

19 May 2023

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RE: Updated scheme to address Council RFI request dated 28 April 2023 – MOD/2022/0447: Former Balmain Leagues Club, Rozelle NSW 2039

I write on behalf of the applicant to respond to Council's request for further information and amendments dated 28 April 2023. This response and the amended documentation make a number of changes to the scheme and provides additional information to address Council's feedback.

This response summary is accompanied by the following additional information reflecting the changes made to the scheme and providing additional information:

- 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 letter along with a response to the submissions made during the exhibition of the proposal.

Response to Council RFI request

The table below provides additional information and detail as to how the proposal has been amended to respond to Council's RFI Request.

Table 1 – Response to Council and Design Excellence Panel Feedback	
Council request	Applicant response
<p>1. Design changes required</p> <p>The following design changes are recommended by the Architectural Excellence Panel and the proposed drawings should be amended to address the following matters:</p> <ul style="list-style-type: none">• The glassy Building A at the eastern corner of the site includes lower level apartments	<p>Refer to Appendices 1 and 2 outlining architectural response to each of the items and associated amended drawings.</p> <p>Refer to Appendix 1 outlining the design changes made to address this feedback.</p>

Table 1 – Response to Council and Design Excellence Panel Feedback

Council request	Applicant response
<p>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.</p> <ul style="list-style-type: none"> • Reintroducing some form of stronger horizontal expression would be 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. • 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 	<p>Horizontal expression has been strengthened in the facade articulation by increasing depth and size of horizontal elements. In order to maintain appropriate facade proportion and modulation, the horizontal elements have been balanced so as not to dominate the overall expression.</p> <p>Design refinements have been made where appropriate. Many of the bedroom layouts are consistent with that previously approved in the overarching DA consent.</p> <p>Refer to comment above. Note 4D-2 does not relate to communal open space.</p> <p>Refer to comment above.</p>

Table 1 – Response to Council and Design Excellence Panel Feedback

Council request	Applicant response
<p>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.</p> <p>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.</p> <p>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.</p> <ul style="list-style-type: none"> 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 	<p>Refer to detailed SEPP 65 compliance assessment in Appendix 1 that demonstrates compliance with residential storage requirements.</p> <p>Privacy screening and elevated planting have been utilised to ensure adequate privacy is achieved. The proposed arrangement is an improved condition compared to the Approved DA design and provides improved amenity and outlook.</p> <p>The Tigers Lane stair width has been increased to 3m in width and reconfigured to widen at the interface with the pedestrian walkway, providing a grander arrival gesture whilst balancing the proportion of the entry point at lane level.</p> <p>Communal Open Spaces have been programmed to achieve a diversity of uses across the available rooftop spaces for the development. 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 as the design team was concerned about hygiene issues. A provision for sinks can be accommodated should this be a necessity.</p> <p>Unisex accessible toilets have been placed in key communal areas at Level 1, Level 10, and Level 11.</p>

Table 1 – Response to Council and Design Excellence Panel Feedback

Council request	Applicant response
<p>façade 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).</p>	<p>1:50 sections have been provided for each of the primary facade and added into the S4.55 Drawing Set - DA617 Facade Type Sections.</p>
<p>2. Additional information to demonstrate compliance with SEPP No. 65/ADG requirements.</p> <p>To ensure compliance with SEPP No. 65/ADG requirements, in particular in relation to midwinter solar access, natural cross ventilation, maximum proportion of south-facing apartments, apartment sizes, storage areas, additional information is required. As the proposal involves a redesign of the apartments including its orientation, sizes and apartment mix, a SEPP No. 65 assessment is to be provided to ensure all the requirements in the ADG requirements can be achieved. To assist in demonstrating the SEPP No. 65 Assessment, it is requested that tables (preferably in excel format) are provided that demonstrate:</p> <ul style="list-style-type: none"> • The sizes of the apartments; • the storage areas each apartment; • the bedroom sizes; • the living room sizes; • the private open space sizes; • the amount of solar access received by each apartment; and • the natural ventilation received by each apartment. 	<p>A detailed SEPP 65 assessment table is provided in Appendix 1 to this package, with detailed ADG compliance schedules provided in the architectural and landscape drawings in Appendix 2.</p>
<p>3. Shadow diagrams that demonstrate the differences between approved development and proposed modifications.</p>	<p>Appropriate shadow diagrams have been provided in the architectural drawings in Appendix 2 of this RFI.</p>

Table 1 – Response to Council and Design Excellence Panel Feedback

Council request	Applicant response
<p>Additional shadows are requested to indicate the difference between the approved development and proposed modification. This is to identify what the additional impacts (if any) there are in comparison to the approved development.</p> <p>It is requested that shadow diagrams are provided in plan and elevation view of existing and proposed overshadowing for 21 June and equinox at hourly intervals between 9am and 3pm. It is requested that a table identifying the approved and proposed outcomes is provided to each affected property.</p>	
<p>4. Additional information in relation to Diverse Housing development standard – Section 19(6) of Leichhardt LEP 2000 and provisions of Section 4.55.</p> <p>It is requested that additional information is required in relation to the non-compliance with the Diverse Housing development standard and Section 4.55 be provided, to include, but not be limited to:</p> <ul style="list-style-type: none"> • Further information to be provided to justify the non-compliance with Diverse Housing Development standard. It is considered that the information at this stage has not demonstrated that the objective of Section 19(6) has been satisfied. • Providing legal advice to outline that the change in apartment mix results satisfies the provisions of Section 4.55 and does result in the need for a new Development Application (DA). 	<p>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 or 12% of dwelling mix.</p> <p>Please refer to Appendix 5, which includes a specific research analysis on the supply and demand drivers and the need for 1-bedroom apartments in Rozelle and other parts of the Inner West Council.</p> <p>Whilst a formal SEPP 1 Objection is not required for a modification application, Appendix 5a contains a detailed assessment of the proposed variation to 1-bedroom dwellings against the principles of SEPP 1 and demonstrates that the proposal is acceptable.</p> <p>Please refer to Appendix 7, which contains legal advice from Mills Oakley demonstrating that the proposal still meets the threshold test of ‘substantially the same development’ despite the proposed variation to the unit mix.</p>
<p>5. Acoustic report</p> <p>An updated acoustic report is required to be submitted to assess the noise impact from the proposed modifications and demonstrate compliance with the specific noise criteria</p>	<p>Please refer to Appendix 3 for the updated Acoustic Report.</p>

Table 1 – Response to Council and Design Excellence Panel Feedback

Council request	Applicant response
established in the previously Council approved acoustic reports for the site.	
<p>6. Car wash spaces</p> <p>The current car washing spaces only have a 2.4 metre width which is considered to be inadequate in width to be used as a car wash space. The basement parking must be amended to allow for 3 carwash bays with a minimum width of 3.6m each.</p>	<p>Please refer to the amended drawings in Appendix 2 with the redesigned basement that allows for 3 carwash bays with a minimum width of 3.6m each.</p>
<p>7. Commercial Waste</p> <p>The following additional Information is requested in relation to the changes in supermarket/retail premises.</p> <ul style="list-style-type: none"> • WMP to show the amount of waste generated from the supermarket use and outline the ongoing waste management practices for this use including the number, size and types of bins, frequency of collections. • Size of the proposed commercial waste room on the lower ground floor to be stated to ensure the required number and size of bins can be housed in the retail/commercial waste room. 	<p>Please refer to the amended Waste Management Report in Appendix 4.</p>
<p>9. Additional information required by SECPP</p> <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. 	<p>Refer to the executed VPA in Appendix 8. Schedule 3 of the VPA outlines the affordable housing requirements for this development, including a \$1m contribution to Council to go into an affordable housing fund. It is noted that Council's affordable housing policy encourages additional affordable housing to be delivered in areas where an AHCS applies to the site, and subject to feasibility. Given an AHCS does not apply to this site, the \$1m contribution to affordable housing fund as part of the VPA is a significant increase beyond the existing</p>

Table 1 – Response to Council and Design Excellence Panel Feedback

Council request	Applicant response
<ul style="list-style-type: none"> 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. 	<p>affordable housing framework in the Council's LEP.</p> <p>As shown in Appendix 1, Scott Carver have engaged a specialist consultant to prepare a detailed facade access strategy for the project of which key extracts are shown below. This strategy confirms that facade access and maintenance for all external planting is to be managed by the strata body, and accessed externally (from rooftops and the ground plane).</p>
<p>Community floor space and traffic report</p> <p>Whilst not formally requested in the letter, Council officers requested that the applicant provide advice from the transport consultant that the use of 200sqm for a 'community use' facility would not create additional unacceptable traffic implications</p>	<p>This report has been provided as part of Appendix 6. It must be noted that the community floor space of 200sqm was requested by Council as part of the separate VPA process and will be allocated for a 25 year period from the approved commercial floorspace allocation. No change is proposed to the floorspace from its original 'commercial' allocation. It is simply that the VPA has enabled the use of the 200sqm to be 'leased' to Council for a 25 year tenancy agreement.</p>

Revised Development Description

As a consequence of the above amendments, the following revised development description and key compliance matters are outlined below. The DA seeks approval for a section 4.55 (2) modification to DA D/2018/219:

- Modifications to the commercial, club and retail podium to improve design, layout and user experience and residential lobby functionality by:
 - Evolving the ground plane retail offerings and public domain in line with specialist retail advice to strengthen retail viability with diversity and complement existing Darling Street retail offers (negligent 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.
- Modest changes to approved building envelopes and façade to ensure compliance with key amenity criteria and to provide improved architectural articulation, expression and modulation;

- 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 to respond to housing diversity needs, market demand, design development, services planning, and to improve unit layout and functionality. 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 to improve functionality, and the introduction of 200m² 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
- As discussed with Council, amended wording of Conditions 60, 85, 86 and 92 to state “Prior to the issue of any Construction Certificate (***other than demolition***)”.

Table 2 – Summary of Proposed Development	
Item	Description
Total Area	7,330m ²
Height Existing ground level – RL	<p>Overall maximum height under LEP maximum RL82</p> <p>Building A: RL 81.70 / 12 storeys</p> <p>Building B: RL 81.20 / 12 storeys</p> <p>Building C: RL 74.6 / 11 storeys</p> <p>Development along Darling Street less than RL52 / 2 storeys.</p> <p>Development along Waterloo Street less than 12.5m (RL 46.85) for 1m from the front of the site (Part 2 / Part 3 storeys)</p>
Adaptable units	<p>Adaptable – 15 (10%)</p> <p>Silver Liveable – 30 (20%)</p>

Table 2 – Summary of Proposed Development

Item	Description
Unit mix	Studio – 2 (1%) 1 Bed – 17 (11%) 2 Bed – 83 (56%) 3 Bed – 47 (32%) Total – 149 (100%) Livework – 3 (N/A)
Floor Space Ratio (FSR)	Total FSR is 3.88:1 with it broken down into the following uses: <ul style="list-style-type: none"> • Retail: 0.74:1 • Club: 0.39:1 • Residential: 2.54:1 • Commercial: 0.21:1
Gross Floor Area	28,417m ² with it broken down into the following uses: <ul style="list-style-type: none"> • Retail: 5,461m² • Club: 2,870m² • Residential: 18,624m² • Commercial: 1,462m²
Retail + Supermarket	Supermarket: 3087m ² (+0m ²) Ancillary (Retail): 1501m ² (+349m ²) Specialty Retail: 270m ² (-7m ²) Food & Beverage / Retail: 348m ² , 254m ² (602m ²) (-68m ²) Total retail + supermarket: 5,461m ² (+275m ²)
Club	Club: 1868m ² (+0m ²) Ancillary (Club): 1002m ² (-184m ²) Total club: 2,870m ² (-184m ²)
Commercial (& Live Work)	Commercial / Communal: 555m ² / 410m ² (965m ²) (-62m ²) Live / Work: 496m ² (-30m ²) Total commercial: 1,462m ² (-91m ²)
Solar access	70.47%

Table 2 – Summary of Proposed Development

Item	Description
Natural Cross Ventilation (60% of dwellings)	67.46%
Car Parking	<p>318 spaces with the following breakdown + 6 spaces for misc. (324):</p> <p>Residential spaces – 141</p> <p>Commercial spaces – 23</p> <p>Retail spaces – 78</p> <p>Club spaces – 69</p> <p>Car share spaces – 6</p> <p>Community bus – 2</p> <p>Taxi Bays – 2</p> <p>Carwash Bays – 3</p>
Bicycle Parking	<p>Total – 188 Spaces</p> <p>Residential – 80</p> <p>Residential Visitor – 18</p> <p>Retail Staff – 30</p> <p>Retail + Residential Visitor – 60</p>
Motorcycle Parking	<p>Total – 18</p> <p>Residential – 8</p> <p>Retail – 10</p>
Communal Open Space and solar access	<p>24.8% of site area.</p> <p>Note public open space can also be included towards communal open space, which significantly increases this metric.</p> <p>50% daylight for 2h to principal usable communal open space.</p>
Private Open Space	15m ² and a depth of 3m.
Deep Soil	7% of the site area + 3% supplemented by soil depth on the structure

Table 2 – Summary of Proposed Development	
Item	Description
Green Wall	30%
Green Roof	78%
Canopy Cover	16.4%
Landscaped Area	2857m ²
Public Domain Area	2250m ²
Plaza	1400m ² Solar access on 21 June 12:30pm – 35.1% 1:00pm – 55.4% 2:00pm – 73.7%

Response to DA Objections

Please refer to Table 3 below, which responds to the public submissions made while the development application was on public exhibition.

Table 3 – Response to DA Objections		
Objection issue	Submission	Applicant Response
Height	<p>The tower heights are out of scale compared to the existing context.</p> <p>The 1.5m additional height for the “decorative corner” is inappropriate and does not suit the unique village character.</p> <p>6-8 storey development would be more appropriate with surrounding development and the Terry St apartments across Victoria Road.</p>	<p>The development controls for the site permit up to 12 storeys along Victoria Road, which was what was previously approved. The building height on Towers A and B have slightly increased as a consequence of additional communal open space and architectural elements being introduced. However, they still comply with the maximum building height control and do not create any additional amenity impacts such as privacy or overshadowing. The amended design will also allow for an improved amenity experience on the communal rooftop areas for</p>

Table 3 – Response to DA Objections

Objection issue	Submission	Applicant Response
		future residents of the development.
Sunlight	The disproportionate size and bulk will create overshadowing to residential housing in Waterloo street.	The development continues to comply with the key bulk and scale controls associated with the site including building heights, setbacks, and modulation. The development has been deliberately designed to minimise overshadowing to Waterloo Street with low-density dwellings and uses close to Waterloo Street and the high-density development facing Victoria Street and being separated by the plaza.
Building Envelope and design character	<p>The design of the development is out of character, unsympathetic and is disconnected from the site context.</p> <p>The overall design is visually bulky compared to the surrounding context and is not being supported.</p> <p>Concerns around setting a precedent for high rise development in a low-medium rise suburb.</p>	The design of the development is consistent with the consent previously issued in 2020 and takes its cues from the local surrounding character in its choice of materials and modulation. The development is consistent with the controls of the site, which permit up to 12 storeys buildings.
Parking	<p>Car parking numbers did not decrease despite of reduced apartments.</p> <p>Mix of public car sharing spaces should be increased.</p> <p>Electric vehicle charging infrastructure should be provided in the development.</p>	<p>The car parking numbers were amended to reflect the revised mix of units, which has resulted in a minor increase of four residential spaces to the development. Refer to Appendix 6 Transport Report.</p> <p>The further changes to unit mix in this RFI has not impacted the parking numbers.</p>
Traffic	Concerns around increased traffic congestion at Waterloo and Darling Street intersection.	The impacts of traffic on the overall development were assessed and considered acceptable by Council and TfNSW traffic engineers. The mix of uses being proposed in this

Table 3 – Response to DA Objections

Objection issue	Submission	Applicant Response
	<p>Concerns around potential impact of the increased traffic between already congested Gladesville and Balmain.</p> <p>The Council should look into speed limit mandates around the site – with a 30km zone to be considered for local streets in Rozelle and Balmain.</p>	<p>modification is insignificant and continues to be acceptable.</p> <p>Speed zones for local roads and congestion on the wider street network are matters for Council to resolve.</p>
Acoustics	<p>Based on the Transport and Infrastructure SEPP, noise generated by traffic should be managed by building design so that noise in any bedroom within the development does not exceed 35dB.</p> <p>New development should not be able to complain about existing operations of Bridge Hotel and other 24 hour operators in the precinct.</p>	<p>The development and original approval were accompanied by acoustic reports which considered the noise criteria acceptable under the Transport and Infrastructure SEPP.</p>
Increase in retail space	<p>The supermarket and the food hall will be detrimental to the existing small retail and food and beverage businesses around the site. Rozelle has around 8 other supermarkets in somewhat vicinity of the site.</p> <p>The retail along Darling Street is already struggling. Rozelle does not need another supermarket. And increased retail is contrary to Council's commitment to maintaining a strong High Street in Rozelle.</p>	<p>The quantum of retail, including the supermarket was assessed at the original DA and was found to be acceptable and would likely improve the retail experience of Darling Street Rozelle. The supermarket is not a full line supermarket and the local food and beverage and retail shops should encourage more people into the area for retail experiences.</p>
Change in residential unit mix	<p>Concerns around reduced number of apartments and reduced number of 1 bedroom units impacting the provision of social/affordable housing and housing affordability..</p>	<p>The scheme has been revised to increase the number of 1-bedroom apartments. Refer to Appendix 5 for technical reports as to the acceptability of the proposed units mix.</p>
Community engagement	<p>Inadequate notification was provided for the site. Information session was held online, and in the middle of a day</p>	<p>The proponent undertook an independent letter box drop prior to Council's notification process.</p>

Table 3 – Response to DA Objections		
Objection issue	Submission	Applicant Response
	during the week. No recording has been made available for the community.	
Club Use	The community has concerns regarding the 'gambling' aspect of the club.	The Club will be subject to a future fit-out and use DA – likely to be lodged in August 2023.

We hope this information satisfactorily addresses Council's request. Please do not hesitate to contact me on 0402 893 249 or kate@theplanningstudio.com.au should you require further information.

Yours sincerely,



Kate Bartlett,
Planning Director