to TfNSW requirements in relation to the foundation loadings and layout, bearing pressures, settlement value allowance, soil /structure interaction stresses and movements in the protection zone. Structural drawings should show offsets to the CBD Metro including protection zones in both plan and elevation sections. The applicant shall demonstrate that the development will not suffer any unacceptable damage due to the construction of the CBD Metro.
- Noise and Vibration — Acoustics Report shall be updated in accordance with the TfNSW Corridor Protection requirements such as all structures must be designed, constructed and maintained so as to avoid any damage or other interference which may occur as a result of noise and vibration from railway operations, on the assumption that source vibration level from trains as a result of attenuation provided by the track structure; and
- Electrolysis Report - All Structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of stray electrical currents, electromagnetic effects and the like from future railway operations. An Electrolysis Report is to be submitted to TfNSW demonstrating the Electrolysis Risk to the development. The applicant must incorporate in the development all the measures recommended in the report to control that risk.

Any conditions issued as part of TfNSW approval/certification of the above documents will also form part of the consent conditions that the applicant is required to comply with.

- ii. Make allowances that are to be agreed with TfNSW in the design for the future construction of railway tunnels in the vicinity of the approved development;
 - iii. Consult with TfNSW including preparation of a detailed regime for consultation with and approval by, TfNSW for the excavation of the site and the construction of the building foundations (including ground anchors) for the approved development, which may include geotechnical and structural certification in the form required by TfNSW;
 - iv. Provide detailed survey information to TfNSW, to confirm the property boundaries are consistent with the setting out on the CBD Metro drawings;
 - v. Provide to TfNSW drawings, reports and other information related to the design, construction and maintenance of the approved development; and
 - vi. Address such other matters that TfNSW considers is appropriate.
- b) The applicant is to submit a report to TfNSW demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads -Interim Guideline". All structures must be designed, constructed and maintained so as to avoid any damage or other interference, which may occur as a result of air-borne noise, ground-borne noise and vibration that may emanate from the (future) rail corridor construction and rail operations to the proposed development. The applicant must incorporate in the development all the measures recommended in the report.

85. Public Domain Works – Prior to Construction Certificate

Prior to the issue of any Construction Certificate (***other than demolition***), the Certifying Authority must be provided with a public domain works design, prepared by a suitably experienced Civil Engineer who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng) and evidence that the works on the Road Reserve have been approved by Council under Section 138 of the *Roads Act 1993* incorporating the following requirements:

- a) The public domain along all frontages of the site inclusive of footpath paving, kerb, street trees, landscaping, street furniture must be reconstructed and upgraded in accordance with the Inner West Council Public Domain Design Guide and Street Tree Master plan;
- b) The construction of industrial heavy duty vehicular crossings to all vehicular access locations and removal of all redundant vehicular crossings to the site;
- c) New footpath and kerb and gutter along the frontages of the site. The kerb type (concrete or stone) must be consistent with the majority of kerb type at this location as determine by the Council Engineer.
- d) A long section, along both sides of the proposed vehicular crossings and ramp, drawn at a 1:20 or 1:25 natural scale. The long section shall begin from the centreline of the adjacent road to a minimum of 3 metres into the property. The long section shall show both existing surface levels and proposed surface levels. The long section approved by Council shall define the Alignment Levels at the property boundary.
- e) Cross sections are to be provided at the boundary at a minimum distance of every 5m and at all pedestrian and vehicular access locations. Note, the cross fall of the footpath must be set at 2.5%. These sections will set the alignment levels at the boundary.
- f) The existing unsatisfactory road pavement in Waterloo Street shall be repaired using a 40mm Mill and Fill treatment for half the road width for the full frontage of the site. Any failed section shall be boxed out and replaced with deep lift asphalt before the Mill and Fill treatment.
- g) The existing Council drainage system must be extended by an appropriately sized pipeline (minimum 375mm diameter) to the frontage of the site, where a kerb inlet pit (minimum 3m lintel) must be installed.

The pipeline must be designed to have the capacity to convey flows that would be collected at that section of street as generated by a 20 year Average Recurrence Interval storm event. Pipes must be Class 4 Steel Reinforced Concrete Pipe or approved equivalent and Pits must be cast in-situ. Plans, longsections and details must be provided including location of utility services.

Connection of the private drainage system to Council's piped drainage system must be at a stormwater drainage pit at a level 300mm (or where not feasible as high as possible) above the invert of the outgoing pipe.

- i. Any new or changes to existing signage and line marking required by the development.
- ii. Installation of any proposed stormwater outlet to the kerb and gutter on Waterloo Street to drain the rear of properties 671 to 693 Darling Street.
- iii. Full details of RMS and TfNSW approvals.
- iv. All other works necessary under the conditions of this consent.

All works must be completed prior to the issue of an Occupation Certificate.

(Amended – INSERT DATE – MOD/2022/0447)

86. Structural and Geotechnical Report - Basement

Prior to the issue of the relevant Construction Certificate (**other than demolition**), the Certifying Authority must be provided with an integrated structural and geotechnical report and structural plans that address the design of the proposed basement, prepared certified as compliant with the terms of this condition by a qualified practising Structural and Geotechnical Engineer(s) who holds current Chartered Engineer qualifications with the Institution of Engineers Australia (CPEng) or current Registered Professional Engineer qualifications with Professionals Australia (RPEng). The report and plans must be prepared/ amended to make provision for the following:

- a) The basement must be fully tanked to prevent the ingress of subsurface flows unless demonstrated by detailed geotechnical investigation that groundwater flows are minimal or intermittent
- b) Retaining walls must be entirely self-supporting in the event that excavation is undertaken within the road reserve adjacent to the property boundary to the depth of the proposed structure.
- c) Any existing or proposed retaining walls that provide support to the road reserve must be adequate to withstand the loadings that could be reasonably expected from within the constructed road and footpath area, including normal traffic and heavy construction and earth moving equipment, based on a design life of not less than 100 years.
- d) All components of the basement, including footings and subsoil drainage, must shown on the plans and be located entirely within the property boundary.
- e) No adverse impact on surrounding properties including Council's footpath and road.
- f) The existing subsurface flow regime in the vicinity of the development must not be significantly altered as a result of the development.
- g) Recommendations regarding the method of excavation and construction, vibration emissions and identifying risks to existing structures or those on adjoining or nearby property.
- h) Provide relevant geotechnical/ subsurface conditions of the site, as determined by a full geotechnical investigation.
- i) Construction of suitably designed walls at the boundary with the neighbouring property 168-172 Victoria Road, Rozelle that enable the wall to be removed in future to provide a connection/opening to the neighbouring property for vehicular access at the north western property boundary of Basement Level 1.

- j) Construction of suitably designed walls at the boundary with the neighbouring property 168-172 Victoria Road, Rozelle that enable the wall to be removed in future to provide a connection/opening to the neighbouring property for pedestrian access and transfer of waste bins to the Residential Waste Collection Area at the north western property boundary of Lower Ground Floor.

(Amended – INSERT DATE – MOD/2022/0447)

92. Stormwater Drainage System – Victoria Road

(TfNSW Condition provided 26 February 2020)

Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system that impact upon Victoria Road are to be submitted to TfNSW Maritime for approval, prior to the commencement of any works **issue of any Construction Certificate (other than demolition)**. Please send all documentation to development.sydney@rms.nsw.gov.au

A plan checking fee will be payable and a performance bond may be required before TfNSW approval is issued.

(Amended – INSERT DATE – MOD/2022/0447)

164. Bin Storage

All bins are to be stored and serviced from within the site. ***Bins are to be returned to permanent bin storage areas within 12 hours of having been emptied.***

(Amended – INSERT DATE – MOD/2022/0447)

B. Delete the following Condition/s:

2. Section 7.11 (Former Section 94) Contribution

~~Unless provision is made in a VPA for payment of a monetary contribution in lieu of Section 7.11 Contributions, prior to the issue of a Construction Certificate, written evidence must be provided to the Certifying Authority that a monetary contribution of \$3,340,000.00 in accordance with Developer Contributions Plan No.1 – Open Space and Recreation; ‘Developer Contributions Plan No.2 – Community Facilities and Services (2005); and Leichhardt Developer Contributions Plan – Transport and Access (“CP”) has been paid to the Council.~~

~~The above contribution is the contribution applicable as at 31/07/20~~

~~The contribution payable has been calculated in accordance with the CP and relates to the following public amenities and/or services and in the following amounts:~~

Local Infrastructure Type:	Contribution \$
Community Facilities and Services	\$445,746.33
Open Space and Recreation	\$2,878,733.05
Local Area Traffic Management	\$12,099.14

Bicycle Works	\$3,421.47
TOTAL	\$3,340,000.00

A copy of the CP can be inspected at any of the Inner West Council Services Centres or viewed online at:

<https://www.innerwest.nsw.gov.au/develop/planning-controls/section-94-contributions>

The contribution must be paid either in cash, by unendorsed bank cheque (from an Australian Bank only), via EFTPOS (Debit only) or credit card*. Prior to payment contact Council's Planning Team to review charges to current indexed quarter, please allow a minimum of 2 business days for the invoice to be issued before payment can be accepted.

*Note: A 0.75% credit card transaction fee applies to all credit card transactions

(Deleted – INSERT DATE – MOD/2022/0447)

8. Privacy

Prior to the issue of the relevant Construction Certificate for Building C, the Certifying Authority must be provided with amended plans indicating that the following privacy measures have been incorporated on the north-western elevation of Building C:

- a) Translucent glass to be used on any window within a 6m setback from the north-western boundary.
- b) Privacy screens are to be included around the edge of north-western facing balconies in Building C that are within a 6m setback from the north-western boundary. These privacy screens are to be a minimum of 1.6m high from the FFL of the balcony.

(Deleted – INSERT DATE – MOD/2022/0447)

34. Modifications of Sandstone Walls

Existing salvaged sandstone is to be carefully removed, safely stored and later reused for the new/reconstructed sandstone wall. New mortar for the stone wall is to be compatible with stone (i.e. not hard cement mortar), using a traditional lime mortar with the appropriate grade and type of sand, and the appropriate mix.

(Deleted – INSERT DATE – MOD/2022/0447)

C. Add the following Condition/s:

8A. Design Changes

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with amended plans indicating that the changes have been incorporated:

- a) The proposed privacy film to spandrel areas up to level 6 for Building A to be replaced by solid spandrels (presenting as a colour-backed glazed facade)***
- b) A kitchen sink to be provided at each of the communal open spaces.***
- c) The proposed winter gardens to be amended so that they are not capable of being fully enclosed. A minimum of 1 metre in width of the winter gardens must be capable of remaining fully open permanently.***

(Added – INSERT DATE – MOD/2022/0447)

8B. Revised Waste Management Plan and Architectural drawings

Prior to the issue of the relevant Construction Certificate, the Certifying Authority must be provided with a revised Waste Management Plan which outlines the ongoing waste management practices for the proposed supermarket.

The bin storage location for the supermarket is to be shown on the architectural plans.

(Added – INSERT DATE – MOD/2022/0447)

8C. Noise – Consultant's Recommendations

All the recommendations contained in the acoustic report prepared by ADP Consulting Pty Ltd, reference SYD2266 dated 18/5/2023 must be implemented.

(Added – INSERT DATE – MOD/2022/0447)

21A. Method of Electricity Connection (Ausgrid Condition provided 17 March 2023)

The method of connection will be in line with Ausgrid's Electrical Standard (ES)1 – 'Premise Connection Requirements.

(Added – INSERT DATE – MOD/2022/0447)

21B. Supply of Electricity (Ausgrid Condition provided 17 March 2023)

It is recommended for the nominated electrical consultant/contractor to provide a preliminary enquiry to Ausgrid to obtain advice for the connection of the proposed development to the adjacent electricity network infrastructure. An assessment will be carried out based on the enquiry which may include whether or not:

- *The existing network can support the expected electrical load of the development*
 - *A substation may be required on-site, either a pad mount kiosk or chamber style and;*
 - *site conditions or other issues that may impact on the method of supply.*
- Please direct the developer to Ausgrid's website, www.ausgrid.com.au about how to connect to Ausgrid's network.*

(Added – INSERT DATE – MOD/2022/0447)

21C. Conduit Installation

(Ausgrid Condition provided 17 March 2023)

The need for additional electricity conduits in the footway adjacent to the development will be assessed and documented in Ausgrid's Design Information, used to prepare the connection project design.

(Added – INSERT DATE – MOD/2022/0447)

21D. Streetlighting

(Ausgrid Condition provided 17 March 2023)

The developer is to consider the impact that existing streetlighting and any future replacement streetlighting and maintenance may have on the development. Should the developer determine that any existing streetlighting may impact the development, the developer should either review the development design, particular the placement of windows, or discuss with Ausgrid the options for relocating the streetlighting. The relocating of any streetlighting will generally be at the developers cost. In many cases is not possible to relocate streetlighting due to its strategic positioning.

(Added – INSERT DATE – MOD/2022/0447)

21E. Service Mains

(Ausgrid Condition provided 17 March 2023)

It appears the existing overhead electricity service mains, that supply the subject property, may not have sufficient clearance to the proposed construction as per the requirements of "The Installation and Service Rules of NSW". It is recommended that the developer engage a Level 2 Accredited Service Provider (ASP) Electrician to ensure that the installation will comply with the Service Rules.

(Added – INSERT DATE – MOD/2022/0447)

21F. Overhead Powerline

(Ausgrid Condition provided 17 March 2023)

There are existing overhead electricity network assets in VICTORIA ROAD. Safework NSW Document – Work Near Overhead Powerlines: Code of Practice, outlines the

minimum safety separation requirements between these mains/poles to structures within the development throughout the construction process. It is a statutory requirement that these distances be maintained throughout construction. Special consideration should be given to the positioning and operating of cranes and the location of any scaffolding. The “as constructed” minimum clearances to the mains should also be considered. These distances are outlined in the Ausgrid Network Standard, NS220 Overhead Design Manual. This document can be sourced from Ausgrid’s website, www.ausgrid.com.au The proposed development may encroach the statutory clearances of nearby powerlines as per the requirements set out in AS7000 and Ausgrid Standard NS220. The developer is required to either:

- Engage an Accredited Service Provider Level 3 (ASP3) to confirm that the development does maintain the statutory clearances to the powerlines (this must include wind impacts). If the ASP3 determines that the proposed structure does encroach the statutory clearances, suitable arrangements must be made to ensure that the structure will not encroach the powerline statutory clearance either by redesign of the encroaching structure or relocation of the powerlines away from the proposed structure.*
- Make suitable arrangements to have powerlines relocated prior to the commencement of construction so that statutory clearances are not encroached.*

Should the existing overhead mains require relocating due to the minimum safety clearances being compromised in either of the above scenarios, this relocation work is generally at the developers cost. It is also the responsibility of the developer to ensure that the existing overhead mains have sufficient clearance from all types of vehicles that are expected be entering and leaving the site.

(Added – INSERT DATE – MOD/2022/0447)

21G. Underground Cables

(Ausgrid Condition provided 17 March 2023)

There are existing underground electricity network assets in VICTORIA ROAD . Special care should also be taken to ensure that driveways and any other construction activities within the footpath area do not interfere with the existing cables in the footpath. Ausgrid cannot guarantee the depth of cables due to possible changes in ground levels from previous activities after the cables were installed. Hence it is recommended that the developer locate and record the depth of all known underground services prior to any excavation in the area. Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.

(Added – INSERT DATE – MOD/2022/0447)

21H. Underground Cables
(Ausgrid Condition provided 17 March 2023)

There are existing electricity substation S173, PROPSAL SUB S32398, CP79511 & CP79512 WITHIN 138- 152 VICTORIA ROAD ROZELLE.

The substation ventilation openings, including substation duct openings and louvered panels, must be separated from building air intake and exhaust openings, natural ventilation openings and boundaries of adjacent allotments, by separation distances which meet the requirements of all relevant authorities, building regulations, BCA and Australian Standards including AS 1668.2: The use of ventilation and air-conditioning in buildings - Mechanical ventilation in buildings. In addition to above, Ausgrid requires the substation ventilation openings, including duct openings and louvered panels, to be separated from building ventilation system air intake and exhaust openings, including those on buildings on adjacent allotments, by not less than 6 metres. Any portion of a building other than a BCA class 10a structure constructed from non combustible materials, which is not sheltered by a non-ignitable blast-resisting barrier and is within 3 metres in any direction from the housing of a kiosk substation, is required to have a Fire Resistance Level (FRL) of not less than 120/120/120. Openable or fixed windows or glass blockwork or similar, irrespective of their fire rating, are not permitted within 3 metres in any direction from the housing of a kiosk substation, unless they are sheltered by a nonignitable blast resisting barrier. The development must comply with both the Reference Levels and the precautionary requirements of the ICNIRP Guidelines for Limiting Exposure to Time-varying Electric and Magnetic Fields (1 HZ – 100 kHz) (ICNIRP 2010). For further details on fire segregation requirements refer to Ausgrid's Network Standard 141. Existing Ausgrid easements, leases and/or right of ways must be maintained at all times to ensure 24 hour access. No temporary or permanent alterations to this property tenure can occur without written approval from Ausgrid. For further details refer to Ausgrid's Network Standard 143.

(Added – INSERT DATE – MOD/2022/0447)

21I. Purpose Of Easement
(Ausgrid Condition provided 17 March 2023)

This easement was acquired for the 11,000 volt distribution assets currently owned and operated by Ausgrid. The purpose of the easement is to protect the distribution assets and to provide adequate working space along the route of the cables for construction and maintenance work. The easement also assists Ausgrid in controlling works or other activities under or near the distribution cables which could either by accident or otherwise create an unsafe situation for workers or the public, or reduce the security and reliability of Ausgrid's network.

(Added – INSERT DATE – MOD/2022/0447)

21J. The Following Conditions Apply for any Activities Within the Electricity Easement
(Ausgrid Condition provided 17 March 2023)

- 1. Safework Australia – Excavation Code of Practice, and Ausgrid’s Network Standard NS156 outlines the minimum requirements for working around Ausgrid’s underground cables.**
- 2. Ausgrid is not responsible for the reinstatement of any finished surface within the easement site.**
- 3. Ausgrid requires 24 hour access along the easement for plant and personnel. For the purpose of exercising its rights under the easement, Ausgrid may cut fences and/or walls and install gates in them. Where the easements on a site do not provide practical access to all of Ausgrid’s infrastructure, a suitable right of access at least 5m wide must be provided to each asset.**
- 4. Access driveways shall withstand the weight of a heavy rigid truck when fully laden weighing 30 tonne.**
- 5. Access gates, minimum 4.5 metres wide, may be required in all fences crossing the transmission line easement.**
- 6. Driveways and other vehicle access must be capable of supporting the heaviest vehicle likely to traverse the driveway without damaging Ausgrid’s assets.**
- 7. No machine excavation is permitted within the easement without Ausgrid’s express permission.**
- 8. During building construction, adequate controls must be put in place to prevent vehicles and machinery from damaging the Ausgrid assets.**
- 9. Bulk solids (e.g sand and gravels) are not to be stored within the easement area.**

(Added – INSERT DATE – MOD/2022/0447)