40-76 William Street, Leichhardt

Statement of Environmental Effects

On behalf of
Anprisa Pty Ltd
June 2020

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

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Executive Summary

This Statement of Environmental Effects (SEE) report has been prepared on behalf of *Anprisa Pty Ltd* (proponent) to support a Development Application (DA) to *Inner West Council* (Council) for the adaptive reuse and alterations and additions at the site located at 40-76 William Street, Leichhardt (the site). The proposed development will provide 181 residential apartments, comprised of 1, 2 and 3 bedroom configurations, communal amenities, associated landscaping and 2 levels of basement accommodating 185 parking spaces.

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

Subject Site

The site is located at 40-76 William Street, Leichhardt, and legally identified as Lot 2 DP 789576. It is irregular in shape and approximately 6,938m^2 in size. The corner site exhibits a 90.88m frontage to William Street on the northern boundary and 45.72m frontage to North Street on the western boundary and partially bound by adjoining developments to the South and East. It is noted that the site has a right-of-carriageway which provides vehicular access to the site from Francis Street.

The topography of the site appears to be generally flat gradient in a north south direction and a steep gradient in an east west direction. It is presently developed with a single, two and four storey brick warehouse buildings which are predominantly built to the site boundaries.

Planning Background

A Pre-DA meeting (PREDA/2019/201) was undertaken with Inner West Council with a Pre-*Development Application Advice Letter* issued on the 25 February 2020 in relation to the subject DA. The Table 2 below within Section 1.2 of the SEE outlines the primary matters raised in the meeting by Council which are addressed throughout the SEE accordingly.

Proposed Development

The development application proposes the adaptive re-use residential development and integration of 181 new architecturally designed residential dwellings within the existing industrial warehouse structures with two (2) levels of basement car parking.

The alterations and additions and conversion of the existing industrial building into an architecturally designed residential accommodation up to 6 storeys and comprising 181 apartments of various configurations. The development includes the retention of the external elevations of the buildings on the site and modification of the existing openings of the industrial buildings to enable more operable and code compliant windows. The two levels of basement parking provide 185 car parking spaces, 8 motorcycle parking spaces and service bays for waste collection both accessed via the existing vehicular access from Francis Street and 110 bicycle parking spaces.

The proposal will retain all the buildings on the site and enable the existing character of the subject site and the '*Helsarmel Distinctive Neighbourhood'* to be retained. The proposed modifications to the building are set behind the primary elevations of the buildings so the existing elevations retain their dominance and maintain the existing relationships of form and mass with the Helsarmel Neighbourhood.

Table 1. Summary of proposed Development	
Item	Total
Site Area	6,938m^2
Gross Floor Area (GFA)	• **Existing GFA:** 10,060m^2 • **Proposed GFA:** 15,064m^2
Floor Space Ratio (FSR)	• **Existing FSR:** 1.45:1 • **Proposed FSR:** 2.17:1
Height	The proposal comprises buildings of varying heights. The maximum height proposed stands at RL32.92m (parapet) above ground level RL9.00m (23.92m) on the eastern portion of William Street. The proposed development exceeds the existing building envelope parapet of RL27.2m at of 6.69m taller than the existing parapet of RL20.51m. (including lift overrun) at its highest point.
Levels Proposed	6 levels plus 2 basement levels
Number of Apartments and Mix	**Total 181 residential apartments** with the following breakdown: • 58 x 1 Bedrooms (32.04%); • 92 x 2 Bedrooms (50.83%) • 31 x 3 Bedrooms (17.13%)
Adaptable/Livable Apartment	**Adaptable:** 18 (9.45%) **Livable:** 36 (19.89%)
Communal Open Space (min 25% = 1,734.5^2)	Total 1,764.7m^2 (25%) inclusive of the uncovered public open space, comprising: • 1,465.8m^2 at ground level; and • 298.9m^2 on level 4.
Deep Soil Zones (required 7% (485.7m^2) of the site area)	The development provides 486.2m^2 or 7.01% which complies with the ADG.
Vehicle Access	Ingress and egress via Francis Street easement right of way to Basement Levels 1 and 2.

Car/Motorcycle Parking	The development provides a total:
	• 8 motorcycle parking spaces; and
	• 185 car parking spaces comprised of:
	  • 158 residential car parking spaces;
	  • 23 visitor car parking spaces;
	  • 1 car share parking space; and
	  • 3 car wash spaces.

Bicycle Parking	The development provides: • 92 bicycle parking spaces (residential); and • 18 bicycle parking spaces (visitor).

Table 1. Summary of proposed Development	
Item	Total
Solar (70% of total number of apartments).	130 of the 181 (71.8%) apartments will receive a minimum of 2 hours daylight solar access in compliance with DCP/ADG.
No Solar (maximum 15% of total number of apartments)	26 of the 181(14.4%) will receive no solar access. This complies with the ADG which permits a maximum of 15% of the total number of apartments to receive no solar access.
Cross Ventilation (60% of the total number of apartments)	114 of the 181 apartments (63.0%) of units will be naturally cross-ventilated in compliance with DCP/ADG.

Planning Assessment

State Environmental Planning Policy No. 55 – Remediation of Land

SEPP 55 states that a consent authority, in determining a DA, is to give consideration to whether land is contaminated and is suitable, or can be remediated and made suitable, for the proposed development. A Detailed Site Investigation (DSI) (**Appendix 22**) and Remedial Action Plan (RAP) (**Appendix 23**) has been prepared by *EI Australia*.

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve design quality of residential flat buildings in NSW. The Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, cultural and social benefits of high-quality design.

The DA is accompanied by a SEPP 65 Design Verification Statement and ADG compliance table, which provides a full assessment against the relevant design criteria, is attached in **Appendix 5**. This SEE **(Section 4.2.1)** provides an assessment against the 9 Design Principles and demonstrates that the proposal is consistent with these Principles and will enable a positive urban design outcome for the site.

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

The Building Sustainability Index (BASIX) was introduced by the NSW Government to deliver equitable water and greenhouse gas reductions across the state. The development application is accompanied by a BASIX assessment in **Appendix 28**, that has been prepared which demonstrates the proposal satisfies the relevant BASIX requirements. Refer to **Section 5** for further discussion.

Leichhardt Local Environmental Plan 2013

The *Leichhardt Local Environmental Plan 2013* (LLEP2013) is the primary local planning instrument applying to the site. The table below provides a summary of the key development standards that apply to the site under the LLEP2013.

- **Zoning, Land Use and Permissibility** - The subject site is zoned R1 General Residential under the LLEP2013. The proposed use is best defined as a 'residential flat building' is a type of residential accommodation and is permitted with consent under the zone.
- **Height** - As the majority of the LLEP2013 is not constrained by an LEP height map, the maps are interpreted as having no strict building height control applying to

the site. The maximum height proposed stands at RL32.92m (parapet) above ground level RL9.00m (23.92m) on the eastern portion of William Street. The proposed development exceeds the existing building envelope parapet of RL27.2m at of 6.69m taller than the existing parapet of RL20.51m. (including lift overrun) at its highest point.

FSR - The subject site has a base FSR of 0.5:1. Pursuant to Clause 6.11(3)(c) of the LLEP2013 relative to the adaptive reuse of buildings in R1 General Residential zone, any increase in FSR is to generally be within the existing building envelope (refer to Section 4.4.4 for detailed discussion). The existing industrial warehouse on site comprises an FSR of 1.45:1 (10,060m^2 GFA), which exceeds the maximum permitted FSR control by 0.95:1.

The proposed built form seeks an FSR of 2.17:1 (15,064m^2 GFA) and therefore there will result in a 1.67:1 or 125.1% non-compliance with the 0.5:1 maximum provision and 0.72:1 or 39.78% variation to the existing development on site. Accordingly, the proposal seeks a Clause 4.6 variation to development standard of Clause 6.11 of the LLEP 2013 to permit the additional FSR over the maximum FSR stipulated under Clause 6.11(c)

- **Floor Space Ratio Adaptive reuse of existing buildings on Zone R1** - The objectives of Clause 6.11 is to provide the adaptive reuse of existing buildings for residential accommodation, to retain buildings that contribute to the streetscape and character of Leichhardt, to provide satisfactory amenity for future residents of the area, and to ensure that development does not adversely affect the quality or amenity of the buildings in the vicinity of the site.

  Clause 6.11 (3) (c) acknowledges that by satisfying sub-clauses (a) and (b), an increase of FSR is permissible providing that the proposed building envelope is contained within the envelope of the existing building. The proposed work includes an adaptive reuse of the existing and poorly utilised industrial building and their conversion into 181 high quality new residential dwellings of differing typology, including a range of apartment types and sizes. The proposed alteration and additions have been carefully designed to maintain the fabric, positive construction and streetscape character of the industrial buildings to the historic and aesthetic significance of the 'Helsarmel Distinctive Neighbourhood'. Accordingly, the proposal seeks a Clause 4.6 variation to development standard of Clause 6.11 of the LLEP 2013 to permit for the additional FSR over the maximum FSR control stipulated under Clause 4.4, as modified by Clause 6.11.

- **Heritage Conservation -** Clause 5.10 of the LLEP2013 relates to heritage conservation. The site is not identified as a heritage item or nor is it located in a conservation area under the LLEP 2013. However, a local heritage item I658 at 2 Hubert Street is located in close proximity to the subject site. The application is supported by a Heritage Impact Statement (**Appendix 12**).

- **Landscaping -** Clause 4.3A of the LLEP2013 conditions the required landscaped area for residential accommodation in R1 General Residential Zone. Pursuant to this clause, the proposal is required to provide a minimum of 20% landscaped area and a maximum site coverage of 60%. The site has an existing site area of 6,938m^2 and an existing coverage of 5,790.2m^2, or 83.5% of the site area (Refer to figure below). The proposal includes an adaptive reuse, alterations and additions to the existing warehouse buildings, which further reduces the site coverage from 83.5% to 59.9% (or 4,155.^{1}m^2) and is compliant with the LLEP2013.

- **Dwellilng Mix** - Pursuant to Clause 6.13 (3) of the LLEP 2013, the proposed residential flat building must provide a mix of dwellings. Out of the total 181 residential dwellings, proposal includes 58 (32%) one-bedroom dwellings, 92 (51%)

two-bedroom dwellings and 31(17%) three-bedroom dwellings. Therefore, the proposed scheme complies with the above mix.

- **Site Specific DCP** - The subject site has a total area of 6,938m^2. Pursuant to Clause 6.14 of the LLEP2013, a development control plan must be prepared for certain developments on a site of 3,000m^2 or more. However, Clause 6.14(5)(d) states that a site specific DCP is not required if the proposal involves alterations or additions to an existing building and the relevant criteria are met. The proposed works comprise an adaptive reuse and alterations and additions to the existing warehouse buildings. The works are largely comprised within the existing height and floor space ratio, will not crease any adverse impacts on the adjoining buildings or the public domain and will not significantly alter the aspects of the building when viewed from public places. The proposal has addressed all the requirements of 6.14(5)(d), refer to Section 4.4.8 of the SEE for detailed assessment.
- **Development in areas subject to aircraft noise -** The subject site is located within the Australian Noise Exposure Forecast System (ANEF) 20-25 contours. Pursuant to Clause 6.8 of the LLEP2013, any future application must be assessed to ensure that internal noise levels are limited to the recommended standards using Australian Standard AS 2021-2015 "Aircraft Noise Intrusion - Building Siting and Construction". Subsequently, a Noise Impact Assessment has been prepared and is attached in **Appendix 24**. Refer to Section 5.4 for detailed discussion.

Draft Inner West Local Environmental Plan 2020

The draft Inner West Local Environmental Plan (draft IWLEP 2020) consolidates the current LEPS which apply to the former Ashfield, Marrickville and Leichhardt Council areas. A review of the draft LEP amendments have been carried out and shown that no amendments in the draft IWLEP 2020 will have any adverse impact on the proposal. The proposal will remain largely consistent with the draft IWLEP 2020.

Leichhardt Development Control Plan 2013

The *Leichhardt Development Control Plan 2013* (LDCP2013) is the primary Development Control Plan that applies to the site and sets out the core controls for the site.

- **Urban Character:** The site is located within the *Helsarmel Distinctive Neighbourhood* under the DCP. The proposed development adaptively reuses and retains the form, fabric and features of the existing building. The proposed works will have minimal and acceptable impact on the *Helsarmel Distinctive Neighbourhood*;
- **Building Height and Building Envelope:** The proposal seeks to retain the contributory facade along William Street and North Street to conserve the significance of the existing building within the '*Helsarmel Distinctive Neighbourhood*' area. Certain parts of the proposed additions exceed the 45-degree plane, however this is considered acceptable as the proposed additions are largely set behind the existing building and it does not block any significant view corridors to or from the neighbouring development in the vicinity of the site.
- **Parking:** The proposal includes 185 carparking spaces and 109 bicycle parking spaces, which complies with the minimum requirement;
- **Overshadowing:** Detailed solar eye diagrams demonstrate that the primary living area and private open space of the neighbouring developments achieve minimum solar access at mid-winter;
- **Adaptable Housing:** The proposal includes 18 adaptable units and 18 accessible parking spaces, which complies with the control.

Environmental Assessment

The environmental assessment of the proposed development makes the following findings:

- Is consistent with the objectives for development within the R1 General Residential Zone;
- The land can be made suitable for the permitted use;
- The proposed design responds appropriately to the surrounding area, through the incorporation of appropriate materials, massing, setbacks, horizontal and vertical articulation which corresponds to the character of the development in the surrounds;
- The Heritage Impact Statement concludes that the retention and proposed adaptive reuse of the existing industrial buildings on the site preserves the significance of the site as an early twentieth century industrial complex pioneered by John Heine and Sons and that the proposed alterations and additions will have an acceptable impact on the significance on No. 40-76 William Street and on the heritage items in the vicinity of the site and on the 'Helsarmel Distinctive Neighbourhood';
- Responds to the street alignment and the desired built form;
- The proposal will deliver a development that is appropriate for its context, and has sufficient environmental planning grounds to permit the development;
- The proposal not only seeks to retain the principal form of the warehouse buildings to interpret the former industrial use and history of the site but where appropriate, also retain a significant amount of internal fabric;
- The proposed development provides landscaping which will enhance the site dand create a high amenity environmental for residents and visitors;
- Will deliver a development that is appropriate for its context despite the breach to SLEP2012 development standards and therefore has sufficient environmental planning grounds to permit the variation;
- Provides adequate visual and acoustic privacy;
- Includes ESD measures to reduce water and energy consumption;
- Is consistent with the 9 Design Principles outlined within SEPP 65;
- Will provide a high-quality redevelopment of the site, and will maintain and enhance the character of William and North Streets;
- Improves the interface between public and semi-private spaces along the subject site frontage for improved pedestrian access and aesthetic character;
- Provides landscaping to enhance the visual character and amenity of the site;
- Provides for increased housing choice and mix within Leichhardt and the Inner West Local Government Area;
- The proposal is consistent with the BCA, the Disability Discrimination Act 1992 and Council's DCP requirements relating to the access for people with disability;

- The proposal complies or is capable of complying with BCA and fire safety requirements;
- The proposed use responds appropriately to the surrounding noise environment and will additionally not result in adverse noise impacts on sensitive receivers;
- Will provide dwellings achieving high amenity outcomes with respect to apartment size, outlooks, solar access and natural ventilation; and
- Is a suitable development for the site and is considered to be in the public interest.

Given the above planning and environmental assessment, the proposed DA for the adaptive reuse and alterations and additions at 40-76 William Street, Leichhardt (the site), has planning and environmental merit. Accordingly, the proposed development is considered to be consistent with Clause 4.15 of the EP&A Act.

Therefore, we request that Council recommend that the proposed development be granted development approval.

1 Introduction

This Statement of Environmental Effects (SEE) report has been prepared on behalf of *Anprisa Pty Ltd* (proponent) to support a Development Application (DA) to *Inner West Council* (Council) for the adaptive reuse and alterations and additions at the site located at 40-76 William Street, Leichhardt (the site). The proposed development will provide 181 residential apartments, comprised of 1, 2 and 3 bedroom configurations, communal amenities, associated landscaping and 2 levels of basement accommodating 185 parking spaces. The proposal includes:

- Retention and refurbishment of the buildings on the site to enable them to be modified into residential apartment buildings;
- Alterations and additions and conversion of the existing industrial building into an architecturally designed residential accommodation up to 6 storeys and comprising 181 apartments of various configurations;
- Careful alteration of the internal floors to provide one, two and three bedroom apartments within the building footprints including circulation space, stairs and lifts.
- Retention of the external elevations of the buildings on the site and modification of the existing openings of the industrial buildings to enable more operable and code compliant windows;
- Installation of some new or modified openings in the existing elevations for entrance lobbies into the apartment buildings;
- Removal the existing roofs off the industrial buildings to add new apartment levels behind and setback from the street elevations or to create courtyards and open space within the residential plan that are open to the sky;
- Creation of a new apartment building on the current parking area to North Street;
- Creation of two levels of basement parking providing 185 car parking spaces, 8 motorcycle parking spaces and ground floor loading bay for waste collection both accessed via the existing vehicular access from Francis Street;
- Bicycle storage area with a capacity of 110 bicycles; and
- Creation of a new landscape open space between the existing buildings.

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

Specifically, the SEE includes the following information:

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

Ceerose Pty Ltd has calculated the cost of development for the proposal to be $56,529,000 (incl. of GST). Refer to **Appendix 1** for the QS Report of the proposed.

This SEE is supported by the following environmental assessment reports which are referred to throughout:

- **Appendix 1.** QS Report
- **Appendix 2.** Survey Plan
- **Appendix 3.** Title Searches
- **Appendix 4.** Architectural Plans
- **Appendix 5.** SEPP 65 Design Verification Assessment
- **Appendix 6.** ADG Compliance Assessment
- **Appendix 7.** Clause 6.11 Legal Advice Memorandum
- **Appendix 8.** Clause 4.6 Variation to Development Standard - FSR
- **Appendix 9.** Leichhardt DCP 2013 Compliance Assessment
- **Appendix 10.** Landscape Concept Plan
- **Appendix 11.** Arboricultural Impact Assessment
- **Appendix 12.** Heritage Impact Statement
- **Appendix 13.** Stormwater Concept Design
- **Appendix 14.** Flood Study Report
- **Appendix 15.** Integrated Water Cycle Plan
- **Appendix 16.** MUSIC Model
- **Appendix 17.** WSUD Strategy Report and Maintenance Plan
- **Appendix 18.** Water Management Statement
- **Appendix 19.** Fire Safety Engineering Statement
- **Appendix 20.** Structural Report and Construction Methodology Report
- **Appendix 21.** Geotechnical Investigation
- **Appendix 22.** Detailed Site Investigation
- **Appendix 23.** Remedial Action Plan
- **Appendix 24.** Noise Impact Assessment
- **Appendix 25.** BCA Compliance
- **Appendix 26.** BCA Access Provisions
- **Appendix 27.** Section J Report
- **Appendix 28.** BASIX Certificate
- **Appendix 29.** BASIX, EER & ESD Report
- **Appendix 30.** Social Impact Statement
- **Appendix 31.** Traffic Impact Assessment

- **Appendix 32.** Operational Waste Management Plan
- **Appendix 33.** Site Waste Minimisation and Management Plan
- **Appendix 34.** Photomontage

1.1 Proponent and Project Team

The Development Application and SEE Report have been prepared on behalf of the applicant, *Anprisa Pty Ltd*.

Table 2. Project Team

Item	Description
Arboricultural	Urban and Rural Design Landscape Architects
Access	Accessible Building Solutions
Acoustic	White Noise Acoustics
Architecture	PBD Architects
BASIX	Integreco Consulting Pty Ltd
BCA	McKenzie Group Consulting (NSW)
ESD	Integreco Consulting Pty Ltd
Fire	Innova Services
Flood	S&G Consultants Pty Ltd
Geotechnical / RAP	EI Australia
Heritage	Weir Philips Heritage & Planning
Landscape	Site Image Landscape Architects
Urban Planning Assessment	Mecone NSW Pty Ltd
Quantity Surveyor	Ceerose Pty Ltd
Section J	Integreco Consulting Pty Ltd
Social Impact	Hill PDA Consulting
Stormwater & Civil	SGC Consulting Engineers
Structure	M+G Consulting
Traffic	TRAFFIX Traffic and Transprot Planners

Table 2. Project Team	
Item	Description
Waste	Elephants Foot Recycling Solutions

1.2 Pre-lodgement and Architectural Excellence Panel Meeting

A Pre-DA meeting (PREDA/2019/201) was undertaken with Inner West Council with a *Pre-Development Application Advice Letter* issued on the 25 February 2020 in relation to the subject DA. The table below outlines the primary matters raised in the meeting by Council which are addressed throughout the SEE accordingly.

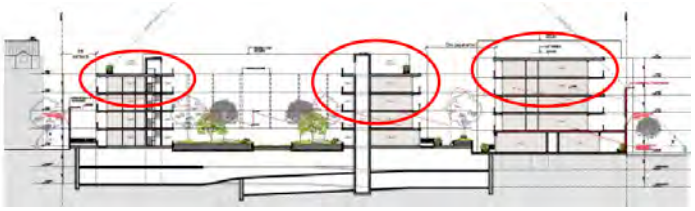
Table 3. Pre-DA Meeting key points raised by Council	
Council Advice	Applicant Response
1. Need for a Planning Proposal	
The proposal seeks to provide an FSR of 2.41:1 which results in a non-compliance of 270.28% under the LEP. however, it is noted that the proposal seeks to reply on the adaptive reuse provision under C6.11 of the LEP. The current proposal does not satisfy 3(c) of Clause 6.11 given the proposed height and bulk of the development results in a significant increase in FSR that is not generally contained within the envelope of the existing buildings. The current proposal contains lacks sufficient information to determine whether the development satisfies 3(a) and (b) of Clause 6.11. The proposal includes an FSR of 2.14:1, which is a significant increase of the permitted 0.5:1 pursuant to Clause 4.4 of the LLEP 2013, the current scheme should only be considered under a Planning Proposal seeking amendment of the LEP which would then be assessed by Council Officers and presented to Council for consideration. 	The proposed works comprise alterations and additions to the existing warehouse buildings to support the adaptive reuse, which is consistent with C6.11 of the LEP for additional FSR uplift. The proposal has been further refined since the Pre-DA Meeting to make it more consistent with the provision that additional GFA above the maximum 0.5 be contained **generally** (our emphasis) within the envelope. A Clause 4.6 variation to development standard is attached in **Appendix 8**. Refer to Section 4.4.4 of the SEE for further discussion.
2. Site Specific Development Control Plan	
Pursuant to Clause 6.14 of the LLEP 2013, a Development Control Plan will be required as the subject site exceeds 3000m^2. A draft DCP will be required if the client wishes to pursue a planning proposal. For a future DA that comply with Clause 6.11, a site specific DCP or a concept DA will be considered by Council.	Subject to Clause 6.14(5)(d), a DCP is not required if the proposal involves alterations or additions to an existing building that does not significantly increase height or FSR, adversely impact on adjoining buildings and significantly alters the aspect of the building when viewed from public.

Table 3. Pre-DA Meeting key points raised by Council	
	The proposed works are largely comprised within the envelope, with additions at the top that are largely setback when viewed from public, which does not create any adverse impacts on the adjoining buildings or the public domain. The proposal is acceptable as it addresses all the requirements of 6.14(5) Refer to Section 4.4.8 of the SEE for detailed discussion.
3. Heritage and Design	
• The proposal does not comply with section (3) (b) of Clause 6.11 of the LEP as it has not demonstrated that it will retain the form, fabric and features of any architectural or historic feature of the existing buildings; • The proposal has not satisfied the requirements of Section (3) (c) of Clause 6.11 of the LEP which requires that any increase in the floor space ratio will generally be contained within the envelope of the existing building. The proposal includes up to 3 additional storeys which are not contained within the existing building envelope; • The proposal, with its 6 storeys and 2 storey basement car parking, is not characteristic of the single and 2 storey residential character within the vicinity; • Large expanses of glass are not to be used in areas visible from the public domain; • Excavation for the 2 storey basement car park adjacent to the existing building facades is not supported because of the physical impact it will have on the building fabric and existing spaces within the site. Any basement parking must be located away from significant buildings; • The proposal does not comply with C1 of Section C2.2.3.4 of the DCP as it will not maintain the character of the Helsarmel Distinctive Neighbourhood and will impact the significance of the heritage item at 2 Hubert St.	The application is supported by a *Heritage Impact Statement* in **Appendix 12** which addresses the Pre-DA comments in detail. Overall, the proposed alterations and additions will have an acceptable impact on the significance of No. 40-76 William Street and on the nearby heritage items in the vicinity of the site and on the 'Helsarmel Distinctive Neighbourhood'; Furthermore, the proposed works will have an acceptable impact on the historic, aesthetic and social significance of the buildings and will continue to be read as good examples of industrial buildings from the early twentieth century and the proposal fulfils the objectives for works to a heritage item, in a conservation area and within the vicinity of heritage items as set out by the LLEP2013 and the LDCP2013. The application is also accommodated by a Geotechnical Report and a Structural Reports in **Appendix 21** and **Appendix 20**.

Table 3. Pre-DA Meeting key points raised by Council	
Urban Design Discussion	
• The aesthetic, historic and social significance of the warehouse building has not been established by the proposal. It is unclear whether the proposal reuses the original layout and spatial structure, which would be a significant aspect for the architectural quality of the site. • The 2-3 storey addition above 2 storey building base (2 x 2) creates an equal and unflattering massing proportion. These new additions within the William Street interface appear to compete with the massing of the warehouse below. • The proposal distributes a greater residential density to the southern part of the site, which includes the largest 5 storey building (including 79 apartments) without a street address. The entries to these apartments are disconnected from both William Street and North Street, and will create legibility and safety issues for the future residents and visitors. • The amenity offered by the 'courtyard' or the 'central void' is questionable because of its constrained size. It is noted that the central void has an approximately 6.8m width for a 5 storey height.	The development application is accommodated by a Heritage Impact Statement (**Appendix 12**) and a demolition plan within the Architectural Package (**Appendix 4**), which highlights the significant aspect of the building to be retained. The proposed additions to the industrial buildings incorporate setbacks behind the principal elevations which incorporate appropriate design elements and proportioning to ensure consistency with the massing, scale and style of the subject buildings. The proposal has been revised to provide an east-west pedestrian link which promotes permeability for the site. A CPTED assessment has also been included in Section 5.17 of the SEE. The application is supported by a Heritage Impact Statement in **Appendix 12**. The width of the central voids has been increased to provide a high level of amenity and landscaping.
4. Architectural Excellence Panel	
1. The Panel notes that there are statutory planning considerations concerning the proposed development which will impact both the planning pathway and the development outcome.	All potential statutory planning considerations have been addressed within this SEE. Refer to Section 4.4 of the SEE for detailed discussion.
2. The Panel notes that the floor plans do not yet correspond with the artist's impression included in the pre DA package and appreciates that the scheme presented to the Panel is preliminary in nature, resulting from an invited design competition seeking to select an architect. A more formalised pre DA is recommended once the design response incorporates survey information from the site, a contextual analysis, and details of the existing warehouse	The current scheme has been further refined and now correspond with the artists impressions (photomontages).

Table 3. Pre-DA Meeting key points raised by Council	
buildings in terms of their façade, structure, roof form and fenestration.	
3. The Panel supports adaptive reuse of the existing buildings and the retention of a significant extent of existing fabric wherever possible, and considers that any new works, whilst being architecturally distinct, should interpret meaningful features such as the existing roof forms and the rhythm of the existing built fabric.	The application is supported by a Heritage Impact Statement in **Appendix 12** which addresses the Pre-DA comments in detail. The Assessment states that *"There are no large expanses of glass proposed in areas visible from the public domain. The primary residential lobby to development off William Street utilises the existing large openings of the loading docks, to create an outdoor landscape entry to the recessed entry doors. The proposed openings are the existing openings and those that are modified openings are vertically proportioned."*
4. The proposed building located in the southern part of the site includes the majority of apartments within the proposal. This building is isolated from both William Street and North Street. The entries to these apartments risk being disconnected from the public domain, and potentially create legibility and safety issues for future residents and visitors.	Careful consideration has been made to the internal connectivity of the dwellings. The proposed apartments are provided with large open and connected pathways and links to the primary street frontages. These internal paths are connected with internal landscaped open space that are open to the sky and natural light. Internal access to the streets are provided via an east-west pedestrian link, a main entrance on William Street as well as access via a secured door to the right of way providing connection to Francis Street. The application is also supported by an *Access Report* in **Appendix 26**.
5. The Panel considers the proposed siting of the 3 storey building addition addressing North Street should be amended as it abuts and blocks the existing south facing windows of the warehouse building. The new building could be relocated to the southern side boundary, and could about the blank parti-wall of the terrace house located on	The proposed 3-storey built form has been re-located to provide the east-west pedestrian link from North Street. A blank wall is introduced to the

Table 3. Pre-DA Meeting key points raised by Council	
59 North Street. The revised layout should ensure that a directly accessible and legible pedestrian connection and building address is able to be established from North Street to the rear building.	neighbouring property at 59 North Street.
6. The purpose of the landscaped area along the eastern boundary is unclear and needs further clarification and refinement. The Panel notes that this area includes an easement for access to the adjoining terraces addressing Francis Street. This area should be linked to the recommended pedestrian connection from North Street and further be linked to Francis Street (via the access handle) in order to improve the east-west permeability for the site, and further establish building address for otherwise isolated buildings deep within the site. The revised scheme should ensure that a desirable pedestrian amenity and connectivity is achieved in the landscape design, whilst maintaining the access required for the adjoining terraces.	The eastern landscaped area has been further refined in the Landscape Concept Plan in **Appendix 10**. Pedestrian secure access is provided via a door from the lobby of Building C to the right of way easement and Francis Street. The design has been carefully refined to ensure that the proposal achieves pedestrian amenity and connectivity within the building whilst also ensuring safety.
7. The Panel expressed its concern about the building separation distances for the rear building, particularly where primary outlook for new apartments is across side boundaries to existing neighbours, and recommends that the separation distances should be consistent with Part 2F Building Separation and Part 3F.5 Visual Privacy of the SEPP 65 Apartment Design Guide.	The building separation has been refined within the proposal. Design treatments such as privacy screens will be added to maximise privacy. Detailed discussion is provided in **Section 4.2.2** of the SEE.
8. The second bedrooms of approximately 90 apartments located within the rear gallery access courtyard building rely on the common circulation corridors for natural light and ventilation, which potentially create visual and acoustic privacy issues for the majority of apartments within the proposal - this will need careful design resolution.	The proposal is supported by updated solar access, and natural ventilation plans. It is noted that only 26 of the 181 apartments (or 14.4%) will receive no solar access. This complies with the ADG which permits a maximum of 15% of the total number of apartments to receive no solar access. In addition, 114 of the 181 apartments (or 63.0%) of units will be naturally ventilated in compliance with ADG.
5.Key Numerical compliance	
The following LLEP2013 development standards apply to the proposal: • Clause 4.3A(3)(a) – a minimum landscaped area of 20%; • Clause 4.3A(3)(b) – a maximum site coverage of 60%; • Clause 4.4 – a maximum FSR of 0.5:1; and • Clause 6.13 – a dwelling mix comprising. Calculation diagrams are to be submitted with any DA indicating the calculated gross floor area of the existing	A detailed GFA calculation table has been provided within the Architectural Package. The proposal is generally consistent with numerical provisions except for the FSR.

Table 3. Pre-DA Meeting key points raised by Council	
and proposed buildings, site coverage (including areas occupied by a building, including verandahs, decks or the like elevated greater than 500mm above existing ground level) and landscaped area (clear of any structures and less than 500mm above existing ground level with a minimum dimension of 1m) as defined under Leichhardt LEP 2013. An Exception to the Standard under Clause 4.6 of the LLEP2013 is required where a proposal does not comply with a development standard prescribed above. The Exception must address those criteria in Clause 4.6 stating why in the circumstances it is unreasonable or unnecessary to comply with these controls. Please be advised that Council is not obligated to support any Exception. As previously noted, based on the current scheme, you will need to prepare a Planning Proposal and Development Control Plan for the land. This will ultimately determine the density / scale of the development permitted across the site.	Accordingly, the application is supported by a Clause 4.6 Report that seeks a variation attached in **Appendix 8**.
6.Building Sitting and Design	
The current proposal for adaptive reuse of the existing warehouse building fails to comply with the requirement to contain increases to FSR within the existing building envelope. Furthermore, the proposal does not retain the existing buildings (some facades are retained) to enable their reuse. In addition to abut the two-storey building at 59 North Street, it is considered that this new building should be reduced to two-storeys with ADG compliant separation distance to the corner building and be designed to comply with the Building Envelope, Building Location Zone (BLZ) and Side Setback requirements of Section C3.2 Site Layout and Building Design under LDCP 2013.	The proposed works comprise alterations and additions to the existing warehouse buildings to support the adaptive reuse, which is consistent with C6.11 of the LEP for additional FSR uplift. The proposed built form at 59 North Street has been revised by relocating it further to the south, which is consistent with the BLZ and as recommended by the Architectural Excellence Panel. The proposed 3-stroey built form is considered a balanced transition between the development to the north and south. Detailed solar eye view diagrams demonstrate the neighboring development at 59 North St achieves reasonable solar access as required by the DCP. The application is also supported by a *Heritage Impact Statement* in **Appendix 12** which provides detailed assessment.
7. Geotechnical & Engineering	A Geotechnical Report is attached in **Appendix 21.** A Structural Report and

Table 3. Pre-DA Meeting key points raised by Council	
	Construction Methodology Report are attached in **Appendix 20,** Flood Study Report in **Appendix 14**, Traffic Impact Assessment in **Appendix 31** and Waste Management Plan in **Appendix 32** and **Appendix 33**.
8. Tree Management	An Arboricultural Impact Assessment has been Prepared and is attached in **Appendix 11**
9. Contamination	The Application is supported by a Geotechnical Report, Detailed Site Investigation and Remedial Action Plan in **Appendix 21, 22** and **23.**
10. SEPP 65 – Design Quality of Residential Apartment Development	The DA is accompanied by an ADG compliance table and SEPP 65 Design Verification Statement prepared, which provides a full assessment against the relevant design criteria is provided at **Appendix 5**. A ADG Compliance Assessment is also provided in **Appendix 6**.
11.Neighbouring Amenity Impact (Privacy, Visual Bulk, View Loss, etc.)	The Architectural Plans and SEPP 65 Design Verification Statement (**Appendix 5** and **Appendix 4**) addresses in detail any neighbouring amenity impacts. It is considered that the development will not result in any significant additional impacts compared to the existing development. It is considered that the proposed reuse and revitalization will bring the old industrial warehouses to life, will provide additional forms and types of accommodation in the area and will result in an improvement compared to the existing. The design has made careful consideration to privacy and amenity of buildings. The development includes building separation and setbacks to minimise impacts to neighbouring

Table 3. Pre-DA Meeting key points raised by Council	
	buildings. It is important to note that the development, is however, constrained by the existing built form of the industrial buildings on site which are being retained.
12.Development in areas subject to Aircraft Noise	A Noise Impact Assessment has been prepared and is attached in **Appendix 24**. Refer to **Section 5.7** in the SEE for detailed discussion.
13.Social Impact Assessment	A *Social Impact Assessment* is provided in **Appendix 30**. Refer to Section 5 of the SEE for detailed discussion.
14.Leichhardt Section 7.11 (formerly s94) Contribution Plans	**Noted**
15. National Construction Code (NCC) An assessment of the proposal against the provisions of the NCC has not been carried out. It is advised you seek independent advice regarding the development's compliance with the NCC.	An initial Building Code of Australia (BCA) Compliance Report has been provided by *McKenzie Group Consulting* and is attached in **Appendix 25**. Refer to **Section 5.11** of the SEE for detailed discussion.
16. Documentation In addition to the matters listed on Council's checklist and throughout this advice, you will also be required to provide the following specific requirements: • Copies of existing title documents, Section 88B Instruments outlining the terms of any existing rights of way, easements or restrictions affecting the subject property and adjoining properties and legal advice confirming that the existing right of way may be relied upon for the proposed development; • Crime Prevention through Environmental Design (CPTED) Assessment; • Access Report; • BCA Audit Report; • A report from a suitably qualified Structural Engineer referencing the architectural plans that includes / confirms the following: 1. Confirm the proposed method of demolition, excavation and / or construction of the proposed development on the site; 2. A fully detailed construction methodology assessment accompanied by certified structural drawings; and Specify how the areas of the building that are nominated on the architectural plans as being retained can and will be retained.	**Complies** • An initial Building Code of Australia (BCA) Compliance Report has been provided by *McKenzie Group Consulting* and is attached in **Appendix 25**. • An Access Report is provided **in Appendix 26.** • A Structural Report and Construction Methodology is attached in **Appendix 20.** • A CPTED Assessment is provided in **Section 5** of the SEE. • Title Searches are provided in **Appendix 3.**

2 The Site

2.1 Site Location

The site is located at 40-76 William Street, Leichhardt, and legally identified as Lot 2 DP 789576. It is irregular in shape and approximately 6,938m^2 in size. The corner site exhibits a 90.88m frontage to William Street on the northern boundary and 45.72m frontage to North Street on the western boundary and partially bound by adjoining developments to the South and East. It is noted that the site has a right-of-carriageway which provides vehicular access to the site from Francis Street.

The topography of the site appears to be generally flat gradient in a north south direction and a steep gradient in an east west direction. It is presently developed with a single, two and four storey brick warehouse buildings which are predominantly built to the site boundaries. The surrounding area is characterised by a mix of uses of 1 to 3 storeys in height, including residential developments. The site formed part of the historic Cyclops toy factory. The remainder of the site (No. 38 William Street) has been adaptively reused for residential apartments.

The site is located within the '*Helsarmel Distinctive Neighbourhood*', which comprises a low scale character, comprised of detached, single storey cottages on small lots, demonstrating a variety of architectural styles and building materials.

Adjoining the site to the south at 69 Allen Street, is the former machine tool manufacturing plant of *John Heine and Sons*. The large site is now occupied by a large residential development and comprises 141 dwellings ranging from two storey townhouses to five storey units.

The site is located in close proximity to both the Leichhardt Town Centre, 7 min walk (500m) south of the North Leichhardt Light Rail stop and the City-West Link Road and 6km from the Sydney Central Business District. Petersham Station is located a 12 min drive south of the site with the University of Technology approximately 13m drive (5.7km) east of the site. Leichhardt is also well serviced by Sydney Buses which accommodate journeys throughout the city.

Figure 1 and **2** below identify the site's location in a local and site-specific context.

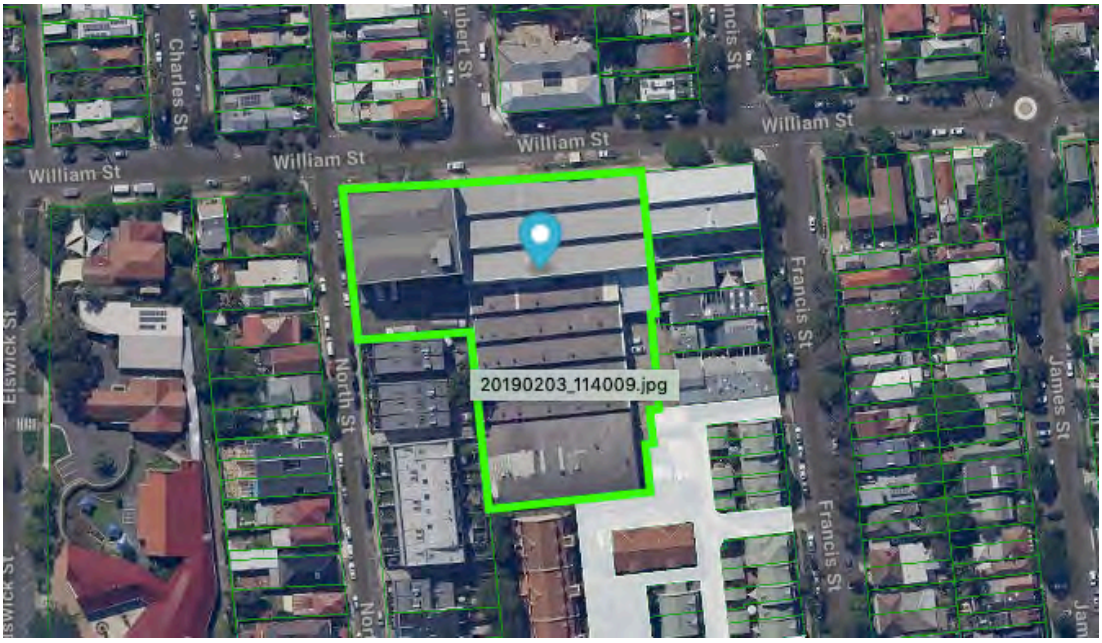


Figure 1. Site Location
Source: Mecone Mosaic

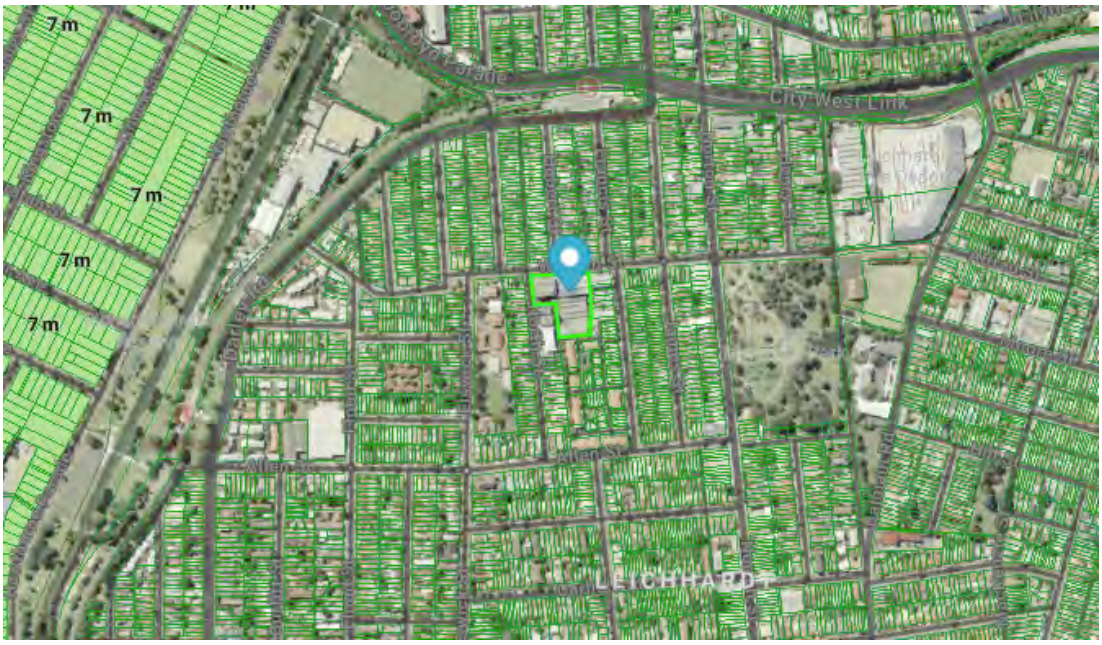


Figure 2. Site Context
Source: Mecone MOSAIC

2.2 Site Description

Table 4 provides the legal description, and a brief summary of the site and surrounding context. In addition, a survey plan of the site is provided at **Appendix 2**.

Table 4. Site Description

Item	Description
Legal Description:	Lot 2, DP789576
Total Area	6,938 m^2
Topography	The topography of the site appears to be generally flat gradient in a north south direction and a steep gradient in an east west direction
Street Frontage	The corner site exhibits a: • 90.88m frontage to William Street on the northern boundary; • 45.72m frontage to North Street on the western boundary; • The site is also partially bound by adjoining developments to the South and East.
Previous uses	The existing building is a 2 and 4 storey industrial building, previously associated with the early twentieth century industrial complex pioneered by John Heine and Sons, who produced automated machinery and Cyclops tricycles, bicycles and toys.
Immediate surrounding development	The site is located within a residential area comprise d f small narrow lot subdivisions, producing a closer pattern of buildings.

Table 4. Site Description	
Item	Description
	William Street comprises buildings that are generally small in scale with some 1970s buildings throughout. Opposite the site on the corner of Hubert Street are some early two storey buildings with commercial and residential use. North Street and Francis Street comprise of small-scale residential developments and is comprised by a diverse mix of architectural styles including Victorian and federation single storey terraces, freestanding weatherboard, federation, interwar bungalows interspersed with contemporary two and three storey town house or duplex style and multi residential buildings. Adjoining the site to the south at 69 Allen Street, is the former machine tool manufacturing plant of *John Heine and Sons*. The large site is now occupied by a large residential development and comprises 141 dwellings ranging from two storey townhouses to five storey units.
Public Transport	The site is located approximately 500m south of the Leichhardt North Light Rail Stop which provides access to services on the L1 Dulwich Hill line, connecting the site to Central Railway Station, Pyrmont, Haymarket, Lewisham and Dulwich Hill light Rail Stations. The site is also a 12 min drive north of the Petersham Train Station. The site is serviced by a number of bus routes, with bus stops located at regular intervals on Norton Street.

A detailed site analysis plan is provided at **Appendix 4**, within the architectural design plans with Survey Plan provided in **Appendix 2**.

The site's surrounding development context is presented in the following figures.

Figure 3. View towards site looking south east from the intersection of North Street and William Street
Source: Google Maps

Figure 4. View towards site looking west along William Street
Source: Google Maps

Figure 5. View looking south towards site along Hubert Street
Source: Google Maps

Figure 6. Right of Carriageway on Francis Street which provides access to the rear of the site
Source: Google Maps

Figure 7. View looking west towards 38 William Street, an example of adaptive reuse into a residential development.
Source: Google Maps

3 The Proposal

3.1 Development Summary

The development application proposes the adaptive re-use residential development and integration of 181 new architecturally designed residential dwellings within the existing industrial warehouse structures with two (2) levels of basement car parking.

The proposal will retain all the buildings on the site and enable the retention of the existing character of the subject site, streetscape and the '*Helsarmel Distinctive Neighbourhood'*. The proposed modifications to the building are set behind the primary elevations of the buildings so the existing elevations retain their dominance and maintain the existing relationships of form and mass with the Helsarmel Neighbourhood.

In summary, the proposed development will comprise the following:

- Retention and refurbishment of the buildings on the site to enable them to be modified into residential apartment buildings;
- Alterations and additions and conversion of the existing industrial building into an architecturally designed residential accommodation up to 6 storeys and comprising 181 apartments of various configurations;
- Careful alteration of the internal floors to provide one, two and three bedroom apartments within the building footprints including circulation space, stairs and lifts;
- Retention of the external elevations of the buildings on the site and modification of the existing openings of the industrial buildings to enable more operable and code compliant windows;
- Installation of some new or modified openings in the existing elevations for entrance lobbies into the apartment buildings;
- Removal the existing roofs off the industrial buildings to add new apartment levels behind and setback from the street elevations or to create courtyards and open space within the residential plan that are open to the sky;
- Creation of a new apartment building on the current parking area to North Street;
- Creation of two levels of basement parking providing 185 car parking spaces, 8 motorcycle parking spaces and ground floor loading bay for waste collection both accessed via the existing vehicular access from Francis Street; and
- Bicycle storage area with a capacity of 110 bicycles.

Full details of the proposed works are provided in the Architectural Plans, prepared by *PBD Architects*, in **Appendix 4** of the see while numerical aspects of the proposed development are described below.

Table 5. Summary of proposed Development	
Item	Total
Site Area	6,938m^2
Gross Floor Area (GFA)	• **Existing GFA:** 10,060m^2 • **Proposed GFA:** 15,064m^2
Floor Space Ratio (FSR)	• **Existing FSR:** 1.45:1 • **Proposed FSR:** 2.17:1
Height	The proposal comprises buildings of varying heights. The maximum height proposed stands at RL32.92m (parapet) above ground level RL9.00m (23.92m) on the eastern portion of William Street. The proposed development exceeds the existing building envelope parapet of RL27.2m at of 6.69m taller than the existing parapet of RL20.51m. (including lift overrun) at its highest point.
Levels Proposed	6 levels plus 2 basement levels
Number of Apartments and Mix	**Total 181 residential apartments** with the following breakdown: • 58 x 1 Bedrooms (32.04%); • 92 x 2 Bedrooms (50.83%) • 31 x 3 Bedrooms (17.13%)
Adaptable/Livable Apartment	**Adaptable:** 18 (9.45%) **Livable:** 36 (19.89%)
Communal Open Space (min 25% = 1,734.5^2)	Total 1,764.7m^2 (25%) inclusive of the uncovered public open space, comprising: • 1,465.8m^2 at ground level; and • 298.9m^2 on level 4.
Deep Soil Zones (required 7% (485.7m^2) of the site area)	The development provides 486.2m^2 or 7.01% which complies with the ADG.
Vehicle Access	Ingress and egress via Francis Street easement right of way to Basement Levels 1 and 2.

Car/Motorcycle Parking	The development provides a total:
	• 8 motorcycle parking spaces; and
	• 185 car parking spaces comprised of:
	  • 158 residential car parking spaces;
	  • 23 visitor car parking spaces;
	  • 1 car share parking space; and
	  • 3 car wash spaces.

Bicycle Parking	The development provides: • 92 bicycle parking spaces (residential); and • 18 bicycle parking spaces (visitor).

Table 5. Summary of proposed Development	
Item	Total
Solar (70% of total number of apartments).	130 of the 181 (71.8%) apartments will receive a minimum of 2 hours daylight solar access in compliance with ADG.
No Solar (maximum 15% of total number of apartments)	26 of the 181(14.4%) will receive no solar access. This complies with the ADG which permits a maximum of 15% of the total number of apartments to receive no solar access.
Cross Ventilation (60% of the total number of apartments)	114 of the 181 apartments (63.0%) of units will be naturally ventilated in compliance with ADG.

Ceerose Pty Ltd has calculated the cost of development for the proposal to be $56,529,000 (incl GST) for the works.

Refer to **Appendix 4** for detailed Architectural Plans of the proposed development. **Figure 8**, **9** and **10** provide photomontages of the proposal, which are also found in the architectural set.

Figure 8. William Street Facade Photomontage
Source: PBD Architects

Figure 9. North Street Facade Photomontage
Source: PBD Architects

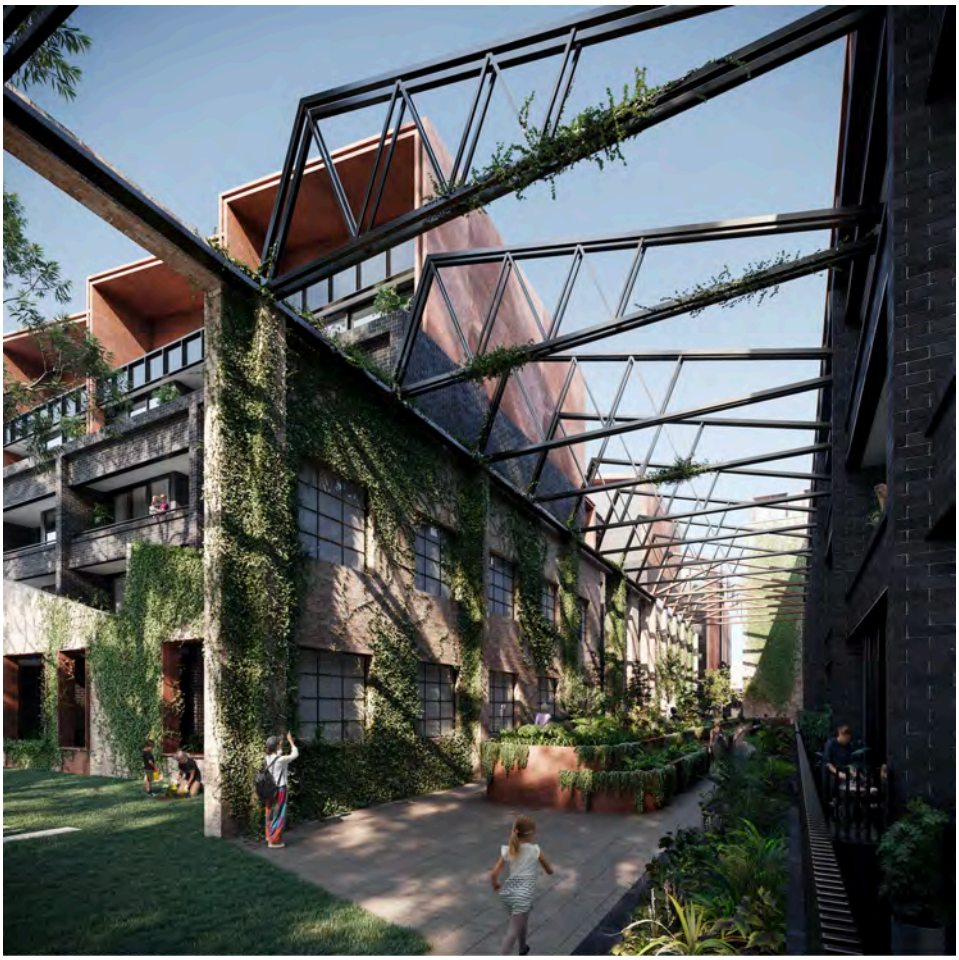


Figure 10. Internal Courtyard Photomontage
Source: PBD Architects

3.2 Built Form

The site is currently developed with early 20th century brick industrial warehouse buildings of two and four storeys in height, built predominantly to the site boundaries. The site formed part of the historic Cyclops toy factory. The existing site on William Street presents as three building forms with the eastern most building, a two storey face brick building with rendered horizontal bands and a stepped parapet, behind which is set a saw tooth and 'colourbond' roof.

The proposal seeks the adaptive re-use residential development and integration of 181 new architecturally designed residential dwellings within the existing industrial warehouse structures with two (2) levels of basement car parking. The proposal adaptively reuses and maintains the larger bulk and form of the industrial architecture enabling it to be modified for use as an apartment building. The sympathetic adaption of the existing buildings enables an ongoing use and conservation of the buildings. Resultingly, this will retain the contribution of the existing character of the subject site to the streetscape and '*Helsarmel Distinctive Neighbourhood*'. The proposed modifications to the building are set behind the primary elevations of the buildings so the existing elevations retain their dominance and maintain the existing relationships of form and mass with the local area. The proposed modifications to the openings of the buildings enables the incorporation of balconies within the existing footprint.

The proposed development and adaptive use and conversion is representative of the eclectic nature and organic evolution of the precinct, with a variety of housing types, existing and former commercial and industrial buildings. The development is divided into four (4) building blocks, Building A, B, C and D comprising a total of 181 residential apartments of various typologies, configurations and sizes. The proposed design responds appropriately to the surrounding area, through the incorporation of appropriate materials, massing, setbacks, horizontal and vertical articulation which corresponds to the character of the development in the surrounds. Overall, the proposal demonstrates how built form can be successfully integrated to provide positive built form outcomes.

Figure 11. Northern Elevation (William Street) (extract from DA201)
Source: PBD Architects

Figure 12. Eastern Elevation (extract from DA203)
Source: PBD Architects

Figure 13. Western Elevation (North Street) (extract from DA202)
Source: PBD Architects

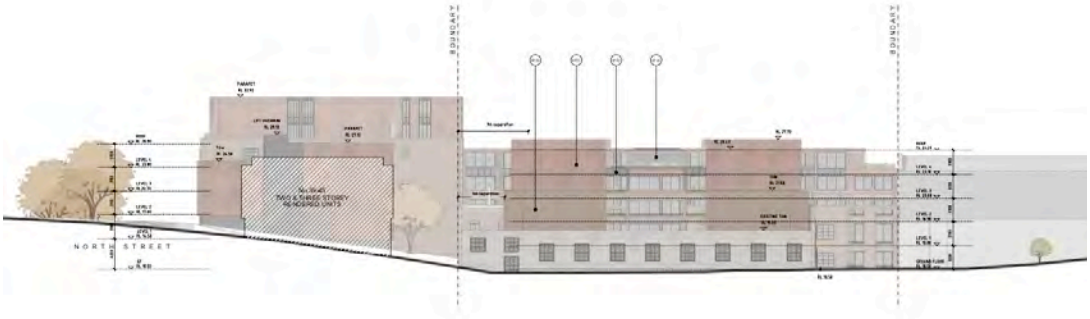


Figure 14. Southern elevation (extract from DA204)
Source: PBD Architects

Figure 15. Internal Northern Elevation (extract from DA211)
Source: PBD Architects

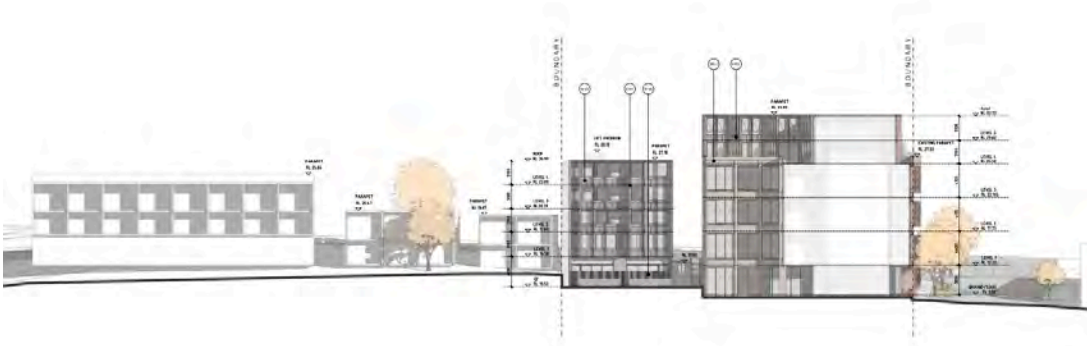


Figure 16. Internal Eastern Elevation (extract from DA212)
Source: PBD Architects

Figure 17. Internal Southern Elevation (extract from DA213)
Source: PBD Architects

3.3 Landscaping

The development proposes 486.2m^2 (7%) of deep soil landscaped areas disbursed throughout the ground level of the development. Additional landscaping is incorporated on levels 1, 2, 3 and 4. The central courtyards will form the focal point of the development and will establish a green outlook for residents whilst providing an area for relaxation and recreation to encourage social interaction.

The landscaping incorporates a mixture of both native species and exotic species that will deliver diversity and vibrancy to the colour palette whilst ensuring sustainability and durability. The central courtyards maximise solar access and visual amenity to the both the communal areas and rooms whilst also providing natural ventilation, to reduce the need for mechanical services within the broader *development*.

The Landscape Plan prepared by Site Image Landscape Architects is provided in **Appendix 10** with an *Arboricultural Impact Assessment* attached in **Appendix 11**.

3.4 Façade, Materials and Finishes

The proposed development has incorporated materials and finishes into the design which respond appropriately to the context of the area and surrounds. The proposal also retains the existing buildings and the existing architectural style of the subject site with the alterations and additions being recessive in scale, style, form and material to the existing buildings. Large expanses of glass have not been used in areas visible from

the public domain and all openings have been vertically proportioned, retaining traditional design and materials (metal frame).

The materiality is dominated by masonry/solid elements rather than glazed areas which is retained with the architectural detailing and rhythm complementing the existing facades. The materiality of the new additions of the building are industrial in character and similar to those already used on the buildings including corten steel, face brick work, concrete, steel and metal. The proposed colour scheme are subdued industrial tones of burnt brown and grey intended to be recessive to the existing brick work.

Overall, and as stipulated in the *Heritage Impact Statement* (**Appendix 12**), the architectural style, materials and finishes of the proposed alterations and additions are in keeping and complementary to the existing industrial architecture of the buildings with no new finishes will be applied to existing surfaces, all existing face brick will remain unpainted, and where windows, frames or roof framing is retained, it will be cleaned and repaired as required.

Full details of the materials and finishes proposed for the development are provided in the Architectural Plan in **Appendix 4** while an extract from the plans is provided in the figure below. The application is also supported by a *Heritage Impact Statement* in **Appendix 12**.

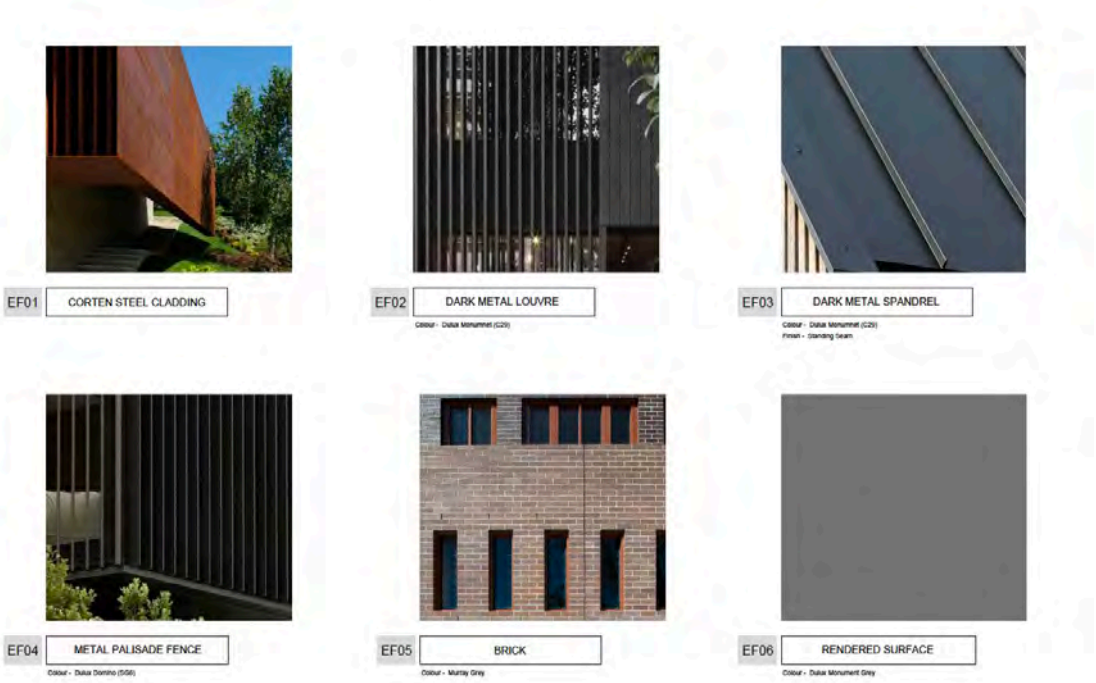


Figure 18. Schedule of external colours and finishes (extract from DA401)
Source: PBD Architects

3.5 Title encumbrances and easements

The Survey Plan in **Appendix 2** and the Architectural Plans in **Appendix 4** illustrate that the site is affected by an existing right of carriageway easement off Francis Street identified as;

- Right of carriageway 5.5 and 8.69 wide (DP789576); and
- Right of carriageway and footway appurtenant to the land F666500).

The existing right of carriageway located off Francis Street easement is used as driveway to provide vehicular access to the existing industrial warehouses.

The proposed development has been carefully designed with consideration to the easement with setbacks on the eastern boundary to accommodate the easement and ensure appropriate building separation. The easement will also continue to be used as an access point and driveway for the development as well as providing service access to the loading dock for the residential apartments.

The lodgement package is also supported by a Title Search attached in **Appendix 3**.

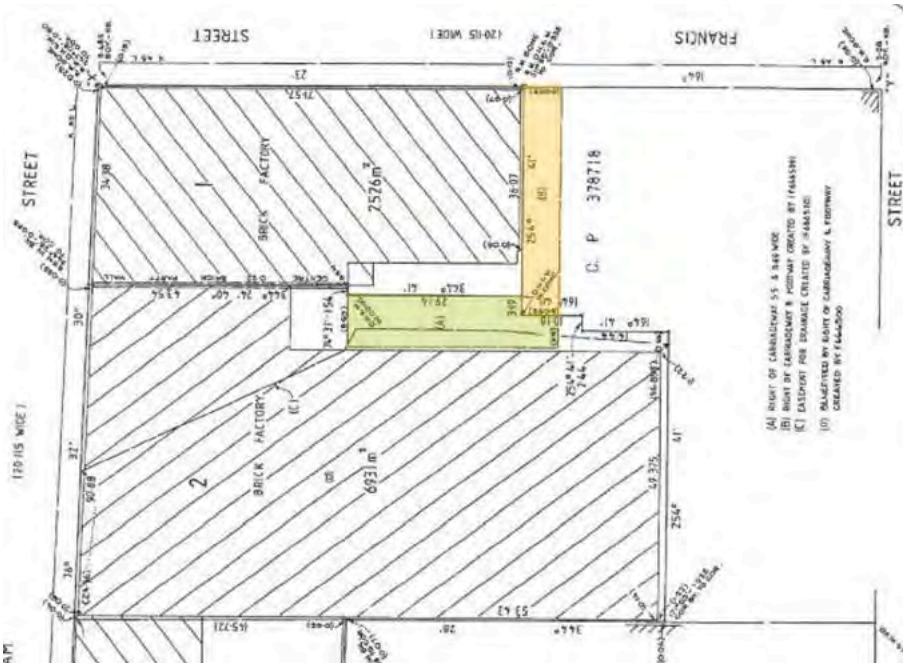


Figure 19. Survey Plan: The area highlighted in green ("A") is in benefit of Lot 1 in DP789576. The area highlighted in orange ("B") is in benefit of Lots 1 and 2 in DP789576 (this parcel of land forms part of 69 Allen Street)
Source: PBD Architects

3.6 Basement, Access and Parking

3.6.1 Vehicle and Basement Access

A two-level basement arrangement has been proposed for the site which accommodates car parking spaces, visitor car parking spaces, car share, war wash bays, motorcycle and bicycle parking and storage cages.

Vehicular access is provided via an existing right of carriageway easement off Francis Street. This right of carriageway provides access to the Basement Levels as well as the Loading Dock and garbage holding room. The loading dock driveway is separated from the driveway access to the Basement Levels to reduce any potential traffic congestion.

Figure 20. Basement Level 1 (extract form DA107)
Source: PBD Architects

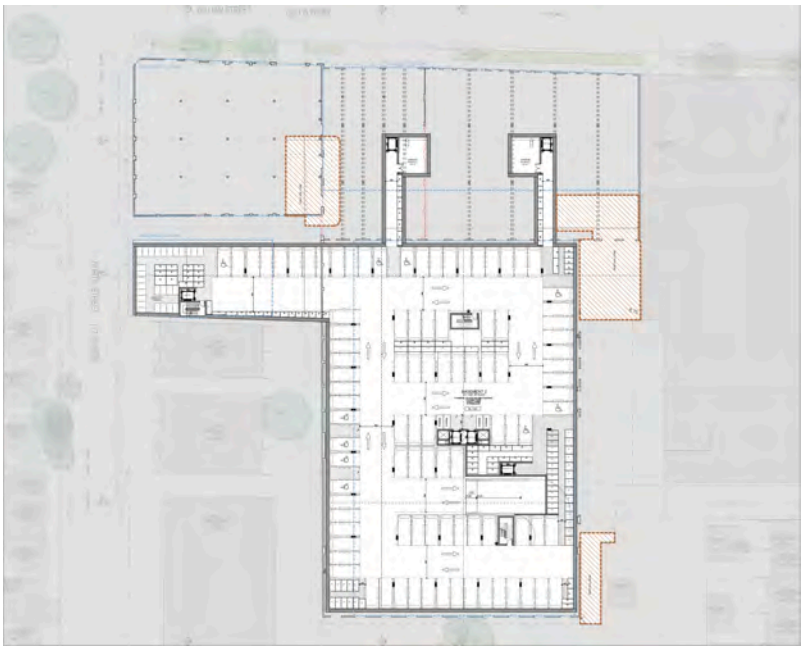


Figure 21. Basement Level 2 (extract form DA108)
Source: PBD Architects

3.6.2 Pedestrian Access

Primary pedestrian level access has been provided from the main pedestrian entry on William Street via stairs and accessible ramp. This provides access to the entry doors of all apartments on all levels by means of a lift. Secondary pedestrian access from North Street is provided via a platform lift and from Francis Street carriageway via a secure door to the internal lobby and garbage holding room.

The development includes 6 lifts throughout Building A, B, C and D. Pedestrian access to the basement levels containing car parking, accessible car parking, bicycle parking, waste and storage by means of a lift.

3.6.3 Loading Dock

A loading dock has been provided on the ground level with direct access into the Garbage Holding Room and separate from the car parking. The loading area/turning area can accommodate an MRV 9.5m by 4m. The loading dock driveway is separated from the driveway access to the Basement Levels to reduce any potential traffic congestion. The loading dock will be used as a waste collection point for the residential waste.

3.6.4 Car Parking

A total of 185 car parking spaces will be provided and the following breakdown is provided below:

- **Basement Level 1:** 88 car parking spaces including:
  - 61 residential car spaces, 8 of which are accessible;
  - 23 visitor car spaces;
  - 1 car share space; and
  - 3 car wash bays.
- **Basement Level 2**: 97 car parking spaces including:
  - 97 residential car spaces, 10 of which are accessible

3.6.5 Motorcycle Parking

A total of 8 motorcycle parking spaces will be provided, and the following breakdown is provided below:

- **Basement Level 1**: 4 motorcycle parking spaces; and
- **Basement Level 2**: 4 motorcycle parking spaces.

3.6.6 Bicycle Parking

A total of 110 bicycle spaces with 92 spaces allocated for residential and 18 spaces allocated for visitors. These spaces will be accommodated with half in Basement 1 and the other half in Basement 2. A total of 181 residential storage cages are provided with 61 located in Basement 1 and 120 in basement 2. These storage cages are also capable of accommodating bicycles.

3.7 Waste

Waste rooms and facilities have carefully been incorporated into the development. The WMP and development provides the following:

- **Basement Level 1:** Three (3) waste rooms (1 x 15.4m^2 and 2 x 20.4m^2), two (2) bulky waste rooms (15.6m^2 and 25.1m^2);
- **Basement Level 2**: Two (2) waste rooms (2 x 32m^2); and
- **Ground Level:** Waste Room in Building A (20m^2), waste room in Building D (5m^2 for ground floor units only), main garbage holding room 159.1m^2 (which can house 53 x 660L MGBs and 48 x 240L MGBs and a MRV Truck 9.5m x 4m in size). Garbage collection loading area is directly above it accessible from the right of way off Francis Street.

Each waste discharge room will have the capacity to store waste and recycling MGBs suitable for 3 days' storage. Building/Building Core A, B2, C1 & C2 will require linear

track systems for waste only to manage the high volume of waste by automatically transferring full MGBs with empty MGBs under the chute. Communal waste chutes are provided for residents in convenient and accessible locations related to each vertical core and lift.

As the waste discharge room for Building A is positioned on a residential level (Ground Level), residents residing on this level will be required to manually dispose of their waste and recyclables directly into the MGBs provided in this room. All chute discharge points and moving equipment will be caged off, with access to caged areas only provided to the building caretaker.

4 Planning Assessment

Mecone has undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures. The potential environmental impacts and their mitigation measures are discussed in the subsequent sections.

The SEE includes an assessment of the proposed works in terms of the matters for consideration as listed under Section 4.15 of the *Environmental Planning and Assessment Act 1979* (EP&AA 1979) and should be read in conjunction with information annexed to this report as outlined in the Table of Contents.

4.1 State Environmental Planning Policy No. 55 – Remediation of Land

The aim of SEPP 55 is to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. In accordance with Section 7 of SEPP 55, a consent authority must not consent to the carrying out of 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.

A *Detailed Site Investigation* (DSI) (**Appendix 22**) and *Remedial Action Plan* (RAP) (**Appendix 23**) has been prepared by EI Australia. In accordance with the *EI proposal* (EI, Ref. P17633.2, 24 October 2019) the proponent was required to undertake a DSI contamination assessment for any future development applications. The primary objectives of this investigation were to evaluate the potential for site contamination on the basis of historical land uses, anecdotal and documentary evidence of possible pollutant sources, investigate the degree of any potential contamination by means of limited intrusive sampling and laboratory analysis, for relevant contaminants and where site contamination is confirmed, make recommendations for the appropriate management of any contaminated soils and/or groundwater. Refer to Section 5.5 for detailed discussion.

In response to the recommendations of the DSI, which advised that prior to any on site demolition, a Remedial Action Plan (RAP) should be prepared and implemented. The RAP documents the remediation/ management procedures and standards to be followed to address noted impacts in order to make the site suitable for the adaptive residential reuse and safeguard the protection of both human health and the environment. Refer to Section 5.5 for detailed discussion.

4.2 State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development

State Environmental Planning Policy 65 – Design Quality of Residential Apartment Development (SEPP 65) aims to improve design quality of residential flat buildings in NSW. The Policy recognises that the design quality of residential flat development is of significance for environmental planning for the State due to the economic, cultural and social benefits of high-quality design.

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

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

The DA is accompanied by a SEPP 65 Design Verification Statement and ADG compliance table, which provides a full assessment against the relevant design criteria, is attached in **Appendix 5**.

This SEE provides an assessment against the 9 Design Principles and demonstrates that the proposal is consistent with these Principles and will enable a positive urban design outcome for the site.

A summary of the principles is provided below:

4.2.1 The 9 Design Quality Principles

The DA is accompanied by a detailed SEPP65 Design Verification Statement (**Appendix 5**) which addresses each of the nine (9) design quality principles in detail and explains how these have been considered in the preparation of the design.

Principle 1 – Context and Neighbourhood Character

The proposal responds to residential density character of Leichhardt and the '*Helsarmel Distinctive Neighbourhood*. The proposed development responds to the surrounding locality with sympathetic and high-quality design. The purpose of this application, is to enable sensitive and high-quality adaptive re-use of these early 20th century industrial buildings, that preserves the significance of the site as an early twentieth century industrial complex pioneered by John Heine and Sons, who were one of the first companies in Australia to produce automated machinery and the iconic Cyclops tricycles, bicycles and toys.

The existing industrial buildings will remain the dominant buildings on the site. The additions have been carefully designed and detailed to minimise the impact of massing and scale on No. 2 Hubert Street and the '*Helsarmel Distinctive Neighbourhood'*. The proposed additions to the industrial buildings incorporate setbacks behind the principal elevations which incorporate appropriate design elements and proportioning to ensure to be consistency with the massing, scale and style of the subject buildings.

The *Heritage Impact Statement* in **Appendix 12** concludes that the proposed works will have no impact on the ability to understand the heritage item in the vicinity opposite the site on Hubert Street as an example, albeit dilapidated, of a corner shop with residence above, or the Helsarmel Distinctive neighbourhood.

Principle 2 – Built form and Scale

The proposed development provides a high quality contemporary architectural design. It has been designed to sit comfortably within the streetscape. The proposed alteration and additions have been carefully designed to maintain the fabric, positive construction and streetscape character of the industrial buildings to the historic and aesthetic significance of the local area.

It is important to note the site constraints as a result of the existing industrial development on site which footprint covers +/- 90% of the site area and leaves only the southern portion of the site unbuilt upon. Consistent with Clause 6.11 of the LLEP2013, the development includes the infill and adaptive reuse of the existing building footprint. The additions have been carefully designed to ensure appropriate

amenity for future residents of the development and existing dwellings, including through amenity provisions such as appropriate building setbacks, solar compliance, cross ventilation and communal space and landscaping.

Based upon the design and nature of the proposal, relative to the neighbouring properties, it is considered that the residences will appropriately blend with the intended future character of '*Helsarmel Distinctive Neighbourhood*'. The proposal is considered to successfully contribute to the streetscape and landscape character of the locality. Though the existing buildings are higher than the 6m height control, the additional height to the buildings is setback behind and setback from the existing elevations of the buildings. The proposed height of new building addressing North Street are in line with the control with the controls and breeched by the existing industrial buildings. Where the proposed development exceeds the existing building envelopes, the additions have been carefully designed to be recessive, through stepping back and utilising recessive materials, so that they clearly read as a contemporary addition that does not take away from the importance of the original buildings.

The proposal represents a balance between ensuring appropriate amenity for existing and future residents, while still enabling an economic development that ensures the heritage of the existing buildings can be retained and enhanced.

Overall, it is considered to be housing that is compatible with the streetscape as it is largely being retained as is. Where the proposal exceeds the existing building envelope, it is recessive and does not create inappropriate design, heritage or amenity impacts on surrounding development.

Principle 3 – Density

It is important to note the site constraints as a result of the existing industrial development on site which footprint covers +/- 90% of the site area and leaves only the southern portion of the site unbuilt upon. Consistent with Clause 6.11 of the LLEP2013, the development includes the infill and adaptive reuse of the existing building footprint. The proposal includes setback throughout the development consistent with the ADG.

This provides breathing space between infill elements in the form of forecourts, courtyards and galleries, these open spaces reduce the density and increase the amenity for its inhabitants. And the public all residential dwellings comply with the minimum size requirements stipulated under the ADG.

Overall is considered that the proposed development, results in an adaptive reuse of an existing industrial building that achieves a high level of amenity for its residents and each apartment whilst ensuring appropriate density for the site and its context.

The subject site is located in an area with a large number of terrace/townhouse type developments, as well as converted warehouses and some free-standing dwellings. The proposal will provide for a number of dwelling types including 1, 2 and 3 bedroom apartments and terraces/townhouses, which will provide additional variety of housing types and densities to the area. The proposal provides 15,064m^2 of residential floor space, which will strongly contribute to the housing needs of the community.

Principle 4 – Sustainability

The building is designed to embrace the principles of Environmentally Sustainable Design and to meet the targets set out in the Building and Sustainability Index (BASIX) (**Appendix 28** and **Appendix 29**).

This involves the careful selection of building materials, design of window openings, orientation and shading. The proposed development makes efficient use of natural resources. As detailed, the units have been designed to use natural cross ventilation and natural light. These passive design principles reduce energy consumption.

Principle 5 – Landscape

The proposal provides integrated landscaping solutions to the public realm, communal open space and deep soil landscaping zones where access to sunlight is appropriate for plant growth. Adequate levels of landscaping have been considered around the entire site area to ensure the proposed building structure does not visually dominate when viewed from the streetscape. The introduction of lush landscaping will revitalize and bring new life to the existing industrial warehouse building. It will also aid in softening the built form with landscaping applied throughout the forecourt and incorporated into the façade and roof terraces.

Principle 6 – Amenity

The proposal provides a high level of internal amenity with 63.0% (114 of the 181 apartments) achieving cross ventilation and 71.8% (130 of 181) apartments achieving solar access. Only 26 of the 181 or 14.4% of the total residential apartments receive no solar access. The residential development has been designed to achieve enhanced cross ventilation, solar access and views.

It is considered that the careful design and integration within the existing built form positively influences the internal and external amenity for residents and neighbours. Overall, it is considered that the development achieves good amenity and contributes to positive living environments and resident well-being with appropriate room dimensions and shapes, access to sunlight, natural ventilation, outlook, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas and ease of access for all age groups and degrees of mobility with the inclusion of 18 adaptable dwellings and 36 silver level livable apartments.

Principle 7 – Safety

The proposed communal open space encourages all day activation and natural surveillance. The separate entrances for vehicles and pedestrians will be clearly visible from Francis Street and will include street numbering. Additionally, the identification of the building will be clear to prevent unintended access and to assist persons attempting to find the building.

Principle 8 – Housing Diversity and Social Interaction

The proposed building floor plates allow for apartments to be planned with a diversity of size and mix. The proposal incorporates a total of 181 apartments, comprised of a mix of one, two and three bedroom configurations. The provision of generous common open spaces for the residents promotes opportunities for social interaction.

Principle 9 – Aesthetics

It is considered that the proposal provides for a diversity of materials, allowing buildings to respond to the varying context of the existing building and *'Helsarmel Distinctive Neighbourhood*. The internal functions and structure have been clearly expressed through the articulation and massing of the facades.

4.2.2 The Apartment Design Guide (ADG)

The Apartment Design Guide provides consistent planning and design standards for apartments across New South Wales. The Apartment Design Guide is to be used in combination with *State Environmental Planning Policy No 65 – Design Quality of Residential Apartment Development* (SEPP 65). which establishes the NSW Government's policy direction for residential apartment development in NSW. The Apartment Design Guide provides design criteria and general guidance about how development proposals can achieve the nine design quality principles identified in SEPP 65.

A detailed assessment of the development against the design criteria outlined within the ADG is attached at **Appendix 5**. The key items have been discussed and justified below:

Setbacks

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

Table 6. Required building separation as per ADG

Building Height	Habitable rooms/balconies (to boundary) (including balcony)	Required separation – non habitable rooms (to boundary)
Up to 4 storeys (approx. 12m)	6m	3m
5-8 storeys (approx. 25m)	9m	4.5m

The nature of the interface between the proposal and the neighbouring development and consideration of the existing site constraints of the industrial development is integral to understanding the appropriateness of the proposed building separation.

The existing industrial development on site which footprint covers +/- 90% of the site area, leaving solely the southern portion of the site unbuilt upon. The adaptive reuse clause 6.11 permits the existing footprint to be filled in. The proposal incorporates breathing spaces between infill elements in the form of forecourts, courtyards, and galleries. These open spaces reduce the density and increase amenity for residents, visitors and the public.

Consistent with the existing development, the majority of the western frontage and all of the northern frontage is built up to the boundary. At levels 1 to 3, the subject site is setback 6m at ground level to the south western boundary, and 6m and 12m between building C and the eastern boundary and 12m between building C and D. On the southern boundary, the ground floor apartment (C007) is setback 6m with the other apartments exhibiting lesser setbacks permissible considering they don't include windows on this elevation. The eastern is built to the existing boundary in the northern portion with a 12m setback and towards the south eastern corner, the site exhibits a 6m setback with the balconies encroaching into this setback. This balcony encroachment is considered acceptable as no habitable living spaces of neighbouring residences are built up to on the boundary and therefore includes sufficient separation. Furthermore, the proposed through-site link from North Street provides a 4m width separation between the buildings, which does not comply with

the separation distance required under the ADG. However, this is considered acceptable as design treatments such as offsetting geometry of openings, and provision of privacy screens for openings that front onto one another to redirect visual lines.

At levels 4 and 5 (categorized in the 5-8 storeys category un the ADG), the development incorporates a setback to William Street and North Street, above the existing development with Building A incorporating an approx. 2.6m setback from the site boundary to North Street (approx. 1.60m from the building edge) and a 1.83m to 2.75m setback from William Street. Building B includes a 1.2m to 2.4m setback from William Street. Though the development does not comprise full setbacks to the south and south eastern and western boundaries, privacy measures such as screens have been implemented including landscaping, and balconies to mitigate any privacy impacts to the neighbouring sites.

Deep Soil Zones and Communal Open Space

Objective 3E-1 of the ADG requires 7% of the site to be provided for deep soil zones with a dimension of 3m and 25%-30% of the site area to be devoted to communal open space. The proposal includes 486.2m^2 (or 7.01%) deep soil which is consistent with the minimum requirement. The proposal also includes a total of 1,764.7m^2 (25.4%) of communal open space and is consistent with the control.

Communal Open Space

The design criteria require 25% of the site area be devoted to communal open space and at least 15m^2 of private open space is to be provided for the ground level apartments. The proposed development incorporates a total of 1,764.7m^2 (25.4%) of communal open space, with 1,465.8m^2 (83%) of which is located at ground level, consistent with the controls. However, it is noted that some of the ground level apartments do not meet the required 15m^2 private open space. This is considered acceptable as the proposal includes adaptive reuse of the existing building footprint. Furthermore, the development provides a central courtyard and has sufficient communal open space within the site.

Apartment Size and Layout

Objective 4D stipulates the layout of rooms and the associated design criteria. All apartments exceed the minimum size requirement. A range of apartment typologies are provided adding to the flexibility and affordability of the development. Minimum areas and widths of habitable areas are provided or exceeded where possible. Access to bedrooms and bathrooms and laundries is generally separated from living areas minimising direct openings between living and service areas. All living rooms or combined living/dining rooms meet the minimum width requirement.

Apartments off Circulation Core

Objective 4F-1 of the ADG requires that the maximum number of apartments off a circulation core on a single level is eight. A substantial amount of the development complies with this circulation core requirement, however, non-compliances are present due to the proposed adaptive reuse which results in the building envelope being largely defined and places constraints on compliance with the objective.

Solar and Cross Ventilation

Objective 4A-1 of the ADG seeks to ensure that at least 70% of the total number of apartments receive a minimum of 2 hours direct sunlight between proposal achieves 71.8% (130 of 181) of the apartments receiving a minimum of 2 hours direct sunlight. Further, ADG limits a maximum of 15% of the total number of apartments that receive no solar access. Consistent with the control, only 26 of the 181 or 14.4% receive no solar. Finally, compliant with Objective 4B-3, 63 of the total 181 apartments are naturally ventilated. Cross-through apartments do not exceed 18m glass line to glass line.

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

The Building Sustainability Index (BASIX) was introduced by the NSW Government to deliver equitable water and greenhouse gas reductions across the state. The development application is accompanied by a BASIX certificate and assessment in **Appendix 28** and **Appendix 29**, that has been prepared which demonstrates the proposal satisfies the relevant BASIX requirements. Refer to **Section 5** for further discussion.

4.4 Leichhardt Local Environmental Plan 2013

4.4.1 Zoning, land use and permissibility

The subject site is zoned *R1 General Residential* under the LLEP2013. The proposed use is best defined as a 'residential flat building' is a type of residential accommodation and is permitted with consent under the zone.

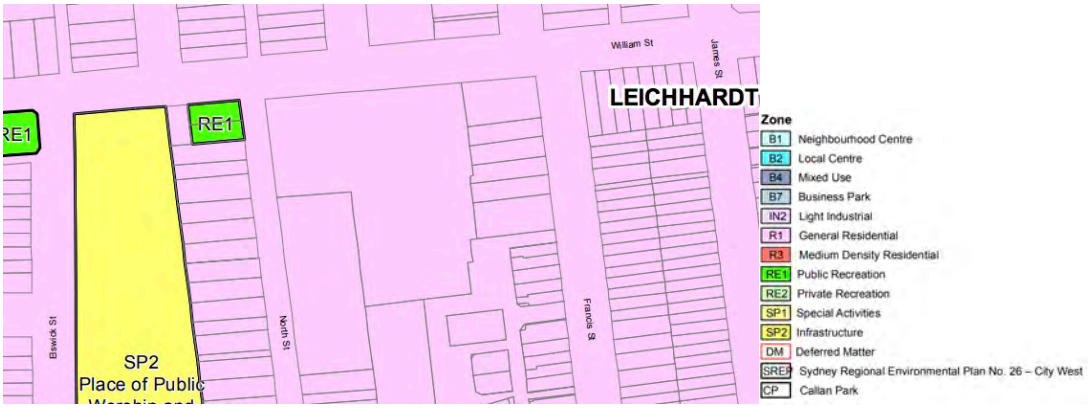


Figure 22. LLEP2013 Land Zoning (extract)
Source: LLEP2013

The definition of a residential flat building within the standard instrument is a 'building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing'.

Furthermore, in addition to being permissible within the zone, the proposed residential flat building is considered consistent with the zone objectives which are as follows:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

- To improve opportunities to work from home.
- To provide housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas.
- To provide landscaped areas for the use and enjoyment of existing and future residents.
- To ensure that subdivision creates lots of regular shapes that are complementary to, and compatible with, the character, style, orientation and pattern of the surrounding area.
- To protect and enhance the amenity of existing and future residents and the neighbourhood.

The development is consistent with the above objectives as it will provide a residential development that adaptively reuses and maintains the larger bulk and form of the industrial architecture whilst enabling it to be modified for use as an apartment building, comprised of one, two and three bedroom dwellings, that provide for the housing needs of the community. The sympathetic adaption of the existing buildings and additional landscaping also enables an ongoing use and conservation of the buildings provides housing that is compatible with the character, style, orientation and pattern of surrounding buildings, streetscapes, works and landscaped areas and enables other land uses that provide facilities or services to meet the day to day needs of residents.

4.4.2 Height of Buildings

Under the LLEP2013, no strict building height applies to the site. Rather, the controls sit in the envelope and DCP controls.

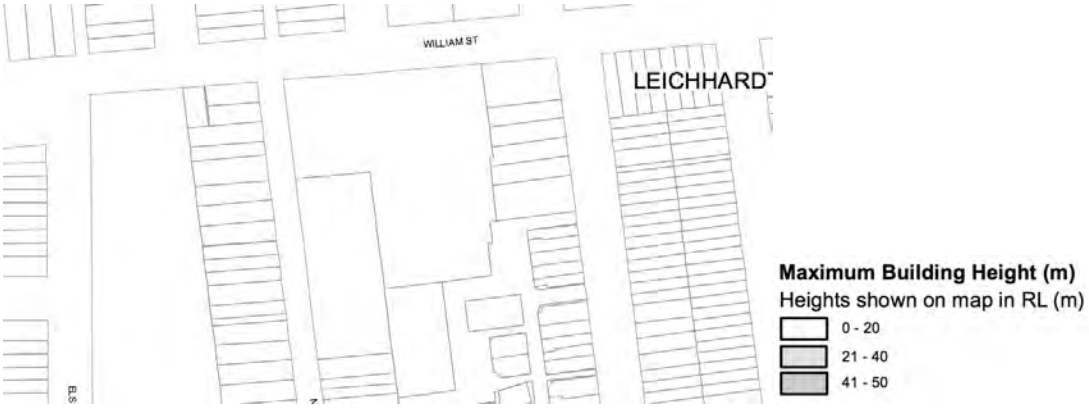


Figure 23. LLEP2013 Height of Buildings Map (extract)
Source: LLEP2013

The proposal comprises buildings of varying heights. The maximum height proposed stands at RL32.92m (parapet) above ground level RL9.00m (23.92m) on the eastern portion of William Street. The proposed development exceeds the existing building envelope parapet of RL27.2m at of 6.69m taller than the existing parapet of RL20.51m. (including lift overrun) at its highest point.

4.4.3 Floor Space Ratio

The subject site has a base FSR of 0.5:1. Clause 4.4 (2B)(c), permits additional FSR in some cases. The site is also located in 'Area 5' as the site is on a lot of 450m^2 or more, the clause outlines that FSR on site is not to exceed 0.5:1 (3,469m^2 GFA).

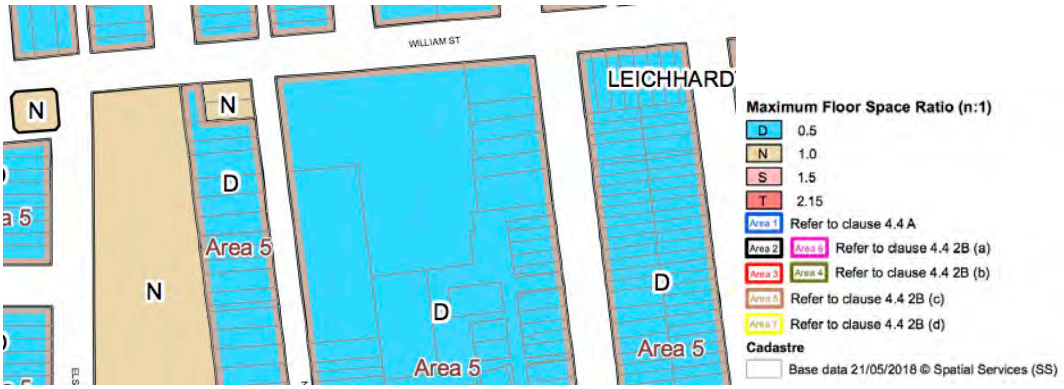


Figure 24. LLEP2013 Floor Space Ratio Map (extract)
Source: LLEP2013

Pursuant to Clause 6.11(3)(c) of the LLEP2013 relative to the adaptive reuse of buildings in R1 General Residential zone, any increase in FSR is to generally be within the existing building envelope (refer to Section 4.4.4 for detailed discussion). The existing industrial warehouse on site comprises an FSR of 1.45:1 (10,060m^2 GFA), which exceeds the maximum permitted FSR control by 0.95:1.

The proposed built form seeks an FSR of 2.17:1 (15,064m^2 GFA) and therefore there will result in a 1.67:1 or 125.1% non-compliance with the 0.5:1 maximum provision and 0.72:1 or 39.78% variation to the existing development on site. Accordingly, the proposal seeks a 4.6 variation to development standard of Clause 6.11 of the LLEP 2013 to permit for the additional FSR over the maximum FSR control stipulated under Clause 4.4 and amended by Clause 6.11.

The Memorandum of Advice on Clause 6.11 of the LLEP2013, prepared by *Michael Staunton* (**Appendix 7**), establishes that it is of their legal opinion that the development standard contained in Clause 6.11(3)(c) of the LLEP2013 is amendable to a clause 4.6 exception. In accordance with Clause 4.6 of the LLEP2013 and the Memorandum, a Clause 4.6 variation statement is required seeking contravention to the standard. The relevant Clause 4.6 is provided in **Appendix 8** of the SEE, which is also supported by legal opinion of Matt Staunton regarding the ability to vary this development standard.

4.4.4 Floor Space Ratio Adaptive reuse of existing buildings on Zone R1

The objectives of Clause 6.11 is to provide the adaptive reuse of existing buildings for residential accommodation, to retain buildings that contribute to the streetscape and character of Leichhardt, to provide satisfactory amenity for future residents of the area, and to ensure that development does not adversely affect the quality or amenity of the buildings in the vicinity of the site.

The subject site is zoned R1 General Residential, and the proposed development seeks the adaptive reuse of the existing industrial warehouse building into a residential flat building. Therefore, Clause 6.11 of the LLEP 2013 is considered relevant to the site, which states that:

> ***6.11 Adaptive reuse of existing buildings in Zone R1***
>
> *(1) The objectives of this clause are as follows—*
>
> *(a) to provide for the adaptive reuse of existing buildings for residential accommodation,*
>
> *(b) to retain buildings that contribute to the streetscape and character of Leichhardt,*
>
> *(c) to provide satisfactory amenity for future residents of the area,*

(d) to ensure that development does not adversely affect the quality or amenity of existing buildings in the area.

(2) This clause applies to land in Zone R1 General Residential.

(3) Development consent must not be granted to the change of use to residential accommodation of a building on land to which this clause applies that was constructed before the commencement of this clause unless the consent authority is satisfied that—

(a) the development will not adversely affect the streetscape, character or amenity of the surrounding area, and

(b) the development will retain the form, fabric and features of any architectural or historic feature of the existing building, and

(c) any increase in the floor space ratio will be generally contained within the envelope of the existing building.

Clause 6.11 (3) (c) acknowledges that by satisfying sub-clauses (a) and (b), an increase of FSR is permissible providing that the proposed building envelope is contained within the envelope of the existing building. The proposed work includes an adaptive reuse of the existing and poorly utilised industrial building and their conversion into 181 high quality new residential dwellings of differing typology, including a range of apartment types and sizes. The proposed alteration and additions have been carefully designed to maintain the fabric, positive construction and streetscape character of the industrial buildings to the historic and aesthetic significance of the '*Helsarmel Distinctive Neighbourhood*'.

The application is also supported by a Memorandum of Advice on Clause 6.11 of the LLEP2013, prepared by *Michael Staunton* (**Appendix 7**). The advice concluded that Clause 6.11(3)(3) of the LLEP2014 is a development standard having applied the two-step approach outlined in *Strathfield Municipal Council v Poynting [2001] NSWCA 270; (2001) 116 LGERA 319* (Poynting). Subsequently, the relevant Clause 4.6 is provided in **Appendix 8** of the SEE, which is also supported by Legal Opinion from Barrister Mike Staunton.

4.4.5 Heritage Conservation

Clause 5.10 of the LLEP2013 relates to heritage conservation. The site is **not** identified as a heritage item, **nor** is it located in a conservation area under the LLEP2013. However, a local heritage item I658 at 2 Hubert Street is located in close proximity to the subject site.

The *Heritage Impact Statement* (**Appendix 12**) identifies that the site and existing warehouses formed part of the former location of the Cyclops toy company and with the site retaining a collection of warehouses dating to the early and mid-twentieth centuries. The proposal seeks to retain the principle form of the warehouse building where appropriate. Refer to **Section 5.6** within the SEE for detailed discussion.

Figure 25. LLEP2013 Heritage Map (extract)
Source: LLEP2013

4.4.6 Landscaping

Clause 4.3A of the LLEP2013 conditions the required landscaped area for residential accommodation in R1 General Residential Zone:

> *(2) This clause applies to development for the purpose of residential accommodation on land in Zone R1 General Residential.*
>
> *(3) Development consent must not be granted to development to which this clause applies unless—*
>
> *(a) the development includes landscaped area that comprises at least—*
>
> *(ii) where the lot size is greater than 235 square metres—20% of the site area, and*
>
> *(b) the site coverage does not exceed 60% of the site area.*
>
> *(4) For the purposes of subclause (3)—*
>
> *(a) the site area is to be calculated under clause 4.5 (3), and*
>
> *(b) any area that—*
>
> *(i) has a length or a width of less than 1 metre, or*
>
> *(ii) is greater than 500mm above ground level (existing),*
>
> *is not to be included in calculating the proportion of landscaped area, and*
>
> *(c) any deck or balcony or the like (whether enclosed or unenclosed) is not to be included in calculating the site coverage if—*
>
> *(i) it is 2.4 metres or more above ground level (existing), as measured from the underside of the structure and the area below the structure is able to be landscaped or used for recreational purposes, or*
>
> *(ii) the finished floor level is 500mm or less above ground level (existing).*

Pursuant to this clause, the proposal is required to provide a minimum of 20% landscaped area and a maximum site coverage of 60%. The site has an existing site area of 6,938m^2 and an existing coverage of 5,790.2m^2, or 83.5% of the site area (Refer to figure below). The proposal includes an adaptive reuse, alterations and additions to the existing warehouse buildings, which further reduces the site coverage from

83.5% to 59.9% (or 4,155.1m^2) and is compliant with the LLEP2013. Finally, the proposed total landscape area is 1,454,5m^2 (21%), compliant with the control.

Figure 26. Existing site coverage (left) vs. proposed site coverage (right)
Source: PBD Architects

4.4.7 Dwelling Mix

Pursuant to Clause 6.13 (3) of the LLEP 2013, the proposed residential flat building must provide the following dwelling mix:

(a) at least 25% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development will include self-contained studio dwellings or one-bedroom dwellings, or both, and

(b) no more than 30% of the total number of dwellings (to the nearest whole number of dwellings) forming part of the development will include dwellings with at least 3 bedrooms.

Out of the total 181 residential dwellings, proposal includes 58 (32%) one-bedroom dwellings, 92 (51%) two-bedroom dwellings and 31(17%) three-bedroom dwellings. Therefore, the proposed scheme complies with the above mix.

4.4.8 Site Specific DCP

The subject site has a total area of 6,938m^2. Pursuant to Clause 6.14 of the LLEP2013, a development control plan must be prepared for certain developments on a site of 3,000m^2 or more. The objective of Clause 6.14 is to ensure that certain development occurs in a logical and cost-effective manner only after a development control plan that includes specific controls has been prepared. The following development types are applicable to Clause 6.14(2) of the LEP:

(2) This clause applies to the following development on a site with an area not less than 3,000 square metres, or with a water frontage of at least 20 metres—

(a) the erection of a building,

(b) development that will increase the gross floor area of an existing building by more than 5%,

(c) development involving alterations to at least 75% of the facade of an existing building that fronts a street,

(d) development involving more than 75% of the site coverage of existing buildings on the land.

Clause 6.14 does not apply to this subject development as we meet all the criteria as stipulated in Clause 6.14(5)(d) which states:

(5) A development control plan is not required to be prepared if the consent authority is satisfied that such a plan would be unreasonable or unnecessary in the circumstances or that the development—

(d) involves only alterations or additions to an existing building that—

(i) do not significantly increase the height or gross floor area of the building, and

(ii) do not have significant adverse impacts on adjoining buildings or the public domain, and

(iii) do not significantly alter any aspect of the building when viewed from public places, or

The proposed works comprise an adaptive reuse and alterations and additions to the existing warehouse buildings. The works are largely comprised within the existing height and floor space ratio, will not crease any adverse impacts on the adjoining buildings or the public domain and will not significantly alter the aspects of the building when viewed from public places. The development seeks to adaptively reuse and maintain the larger bulk and form of the industrial architecture enabling it to be modified for use as an apartment building. The sympathetic adaption of the existing buildings enables an ongoing use and conservation of the buildings.

Irrespective, the proposal is acceptable as it addresses all the requirements of 6.14(4) The and outline a table in the body of the SEE of how this proposal addresses all these elements.

Table 7. Assessment against Clause 6.14(4) of the LLEP2013

Clause	Assessment
Furthermore, the DCP must provide the following information in accordance with Clause 6.14(4):	
(4) Without limiting subclause (3), the development control plan referred to in subclause (3) must provide for all of the following—	
(a) the compatibility of the proposed development with the desired future character of the area,	The proposed alteration and additions have been carefully designed to maintain the fabric, positive construction and streetscape character of the industrial buildings to the historic and aesthetic significance of the Helsarmel Distinctive Neighbourhood. The application is supported by a *Heritage Impact Statement* in **Appendix 12**.
(b) whether the form and external appearance of the proposed development will improve the quality and amenity of the public domain,	The additions have been carefully designed to ensure appropriate amenity for future residents of the development and existing dwellings, including through amenity provisions such as appropriate building setbacks, solar compliance, cross ventilation and communal space and landscaping. Many of these controls

Table 7. Assessment against Clause 6.14(4) of the LLEP2013	
	would not have been able to be met if the development was to strictly comply with Clause 6.113(c). The proposal represents a balance between ensuring appropriate amenity for existing and future residents, while still enabling an economic development that ensures the heritage of the existing buildings can be retained and enhanced.
(c) whether the proposed development has an adverse impact on view corridors,	The alterations and additions to the existing buildings were carefully designed in consultation with Weir Phillips to ensure they were appropriate for the quality and amenity of existing buildings in the area. In addition, the proposal ensures that there is no change in the relationship of the industrial building with the shop/residence heritage item at 2 Hubert Street, and no significant view corridors to or from nearby heritage items will be impacted.
(d) the site's suitability for the proposed development,	The site is deemed suitable for the subject site. Refer to **Section 5.18** of the SEE for detailed discussion.
(e) the existing and proposed mix of land uses,	The proposed residential uses are permissible within the R1 General Residential Zone. The subject site is located in an area with a large number of terrace/townhouse type developments, as well as converted warehouses and some free-standing dwellings. The proposal will provide for a number of dwelling types including 1, 2 and 3 bedroom apartments and terraces/townhouses, which will provide additional variety of housing types and densities to the area. The development, pursuant to Clause 6.13 (3) of the LLEP 2013, provides a total 181 residential dwellings, comprised of 58 (32%) one-bedroom dwellings, 92 (51%) two-bedroom dwellings and 31(17%) three-bedroom dwellings. The proposed scheme complies with the above mix stipulated in the in the LEP.
(f) cultural, heritage and archaeological issues,	The application is supported by a *Heritage Impact Statement* in **Appendix 12**
(g) streetscape constraints,	The site exhibits existing constraints as a result of the industrial development on site which footprint covers +/- 90% of the site area and leaves only the southern portion of the site unbuilt upon. Consistent with Clause 6.11 of the LLEP2013, the development includes the infill and adaptive reuse of the existing building footprint. The proposal includes setback

Table 7. Assessment against Clause 6.14(4) of the LLEP2013	
	throughout the development consistent with the ADG. This provides breathing space between infill elements in the form of forecourts, courtyards and a galleries, these open spaces reduce the density and increase the amenity for its inhabitants. And the public all residential dwellings comply with the minimum size requirements stipulated under the ADG. Overall is considered that the proposed development, results in an adaptive reuse of an existing industrial building that achieves a high level of amenity for its residents and each apartment whilst ensuring appropriate density for the site and its context.
(h) the height, bulk, scale, massing and modulation of buildings,	The proposed development provides a high quality contemporary architectural design. It has been designed to sit comfortably within the streetscape. The proposed alteration and additions have been carefully designed to maintain the fabric, positive construction and streetscape character of the industrial buildings to the historic and aesthetic significance of the local area. The additions have been carefully designed to ensure appropriate amenity for future residents of the development and existing dwellings, including through amenity provisions such as appropriate building setbacks, solar compliance, cross ventilation and communal space and landscaping.
(i) the heights of buildings with street frontages,	The proposal is considered to successfully contribute to the streetscape and landscape character of the locality. Though the existing buildings are higher than the 6m height control, the additional height to the buildings is setback behind and setback from the existing elevations of the buildings, particularly on William and North Streets. The proposed height of new building addressing North Street are in line with the control with the controls breeched by existing industrial buildings. Where the proposed development exceeds the existing building envelopes, the additions have been carefully designed to be recessive, through stepping back and utilising recessive materials, so that they clearly read as a contemporary addition that does not take away from the importance of the original buildings.
(j) environmental constraints, including contamination and acid sulfate soils,	The application is supported by a Detailed Site Investigation in **Appendix 22**,

Table 7. Assessment against Clause 6.14(4) of the LLEP2013	
	a Remedial Action Plan in **Appendix 23** and a Geotechnical Report in **Appendix 21**.
(k) environmental impacts such as overshadowing, wind and reflectivity,	The development has been carefully designed to mitigate environmental Impacts. The architectural plans in **Appendix 4** include overshadowing diagrams with additional discussions provided in **Section 5** of the SEE.
(l) whether the proposed development incorporates the principles of ecologically sustainable development,	An ESD Report is provided in **Appendix 29**.
(m) overall transport hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, with particular regard to public transport, pedestrians and cyclists,	The proposal is supported by a *Traffic Impact Assessment* which is attached in **Appendix 31**. This report details the overall transport hierarchy and outlines the major circulation routes and connections in the vicinity of the site.
(n) the proposed development's relationship and integration with existing and proposed public transport facilities,	The proposal is supported by a *Traffic Impact Assessment* which is attached in **Appendix 31**. This report details the sites relationship and integration with existing and proposed public transportation facilities,
(o) the overall landscaping of the site,	A *Landscape Concept Design* has been prepared and is attached in **Appendix 10**. The landscape concept is also supported by an *Arboricultural Impact Assessment* in **Appendix 11**.
(p) stormwater management.	A *Stormwater Management Plan* has been prepared and is attached in **Appendix 13**.

4.4.9 Development in areas subject to aircraft noise

The subject site is located within the *Australian Noise Exposure Forecast System* (ANEF) 20-25 contours. Pursuant to Clause 6.8 of the LLEP2013, any future application must be assessed to ensure that internal noise levels are limited to the recommended standards using Australian Standard AS 2021-2015 "Aircraft Noise Intrusion - Building Siting and Construction". Subsequently, a *Noise Impact Assessment* has been prepared and is attached in **Appendix 24**. Refer to Section 5.4 for detailed discussion

4.5 Draft Inner West LEP 2020

The draft Inner West Local Environmental Plan (draft IWLEP 2020) consolidates the current LEPS which apply to the former Ashfield, Marrickville and Leichhardt Council areas. A review of the draft LEP amendments have been carried out and shown that no amendments in the draft IWLEP 2020 will create any adverse impact on the proposal. The proposal will remain largely consistent with the draft IWLEP 2020.

4.6 Leichhardt Development Control Plan 2013

The *Leichhardt Development Control Plan 2013* (LDCP2013) is the primary Development Control Plan that applies to the site and sets out the core controls for

the site. The relevant LDCP2013 controls that apply to the site have been addressed in the table that can be found at **Appendix 9** of the SEE.

4.6.1 Urban Character

The site is located within the Helsarmel Distinctive Neighbourhood under Section C2.2.3.4 of the DCP. C1 of the Section requires the proposal to maintain the character of the neighbourhood by keeping development complementary in architectural style, form and materials.

The proposal seeks to retain the contributory facade along William Street and North Street to conserve the significance of the existing building within the 'Helsarmel Distinctive Neighbourhood' area. The proposed external additions to the building are set behind the principal elevations of the buildings and are appropriately designed and proportioned to be consistent with the massing, scale and style of the subject building. The existing roof truss systems to each building will be retained and conserved. The proposed development adaptively reuses and retains the form, fabric and features of the existing building. Overall, the proposed works will have minimal and acceptable impact on the *Helsarmel Distinctive Neighbourhood*. Refer to the Heritage Impact Statement in **Appendix 12** for detailed assessment of the proposed works on the *Helsarmel Distinctive Neighbourhood*.

4.6.2 Building Height and Building Envelope

Section 3.2 of the LDCP 2013 provides objectives and controls for the building's siting, scale and form. The proposal seeks to retain the contributory facade along William Street and North Street to conserve the significance of the existing building within the '*Helsarmel Distinctive Neighbourhood*' area, which is generally consistent with the Building Location Zone typology. The 3-storey addition on North Street has been relocated to the southern side boundary, as recommended by the Architectural Excellence Panel by providing a legible pedestrian connection from North Street, improving the east-west permeability for the site.

The proposal does not comply with the building setbacks outlined in the DCP as the proposal retains the building facades on William Street and North Street as part of the adaptive reuse. However, the proposal has been largely guided and follows the setbacks and separation distance outlined in the ADG, which overrides the setback requirements in the DCP. Detailed discussion has been provided in Section 4.2.2 of the SEE.

Furthermore, Control 16 outlines how the building envelope should consist of two height components: a wall height and a roof control comprising of an inclined plane at 45 degrees from the top of the wall height (Refer to figure below).

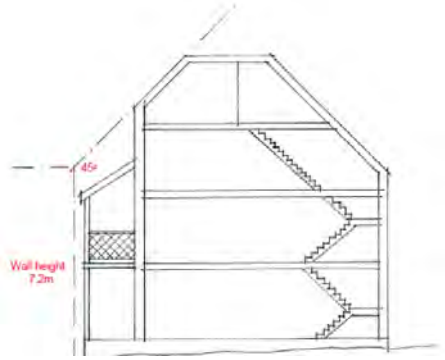


Figure 27. Building envelope – 7.2m wall height – three storeys, to a scale compatible with grander terraces or mansions, or when the wall height is used as a parapet.
Source: LDCP 2013

The proposed architectural plans prepared by PBD Architects have adopted this approach by projecting a 45-degree plane from the existing wall height to determine the appropriate building envelope and height. However, certain parts of the proposed addition exceed the 45-degree plane (Refer to figure below). We consider this exceedance is acceptable, as the proposed additions are largely set behind the existing building from North Street and William Street, and corresponds with the existing site topography. Furthermore, the proposed works will not block any significant view corridors to or from the neighbouring development in the vicinity of the site.

Figure 28. West Elevation
Source: PBD Architects

4.6.3 Parking

The *Leichhardt Council Development Control Plan* (DCP) 2013, Part C1.11 – Parking, requires parking for mixed use developments to be provided between the minimum and maximum rates shown in table below:

Table 8. Proposed Car Parking

Type	Minimum Parking Rate	Maximum Parking Rate	Units	Minimum Spaces Required	Maximum Spaces Allowed	Proposed
1 Bed	1 space/3 dwellings	0.5 space/ dwellings	58	96 (96.3)	158 (158.2)	158
2 Bed	1 space/2 dwellings	1 space/ dwellings	92			
3+ Bed	1 space per dwellings	1.2 space/ dwellings	31			
Visitor	1 space/ 11 dwellings	0.125 space/ dwellings	181	16 (16.4)	23 (22.6)	23

Table 8. Proposed Car Parking						
Type	**Minimum Parking Rate**	**Maximum Parking Rate**	**Units**	**Minimum Spaces Required**	**Maximum Spaces Allowed**	**Proposed**
Car Share	1 space for development with > 50 units		181	1	-	1
Car wash	1 space/ 60 dwellings		181	4	-	3
			Total	**117**	**186**	**185**

It can be seen from that above that the development is required to provide a range of 113 – 182 car parking spaces overall. In response, the development provides a total of 182 car parking spaces (including 158 residential parking spaces, 23 visitor parking spaces and 1 car share space) which complies with the DCP requirement.

Additionally, C1.11.3 of the DCP requires the following bicycle parking spaces to be provided within the development:

- 1 per 2 units for residents; and
- 1 per 10 units for visitors.

The proposal would require a total of 109 bicycle parking (91 residential and 18 visitor) in accordance with the above rate. The development provides 110 bicycle parking spaces which exceeds the minimum requirement. Furthermore, the proposal has not provided a motorcycle parking area at the required rate of 1 (0.5) space under Section 2.10.15, C23 of the control requires motorcycle parking to be provided at 5% of the parking requirement. Therefore, the development is required to provide between 6 to 9 motorcycle spaces. The proposal provides 8 motorcycle spaces which complies with the control.

E1.2.4 of the DCP requires a dedicated car wash bay to be provide at a rate of 1 bay per 60 dwellings or part thereof. In response, the proposal is required to provide 4 car wash bays for a total of 181 dwellings. The proposal includes 3 car wash bays at Basement One. This minor non-compliance is considered acceptable noting that the development is only one dwelling over the threshold for four spaces. In addition, it is noted that there are six commercial car wash facilities within the 1.5km radius of the site. Council's DCP also requires service and delivery areas to be provided in accordance with the RMS Guide to Traffic Generating Developments. The *Traffic Impact Statement* prepared by TRAFFIX (**Appendix 31**) outlines the RMS Guide recommends a rate of 1 service space per 50 flats or unit homes. Application of this rate requires a 4 service bays. The proposal provides 3 service bays at Basement 1 and 1 at ground floor, which complies with the control.

4.6.4 Overshadowing on neighbouring development

C3.9 of the DCP requires the main living room must maintain a minimum of 2 hours of solar access between 9am and 3pm during winter solstice and 2.5 hours to 50% of the private open space for dwellings facing the east/west. The proposal will create the most overshadowing onto the neighbouring developments located at 51-59 North St to the south of the site. Research on Realestate.com.au confirms that the primary living area and primary open space of those terraces are located at the rear of each

terrace which faces east. Detailed solar eye view diagrams have been prepared at 30-minute intervals between 9am to 3pm at mid-winter to demonstrate the solar compliance (Refer to **Appendix 4**). Mecone has extracted the solar eye view from 9:30am to 11:30am below:

Figure 29. Solar eye view between 9:30am to 11:30am at mid-winter
Source: PBD Architect

4.6.5 Adaptable housing

C3.14 of the DCP requires that 10% of the total number of dwellings to be provided as adaptable housing units. The proposed development includes a total of 181 units, which would require 18 (18.1) units to be provided as adaptable apartments. The proposal includes 18 adaptable units and complies with the control. Furthermore, the proposal includes 18 accessible parking spaces which is consistent with the accessible parking rates outlined in the DCP.

5 Environmental Assessment

Mecone has undertaken an assessment of the proposal against the relevant planning and environmental legislation and guidelines to identify potential environmental impacts and mitigation measures. The potential environmental impacts and their mitigation measures are discussed below.

5.1 Built Form, Scale and Massing

As demonstrated in the Architectural Plans by *PBD Architects* in **Appendix 4**, careful consideration has been given to the architectural design of the building to ensure that a desirable development outcome can be achieved at the subject site. As reflected in the plans, *PBD Architects* have undertaken extensive work to ensure that the proposed development achieves appropriate massing outcomes and is consistent with the existing development on site, the streetscape, and the '*Helsarmel Distinctive Neighbourhood*'.

The proposal retains all the buildings on the site and retains the existing character of the subject site and the '*Helsarmel Distinctive Neighbourhood*'. The proposed modifications to the building are set behind the primary elevations of the buildings so the existing elevations retain their dominance and maintain the existing relationships of form and mass with the local area. The proposed modifications to the openings of the buildings enables the incorporation of balconies within the existing footprint. The proposed development and adaptive use and conversion is representative of the eclectic nature and organic evolution of the precinct, with a variety of housing types, existing and former commercial and industrial buildings.

Overall, the proposal will provide a high-quality architecturally designed infill buildings that responds appropriately to the surrounding area, through the retention of existing facades, and incorporation of appropriate materials, massing, setbacks, horizontal and vertical articulation which corresponds to the character of the development in the surrounds.

5.2 Landscaping and Open Space

The proposed development provides landscaping that will not only enhance the site but will also create a high amenity environment for residents and visitors. The landscape concept plans are prepared by *Site Image Landscape Architects* and are attached in **Appendix 10** of the SEE. The application is also supported by an *Arboricultural Impact Assessment* prepared by *Urban & Rural Design and Landscape Architects* which is attached in **Appendix 11**.

The development proposes 486.2m^2 (7%) of deep soil landscaped areas disbursed throughout the ground level and 1,764.7m^2 (25.4%) communal open space, both compliant with the *Apartment Design Guide*. Additional landscaping is incorporated on levels 1, 2, 3 and 4. The central courtyards will form the focal point of the development and will establish a green outlook for residents whilst providing an area for relaxation and recreation to encourage social interaction.

The landscaping and planting selection have been carefully selected to provide a mix of both native species and exotic species to deliver diversity and vibrancy to the colour palette whilst ensuring sustainability and durability.

The purpose of the Arboricultural Report was to assess the potential impact of the proposed development on the existing trees, provide recommendations for tree retention or removal and tree protection measures by a tree Protection Plan. The ten (10) subject trees (six (6) of which are on private property) were inspected on 28th

November, 2019 with the Report notating the retention and type of protection measures to be implemented.

5.3 Traffic and Parking

To assess the impacts of the proposed development on traffic and parking, a *Traffic Impact Assessment* has been prepared by TRAFFIX

Accompanying the application is a *Traffic Impact Assessment* that has been prepared by TRAFFIX in **Appendix 31** of the SEE. The purpose of the report is assessing the adequacy of the proposed parking provisions and potential traffic implications of the proposed development. The Report makes the following conclusions:

- The development provides 158 residential parking spaces, 23 visitor spaces and a single car share space in accordance with the DCP. Therefore, the parking provision of the development complies with the requirements of Council's DCP and the SEPP 65;
- The development provides 18 accessible parking spaces for residents in accordance with Council's requirement;
- The development provides a total of 110 bicycle parking spaces within the basement in accordance with the DCP;
- The development provides eight (8) motorcycle spaces in accordance with Council's maximum parking requirement;
- The proposed development provides three (3) dedicated consistent with the DCP. In addition, there are numerous commercial car wash facilities within a 1.5km radius of the site which can provide residents an alternative means of cleaning their vehicles noting some residents will prefer to use commercial alternatives;
- The proposed development provides four (4) service bays of which one is on the ground floor and accommodates an 8.8m long medium rigid vehicle for waste collection, removalist and large delivery vehicles. The remaining three (3) spaces are provided on Basement 1 accommodating B88 vehicles for general deliveries and servicing. Therefore, the development complies with Council's requirements and will accommodate all servicing on site;
- The assessment notates that the net traffic generation equates to an additional four (4) vehicle trips in the AM peak hour period and a reduction of three (3) vehicle trips in the PM peak hour period. The above traffic generation equates to an additional vehicle trip every 15 minutes in the AM peak period which will have negligible and imperceptible impacts on nearby intersections. The PM peak period will experience a negligible net improvement over existing conditions.
- The existing 6.0m wide driveway to Francis Street is proposed to be used and is considered compliant with AS 2890.1 (2004) with regards to overall width; and
- The internal car park complies with the requirements of AS 2890.1 (2004), AS 2890.2 (2018), AS 2890.3 (2015) and AS 2890.6 (2009).

5.4 Geotechnical

To ensure the site is geotechnically suitable for the proposed development, a Geotechnical Investigation has been undertaken by *Ei Australia*. The Geotechnical Investigation is in **Appendix 21** of the SEE.

The purpose of the geotechnical investigation was to assess the site surface and subsurface conditions at four (4) borehole locations, and to provide preliminary geotechnical advice and recommendations addressing the following:

- Dilapidation surveys, excavation methodologies and monitoring requirements; groundwater considerations and vibration considerations;
- Excavation support requirements, including preliminary geotechnical design parameters for retaining walls and shoring systems;
- Building foundation options, including:
    - Preliminary design parameters;
    - Earthquake loading factor in accordance with AS1170.4:2007; and
- The requirement for additional geotechnical works.

The report comments that the lower basement level is proposed to have a finished floor level (FFL) of RL3.5m. A Bulk Excavation Level (BEL) of approximately RL3.2m is assumed, which includes an allowance for the construction of the basement slab. To achieve the BEL, excavation depths of 5.7 to 11.1m Below Existing Ground Level (BEGL) have been estimated. Locally deeper excavations may be required for footings, lift overrun pits, crane pads and service trenches.

The investigation observed groundwater in all monitoring wells as detailed in Table 3.2 within their report, all of which are above the assumed BEL RL of 3.9m. As a result of the low permeability of the bedrock profile, any groundwater inflows into the excavation should **not** have an adverse impact on the proposed development or on the neighbouring sites and should be manageable.

However, *EI Australia* expect that some groundwater inflows may occur into the excavation along the soil/rock interface and through any defects within the sandstone bedrock (such as jointing, and bedding planes, etc.), particularly following a period of heavy rainfall. The initial flows into the excavation may be locally high, but would be expected to decrease considerably with time as the bedding seams/joints are drained. *EI Australia* recommend that monitoring of seepage be implemented during the excavation works to confirm the capacity of the drainage system. It was noted that any seepage that does occur will be able to be controlled by a conventional sump and pump system.

The Geotechnical Investigation made the following recommendations and further technical input:

- *Additional Geotechnical Investigation in the form of two cored boreholes to confirm the depth and quality of Unit 4 sandstone bedrock or better;*
- *Long term groundwater monitoring and seepage modelling;*
- *Stability assessment of temporary batters using computer modelling, if required;*
- *Computer modelling of the potential impact of the proposed development on the underlying Sydney Water asset;*
- *Monitoring of the Sydney Water asset;*
- *Dilapidation surveys;*
- *Design of working platforms (if required) for construction plant by an experienced and qualified geotechnical engineer;*
- *Classification of all excavated material transported off site;*

- *Witnessing installation of support measures and proof-testing of anchors (if required);*
- *Geotechnical inspections of all new footings/piles by an experienced geotechnical professional before concrete or steel are placed to verify their bearing capacity and the in- situ nature of the founding strata; and*
- *Ongoing monitoring of groundwater inflows into the bulk excavation.*

5.5 Contamination

To ensure the site could be made suitable for the proposed use, a *Remedial Action Plan* has been prepared by Ei Australia. In preparation of the *Remedial Action Plan* (RAP) in **Appendix 23**, a Detailed Site Investigation (DSI) was undertaken and is attached in **Appendix 22**. The investigations unearthed;

5.5.1 Detailed Site Investigation

In accordance with the EI Australia proposal (EI, Ref. P17633.2, 24 October 2019) the proponent was required to undertake a DSI contamination assessment for any future development applications. The primary objectives of this investigation were to evaluate the potential for site contamination on the basis of historical land uses, anecdotal and documentary evidence of possible pollutant sources, investigate the degree of any potential contamination by means of limited intrusive sampling and laboratory analysis, for relevant contaminants and where site contamination was confirmed, make recommendations for the appropriate management of any contaminated soils and/or groundwater. The Scope of Works comprised a desktop study, field work and laboratory analysis including soil sampling and analysis at 17 targeted test bore locations (BH1 – BH17) across the site down to a maximum depth of 11.23 mBGL. Groundwater was encountered at depth at 1.6m below ground level during drilling at one location (BH4M), with a standing water level encountered at depths ranging from 2.01 to 3.28 mBGL during GME.

Based on the findings from this DSI, *EI Australia* concluded that widespread contamination was not identified at the site. While they did not identify any contamination that would preclude the site from being developed for the proposed land use, it was recommended that a Remedial Action Plan (RAP) be developed to consider the identified groundwater contamination and data gaps.

With consideration of the proposed developmental scope and currently available information, EI Australia concluded that:

- The site can be made suitable for the proposed residential use, provided the recommendations outlined in Section 11 are implemented; and
- That the site contamination issues can be managed through the development application process in accordance with the State Environmental Planning Policy 55 – Remediation of Land, with the requirements for remediation and validation incorporated into conditions of development consent.

5.5.2 Remedial Action Plan

In response to recommendations by *Ei Australia* and identification of asbestos containing materials within fill soils within the western part of the site and elevated concentrations of lead within fill soils within the middle western part of the site, a Remedial Action Plan (RAP) was prepared. The RAP documents the remediation/ management procedures and standards to be followed to address noted impacts in

order to make the site suitable for the adaptive reuse, residential land use and safeguard the protection of both human health and the environment.

The preferred approach involves excavation and offsite disposal of the asbestos and lead impacted soils. Additional sampling of soil and groundwater will be required to assess the quality of soil beneath buildings and the groundwater quality onsite. *EI Australia* concluded that the site can be made suitable for the proposed residential use through the implementation of the works described in the RAP.

5.6 Heritage

A Heritage Impact Statement (HIS) has been prepared by *Weir Philips Heritage & Planning* to assess the heritage impacts of the proposed adaptive reuse and alterations and additions to the existing industrial warehouse on site. The Heritage Impact Statement is in **Appendix 12** of the SEE.

The HIS identifies that the subject site and existing building:

- The site is **not** listed as a heritage item or located in a Heritage Conservation Area as identified by the LLEP2013;
- There are **no** State Heritage register listed heritage items, under the auspices of the Heritage Act 1977, in the vicinity of the site;
- The site, however, **is** located in the vicinity of a local heritage item, listed under Schedule 5, Part 1 of the LLEP2013, and known as No. 2 Hubert Street, Leichhardt (Item No I658); and
- The subject site **is** listed as located within the *'Helsarmel Distinctive Neighbourhood'* under the LDCP2013 and within the sub area known as *'Helsarmel Laneways Sub Area'* – refer to Section C2.2.3.4(b) of the LDCP2013.

Overall, the Heritage Impact Statement concludes that the retention and proposed adaptive reuse of the existing industrial buildings on the site preserves the significance of the site as an early twentieth century industrial complex pioneered by *John Heine and Sons*, who were one of the first companies in Australia to produce automated machinery and the iconic Cyclops tricycles, bicycles and toys.

The report also states that;

- *The proposed alterations and additions will have an acceptable impact on the significance on No. 40-76 William Street and on the heritage items in the vicinity of the site and on the 'Helsarmel Distinctive Neighbourhood';*
- *The proposed alteration and additions have been carefully designed to maintain the fabric, positive construction and streetscape character of the industrial buildings to the historic and aesthetic significance of the Helsarmel Distinctive Neighbourhood.*
- *It also ensures that there is no change in the relationship of the industrial building with the shop/residence heritage item at No. 2 Hubert Street;*
- *No significant view corridors to or from nearby heritage items will be impacted upon;*
- *The proposed works will have an acceptable impact on the historic, aesthetic and social significance of the buildings and will continue to be read as good examples of industrial buildings from the early twentieth century; and*
- *The proposal fulfils the objectives for works to a heritage item, in a conservation area and within the vicinity of heritage items as set out by the LLEP2013 and the LDCP2013.*

5.7 Airspace Operations

The site is subject to the ongoing operation of Sydney Airport. The LDCP2013 recommends consideration of a number of additional noise and wind assessments to ensure that development does not impact of the efficient operation of Sydney Airport or that the operation of Sydney Airport does not impact on the liveability of any residences developed in proximity to it. The Noise Impact Assessment includes an assessment of the potential noise impacts from aircraft flyovers based on the *'Australian Standard AS2021:2015 Acoustics – Aircraft noise intrusion – Building siting and construction'* which provides guidance for the assessment and design of a project within an area prone to acoustic impacts.

The assessment identifies the site as located on land on or about the ANEF 20 contour. The assessment concluded that the noise impact for residential development is considered 'conditionally acceptable' providing that appropriate design treatments be implemented Further, the assessment of potential aircraft noise exposure at the site, based on the *Australian Noise Exposure Forecast* (ANEF) system, requires assessments to be undertaken for development sites which are located within ANEF20 contours or greater. A Noise Impact Assessment has been prepared and is attached in **Appendix 24**.

5.8 Acoustic

To ensure that the residential accommodation is not adversely impacted by the surrounding noise environment or result in adverse noise impacts, a *Noise Impact Assessment* has been undertaken by *White Nosie Acoustics*. The *Noise Impact Assessment* is in **Appendix 24** of the SEE.

The Environmental Noise Intrusion Assessment established that the any impacts to internal noise levels within the future areas of the development will result from the noise intrusion into the building through the external façade including glass, masonry and other façade elements. The report established that typically, the acoustic performance of building elements including the relatively light weight elements of the building façade, including glass and/or plasterboard constructions, will be the determining factors in the resulting internal noise levels. Calculations of internal noise levels were undertaken and based on the measured traffic and calculated aircraft environmental noise levels at the site and the characteristics of the building, including window openings, buildings constructions and the like.

The noise emission assessment was undertaken to ensure that the amenity of nearly land users would be maintained as a result of the proposed development. These emissions were reviewed against the noise criteria levels for noise levels generated on the site as established by the *NSW Environmental Protection Authority's* (EPA): *Noise Policy for Industry* (NPfI). The report included the assessment of the mechanical services equipment, basement supply and exhaust fans and general supply and exhaust fans.

Overall, the assessment concluded that:

- *This report details the required acoustic constructions of the building's façade, including external windows, to ensure that the future internal noise levels comply with the relevant noise levels of the Australian Standard AS2107:2016 and AS2021:2000. Providing the recommended constructions detailed in this report are included in the construction of the project the required internal noise levels will be achieved; and*
- *External noise emissions from the site have been assessed and detailed in accordance with the NSW Environmental Protection Authorities Noise Policy for Industry (previously the Industrial Noise Policy). The future design and treatment of*

all building services associated with the project can be acoustically treated to ensure all noise emissions from the site comply with the EPA NPfI criteria. Details of the equipment and associated acoustic treatments will be provided as part of the CC submission of the project.

5.9 Structural Report and Methodology

The DA *Structural Report and Construction Methodology* prepared by *M+G Consulting* (**Appendix 20**) reviewed various documentation and drawings, liaised with the architect and provides the structural engineering advice with the view to develop the documentation and achieve the sufficient level of comfort in regard to the structural feasibility of the proposed development. The report summarises this process with the aim to demonstrate the viability of the proposed development from the structural perspective and provides the framework for the recommended construction methodology.

M+G Consulting conclude that the proposed development, which will substantially retain and integrate the existing buildings into the modern residential complex, is feasible from the structural perspective. Any new concrete structures will be built within the envelope of the buildings and will typically not rely on the existing building structure internally for support or for its fire resistance. The retention of the façades will require temporary works where the floors/roofs are removed. All intended works can be achieved with conventional building techniques, utilising the methodology described in the report.

5.10 Flood Planning

A Flood Study Report has been prepared by *SGC Consulting Engineers* and is attached in **Appendix 14** of the SEE. This report was prepared as the Inner West Council requires the flood study as the overland flow that arrives at the rear of the site when the capacity of the piped drainage is exceeded. The objectives of the report were to:

- Determine how the proposed development can be built without impacting on the flooding behaviour in the vicinity of the site and specifically within the adjoining properties;
- Propose mitigation measures within the development site to ensure that the obstructions to the flows at the rear of the site are removed; and
- Address the requirements of the *NSW Floodplain Development Manual (2005)* in relation to flood hazard and flood risk.

The proposed investigation and report included a site visit to ascertain on-site conditions and familiarise with the catchment; review of supplied documents and previous studies and flood study modelling using a dynamic 1D/2D model was carried out to determine the peak discharges and the flood levels. The report concluded that the Flood Planning Levels (FPLs) have been adopted for the proposed development and achieves 0.5m above the 1% AEP flood level as summarised in the Figure 1.2 within the report.

Overall, *SGC Consulting Engineers* concluded that the proposed development has been revised architecturally to incorporate the results of the flood study, that the flood levels vary across the site and resultingly the floor levels vary as well and the development achieves 500mm above the calculated and given 1% AEP flood levels.

5.11 Building Code of Australia (BCA) Requirements

An initial Building Code of Australia (BCA) Compliance Report has been provided by *McKenzie Group Consulting* and is attached in **Appendix 25**. The BCA Assessment Report confirms that the proposed residential accommodation development is capable of complying with the requirements of the relevant sections of the *Environmental Planning & Assessment Act 1979*, the *Building Code of Australia 2019*, and the *Disability Access to Premises (Buildings) Standard 2010* subject to the resolution of the identified areas of non-compliance and compliance with recommendations provided within the report.

5.12 Energy and Water Efficiency (BASIX)

The applicable energy efficiency standards for the development are applied under Section J of the National Construction Code and 'Deemed to Satisfy' provisions. The objective of Section J of the National Construction Code is to reduce the greenhouse gas emissions and requires that a building, including its services, must have features to the degree necessary that facilitate the efficient use of energy. A BCA report which addresses Section J has been prepared by *Integreco Consulting* in **Appendix 27** which demonstrates that compliance with Section J requirements will be readily achievable by the proposed development.

A *BASIX Certificate* is provided in **Appendix 28**, which confirms that the proposed development will meet the NSW Government's requirements for sustainability, if it is built in accordance with the commitments set out in the report.

Finally, the application is also supported by a BASIX and ESD Report in **Appendix 29**. The applicant has adopted, where possible, the ESD principals of Council's DCP and demonstrate that the development is capable of exceeding the minimum scores for BASIX (including thermal comfort, water and energy). A strong emphasis has been placed on the passive efficiency of the building (including passive heating, passive cooling, natural lighting and natural ventilation). The report concludes that the development is able to achieve:

- Excellent BASIX Scores - Water scores of 49 and Energy Scores of 38 were achieved.
- Water-efficient fixtures (5-6 star taps, 4-star toilets and 4-star showers).
- Water-efficient whitegoods (such as 4-star dishwashers).
- At least 50% use by area of locally indigenous or "one-drop" water-efficient plants.
- The excellent thermal comfort results (using NCC-approved BERS Pro v4.3) were:
    - Average NatHERS rating = 5.9 stars
    - Average cooling load = 20 MJ/m2.year (permitted average is 26 MJ/m2.year)
    - Average heating load = 34 MJ/m2.year (permitted average is 40 MJ/m2.year)

5.13 Fire Safety

Innova Services have provided a Fire Safety Engineering Statement to accompany the DA and is provided in **Appendix 19** of the SEE. This statement provides an assessment of the proposal against the 'Deemed To Satisfy' (DTS) provisions in the BCA and relevant fire safety requirements. Overall, the BCA is considered able provide adequate assessment of the fire safety requirements for the proposed development if BCA recommendations are implemented.

5.14 Access

To ensure the proposed development meets accessibility requirements and provides an equitable development outcome, an Access Report was undertaken by *Accessible Building Solutions*. The Access Report is provided in **Appendix 26** of the SEE.

The report provides an assessment of the proposed development against the relevant parts of the Access Provisions of the BCA 2019, Access to Premises Standard, AS1428 suite of standards, AS2890.6 for car parking, AS1735.12 for lifts, AS4299 Adaptable Housing, SEPP65 Part 4Q and Council's DCP relating to Access for people with a disability.

The report concluded that the proposed development, at this stage of the design, achieves a high level of compliance with the incorporation of several accessibility features. Access for people with disabilities is provided to the main entrance located off William and North Streets. All apartments over all levels common areas and basement levels are accessible via six (6) lifts.

The proposal includes a total of 181 residential apartments, comprised of one, two and three bedroom configurations. Of this, the proposed development provides a total of 36 livable apartments including 18 accessible apartments to address the needs of people with disability.

5.15 Operational Waste Management

An Operational Waste Management Plan (OWMP) has been provided by *Elephants Foot Recycling Solutions* and is in **Appendix 32** of the SEE. This Plan sets out waste management policies and processes for the operational phase of the proposed development. The OWMP demonstrates adherence to the Inner West Council's *Leichhardt Development Control Plan 2013*, Australian standards and statutory requirements.

The OWMP and development provides the following:

- Waste and recycling bins provided in each unit for daily waste output;
- Six (6) rubbish chutes and recycling storage room for residents to dispose of waste and recycling on any given floor and located near the lift;
- General Waste Discharge and Bulky Waste Rooms (located on the Ground, Basement 1 and 2 with connection to Loading Dock;
- Waste will be collected weekly and the 2 separate recycling streams will be collected fortnightly (on alternating weeks);
- On collection days, the building caretaker will transfer full waste and recycling bins to the bin holding area on the ground level. Waste and comingle MGBs will be transferred with an appropriate bin movement aid via the allocated service lift. Paper/cardboard recyclables will be transferred from each residential level via the residential lift system; and
- The waste collection vehicle will pull into the designated vehicle loading bay and service all MGBs directly from the bin holding room.

A Site Waste Minimisation and Management Plan has also been prepared and is attached in **Appendix 33**. The plan confirms that the development achieves the waste objectives set out in the Development Control Plan. The details on this form are the provisions and intentions for minimising waste relating to this project.

5.16 Social Impact Statement

A *Social Impact Assessment* has been prepared by *Hill PDA Consultants* in **Appendix 30**. This Assessment provides background to the DA, a description of the existing social environment and an assessment of the potential social impacts from the proposed development. It also details a community engagement process undertaken with the local community, from which insights on local impacts and community perceptions of the proposal were obtained. The methodology used to assess the potential social impacts for the proposed development is consistent with current best practice and Inner West Council policy.

This assessment establishes that the proposed development will not put undue pressure on the use of existing social infrastructure facilities and services or provide sufficient additional population to require additional facilities or services to be provided. It is considered that the proposal will present a low to moderate level of risk of social impacts to the general community, primarily due to the amenity impacts of construction and the increased density of the land use. The adoption of the recommendations of the assessment and the supporting technical reports address the risk of long-term noise disturbances.

The analysis has also identified several positive social impacts of the proposed development notably the additional dwellings for the growing community and the positive economic benefits for the local businesses with increased trade from construction works and residents throughout the development and operation of the proposal. Importantly, the local community will also benefit from the long-term retention and revitalisation of historic character of the building.

Overall, the assessment concludes that any negative impacts of the proposed development can be successfully managed with the implementation of the mitigation measures stipulated in the report and that it is anticipated that the proposed development could have a long term positive impact on the local community in terms of social outcomes.

5.17 Crime Prevention Through Environmental Design (CPTED)

The four principles of *Crime Prevention Through Environmental Design* (CPTED) have been incorporated into the design. The CPTED principles have been addressed below. It is concluded that the proposal will significantly improve compliance with the principles and will enhance the general safety of the area by delivering a vibrant high-quality residential development that is activated at all times of the day.

Surveillance

The proposal will provide a high level of surveillance. Surveillance has been maximised by orientating apartments towards the street frontages as well as internally to maximise sightlines to and from the development as well as within the development. The internal pedestrian links are generous in size and linear in configuration to permit clear sightline to the various entrance points. The basement design provides clear lines of sight as well as defined lift cores which facilitate access to the uses above. Surveillance cameras and securities will be provided in site management to provide passive surveillance.

Access/Egress Control

The proposed development maximises the opportunities for surveillance. The primary access to the development is via William Street. Secondary pedestrian access is provided from North Street with vehicle access provided from Francis Street. The conversion from an industrial warehouse to residential development with dwellings

looking out onto the street or internally will increase the passive surveillance along these residential streets and pedestrian entrances as well as internally within.

The proposed access points and internal paths will benefit from passive surveillance, appropriate illumination, emergency access routes. The proposed pedestrian entrances and links connecting from the streets to the development have the capacity to benefit from passive surveillance and appropriately illuminated spaces. The pedestrian access paths provide direct and level access from the surrounding street and are designed lineal and avoid ends or entrapment points. Lighting is to be provided to the all common areas including the proposed pedestrian paths, the internal communal open spaces and basement levels.

Territorial Enforcement

The design will clearly delineate public and private open spaces through the use of fencing, landscaping and clearly defined entrances. The proposal introduces new residential dwellings to the site and will attract a high degree of pedestrianisation as well as activity during the day and night compared to the existing. The proposed use of the site combined with the scheme's high-quality design will send cues that the site is well cared for, which will deter potential criminal activity.

Space Management

Crime prevention is achieved by allowing for site planning and design that permits each dwelling on the street frontages to have general surveillance of the public domain. The development also exhibits unobstructed views to the pedestrian and vehicular approaches to the buildings. Residential basement car parking will provide secure parking under the development with authorised access locks and intercom for visitors. Furthermore, the landscaping has been purposefully selected to be of low maintenance.

5.18 Site Suitability

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

- The proposal is permissible in the R1 General Residential zone and consistent with the relevant objectives;
- The proposal responds appropriately to any environmental constraints;
- The proposal will not result in any adverse impacts on the environment;
- Is consistent with the 9 Design Principles outlined within State Environmental Planning Policy No. 65 and the relevant provisions contained within the Apartment Design Guide;
- Is consistent with the DCP controls. Where variations are proposed to the numerical controls, appropriate justification against the DCP Objectives has been provided;
- Will provide dwellings achieving high amenity outcomes with respect to unit size, outlooks, solar access and natural ventilation;
- The subject site is located in close proximity to a number of public transport and commercial services;
- The proposal is compatible with surrounding land uses and the surrounding development;

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

5.19 Public Interest

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

- The proposal will provide a high quality, architecturally designed development which is respectful of the character of the area;
- The development will be of an appropriate height, bulk and scale which is consistent with its surrounds;
- The proposed development will comprise a development which demonstrates a high level of environmentally sustainable initiatives which should be encouraged;
- The proposal will generate additional direct and indirect employment as a result of providing employment opportunities during construction, as well as stimulating economic activity within the local economy once operational;
- The proposal seeks to retain the contributory facade along William and North Streets therefore will conserve the significance of the existing building within the 'Helsarmel Distinctive Neighbourhood' area, provide an active street frontage and provide further passive surveillance;
- Will provide an appropriate mix of dwellings including one, two and three bedroom dwellings that will contribute to the type and mix of residential dwellings in Leichhardt, while protecting residential amenity;

6 Section 4.15 Assessment

The proposal's compliance against all provisions of Section 4.15 of the EP&A Act is outlined in the below table.

Table 9. Section 4.15 Assessment

Clause No.	Clause	Assessment
(1)	Matters for consideration—general In determining a development application, a consent authority is to take into consideration such of the following matters as are of relevance to the development the subject of the development application:	
(a)(i)	The provision of: Any environmental planning instrument, and	**Complies** **Section 4** of the SEE has assessed the proposal against the relevant EPIs
(ii)	Any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and	The draft Inner West LEP 2020 will not impact the proposal.
(iii)	Any development control plan, and	**Complies** **Section 4.5** and **Appendix 9** of the SEE reviews the proposal against the relevant controls in the LLEP2013.
(iiia)	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, and	No planning agreement has been offered.
(iv)	The regulations (to the extent that they prescribe matters for the purposes of this paragraph), and	There are no prescribed matters in the Environmental Planning and Assessment Regulation 2000 that apply to this DA.
(v)	(Repealed)	**Noted**
(b)	The likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,	**Complies** Section 5 of the SEE reviews the application against the relevant factors.
(c)	The suitability of the site for the development,	**Complies**
(d)	Any submissions made in accordance with this Act or the regulations,	**To be considered**
(e)	The public interest.	**Complies**

7 Conclusion

This SEE supports a Development Application, prepared on behalf of *Anprisa Pty Ltd* for the adaptive reuse and redevelopment at 40 - 76 William Street, Leichhardt. The proposal seeks to integrate new residential buildings within the built form of the existing historical industrial building fabric on site, with the aim of preserving and enhancing their existing historic qualities and providing an additional mix of residential accommodation within the area. The proposal is considered a development that will sympathetically integrate into the form of the precinct as a whole and become a dynamic part of the urban environment of Leichhardt.

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

Numerical non-compliances with development standards relating to Floor Space Ratio requirements are justified throughout the SEE. As a result, a Clause 4.6 variation statement is provided which demonstrate that the quantitative variance will result in continued consistency with objectives relating to both zoning and the relevant development standard. It is therefore considered that they are justified in the circumstances on reasonable environmental planning grounds.

The proposed adaptive reuse will not have any significant environmental impacts and positively contributes to the building fabric.

An Environmental Assessment has been undertaken in **Section 5** of this report, supported by additional consultant studies as per the requirements of Council. The environmental assessment found the associated impacts of the proposal are considered to be minimal and manageable. Hence, the outcomes of the proposal:

- Is consistent with the objectives for development within the R1 General Residential Zone;
- The land can be made suitable for the permitted use;
- Responds to the street alignment and the desired built form;
- The proposal not only seeks to retain the principal form of the warehouse buildings to interpret the former industrial use and history of the site but where appropriate, also retain a significant amount of internal fabric;
- Will deliver a development that is appropriate for its context despite the breach to SLEP2012 development standards and therefore has sufficient environmental planning grounds to permit the variation;
- Provides adequate visual and acoustic privacy;
- Includes ESD measures to reduce water and energy consumption;
- Is consistent with the 9 Design Principles outlined within SEPP 65;
- Will provide a high-quality redevelopment of the site, and will maintain and enhance the character of William and North Streets;
- Improves the interface between public and semi-private spaces along the subject site frontage for improved pedestrian access and aesthetic character;
- Provides landscaping to enhance the visual character and amenity of the site;

- Provides for increased housing choice and mix within Leichhardt and the Inner West Local Government Area;
- Will provide dwellings achieving high amenity outcomes with respect to apartment size, outlooks, solar access and natural ventilation; and
- Is a suitable development for the site and is considered to be in the public interest.

Therefore, we request that Council recommend that the proposed development be granted development approval.

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