

Item No: C1218(1) Item 9

Subject: BALMAIN LEAGUES CLUB PRECINCT DEVELOPMENT CONTROL PLAN
AMENDMENT

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SUMMARY

An application has been received, on behalf of the owner of the Balmain Leagues Club Precinct, to amend the site specific provisions under Leichhardt Development Control Plan 2000 (DCP 2000).

A thorough review of the proposed amendments and supporting documentation has concluded that the Proponent's scheme does not achieve acceptable urban design, heritage or Environmentally Sustainable Design (ESD) outcomes. The key concerns of Council's urban design consultants that remain outstanding are:

- the lack of an upper-level setback of the proposed towers, and
- the shaping of the towers and the height of the northernmost tower resulting in significant overshadowing of the future town square.

However if the Council Officer's recommendations discussed in the report are incorporated into the DCP amendments it will result in an improved planning framework for the Rozelle site and is worthy of support.

A reduction in building height towards the north will also respond to the sloping topography of the site and reduce the tower's scale and lead to an improved urban design outcome. These changes will achieve vastly superior public benefits particularly with regard to the amount of sunlight and amenity of the proposed town square at the centre of the site. The proposed changes do not significantly modify the overall gross floor area given the size of the overall FSR of the site is 3.9:1. No changes are proposed to the floor space ratio (FSR) controls contained in the Leichhardt Local Environmental Plan 2000.

This report seeks endorsement of the preparation and exhibition of amended DCP provisions for the site that align with the recommendations of Council's independent reviews.

RECOMMENDATION

THAT:

1. Council endorse the preparation of amended development control plan provisions for the Balmain Leagues Club Precinct under Leichhardt Development Control Plan 2000 that reflect the recommendations of the urban design and heritage analysis undertaken by Conybeare Morrison (CM+) and the peer review undertaken by SGS Economics & Planning;
 2. Once prepared, the amended development control plan be exhibited for a minimum of 28 days in accordance with the *Environmental Planning and Assessment Regulation 2000* in early 2019; and
 3. Following exhibition, a report on the revised development control plan and any submissions be presented to the Council for consideration.
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BACKGROUND

In March 2018, Council received an application from Heworth Pty Ltd C/o Mecone Pty Ltd to amend the DCP 2000 as it applies to the Balmain Leagues Club Precinct (shown in Figure 1 below), comprising:

- 138-152 Victoria Road, Rozelle
- 154-156 Victoria Road, Rozelle
- 697 Darling Street, Rozelle
- 1-7 Waterloo St, Rozelle



Figure 1: Excerpt from DCP 2000 depicting the land to which it applies

The DCP amendment seeks to give effect to the Proponent's 2018 masterplan for the site.

A development application (DA) was lodged in May 2018 and placed on public exhibition from 12 June to 11 July 2018. The DA proposes:

- Demolition of existing buildings
- Remediation of the site
- Construction of a mixed use development comprising:
 - Three buildings along Victoria Road 12 storeys in height. Residential accommodation at the upper levels and retail, commercial and Balmain Leagues Club at the lower levels;
 - 2-3 storey buildings along Waterloo Street which incorporate live/work spaces and affordable housing;
 - Public town square in the centre of the development;
 - Three laneways (Tigers Lane, Darling Lane and Heritage Lane) which connect Victoria Road, Waterloo Street and Darling Street;
 - Speciality retail and supermarket;
 - Reinstatement of the façade to 697 Darling Street; and

- Two basement levels with Basement 1 accessible via Victoria Road and Basement 2 accessible via Waterloo Street.

The assessment of the DA is currently on hold, awaiting the outcome of the review of the proposed DCP amendment.

Site history

The site has a complex history, particularly since late 2005 when a masterplan for the redevelopment of the site was submitted to Council. The table below presents key events.

August 2008	LEP 2000 and DCP 2000 amended to incorporate the current site specific controls. Voluntary Planning Agreement negotiated between Council and the land owner and subsequently registered on title.
July 2010	<p>Development application (D/2009/352) refused by the Joint Regional Planning Panel (JRPP)</p> <ul style="list-style-type: none"> • FSR of 3.9:1 and a maximum height of 12 storeys • 145 dwellings • Retail shops, restaurants, supermarket and commercial offices, public plaza, leagues club and a new infill building on Darling Street • 6 basement levels with 550 parking spaces • Construction of a pedestrian bridge across Victoria Road, located partly on Rozelle Public School. <p>Refused on the basis of non-compliance with the FSR and height controls, excess bulk and scale, and traffic.</p>
April 2014	<p>Major Project Application (MP11_0015) refused by the Planning Assessment Commission (PAC)</p> <ul style="list-style-type: none"> • FSR of 4.5:1 • Three storey podium with two towers of 20 and 24 storeys • 247 residential apartments • Retail floor space (10,982sqm) including a supermarket • A new Balmain Leagues Club • Child care centre, medical centre and commercial office space • 488 on site car parking spaces <p>Refused for the following reasons:</p> <ul style="list-style-type: none"> • adverse impacts on the operation of the surrounding road network; • adverse impacts on bus services, including significant increased travel times for routes along Darling Street; • vehicles unable to exit the site in a safe and efficient manner; and • development not considered to be in the public interest.
11 August 2015	<p>The former Leichhardt Council resolved to forward a planning proposal to the Minister for Planning seeking to:</p> <ul style="list-style-type: none"> • Zone the site B2 Local Centre under Leichhardt LEP 2013 • Reduce the FSR to 1.9:1 • Reduce the height to 6-8 storeys

14 August 2015	<p>Development application (D/2015/438) lodged:</p> <ul style="list-style-type: none"> • FSR 3.9:1 • 12 storey mixed use tower with 9525sqm of retail, 1466sqm of commercial and residential apartments • 8 storey mixed use tower with the Balmain Leagues Club (3658sqm) and residential apartments • Total of 135 apartments • 5 levels (including mezzanine) of basement car parking accommodating 369 cars • Central plaza with access from Victoria Road, Darling Street, Waterloo Street, with at-grade access to the towers • A pedestrian bridge across Victoria Road
October 2015	<p>Department of Planning and Environment issued a Gateway determination that the planning proposal not proceed, citing the following reasons:</p> <ul style="list-style-type: none"> • The significant reduction in development potential for the site is inconsistent with A Plan for Growing Sydney and its potential to contribute to the renewal of the identified Parramatta to Sydney CBD via Ryde urban renewal corridor. • The planning proposal does not provide compelling justification for a reduction in development capacity, particularly when considered against the advice of the Planning Assessment Commission in its April 2014 refusal of a Part 3A development application for the site. <p>Council appealed the decision to the Planning Assessment Commission, who supported the Department's determination that the planning proposal not be supported.</p>
September 2016	<p>Land and Environment Court dismissed an appeal against the deemed refusal of D/2015/438.</p> <p>The Court's refusal was justified on the following grounds:</p> <ul style="list-style-type: none"> • Non-compliance with the site specific objectives of the LEP; • Design of the proposal does not demonstrate that it will contribute to the vibrancy and prosperity of the Rozelle Commercial Centre or provide a high quality transition to the existing streetscape; • Unacceptable traffic, solar access and cross ventilation outcomes; • Design of the pedestrian bridge; and • Lack of evidence that the area to be provided for use by the Balmain Leagues Club will promote its long term viability.
March 2018	Current application lodged to amend the site specific DCP controls
May 2018	<p>Development application D/2018/219 lodged</p> <ul style="list-style-type: none"> • FSR 3.88:1 • Retail 0.69:1 – 5,093sqm, including 2,886sqm supermarket • Club 0.41:1 – 3,010sqm • Residential 2.53:1 – 173 units

	<ul style="list-style-type: none">• Commercial 0.24:1 – 1,251sqm• 275 car parking spaces
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Current controls

Leichhardt Local Environmental Plan 2000 (LEP 2000) applies to the subject site. The site is zoned 'Business' and Schedule 1 (Additional uses and controls for certain land) includes site specific controls for the Balmain Leagues Club Precinct site. These include the following objectives:

- a) *the development integrates suitable business, office, residential, retail and other uses so as to maximise public transport patronage and encourage walking and cycling,*
- b) *the development contributes to the vibrancy and prosperity of the Rozelle Commercial Centre with an active street life while maintaining residential amenity,*
- c) *the development is well designed with articulated height and massing providing a high quality transition to the existing streetscape,*
- d) *the traffic generated by the development does not have an unacceptable impact on pedestrian or motor vehicle traffic on Darling Street, Waterloo Street and Victoria Road, Rozelle,*
- e) *any residential development at street level has a frontage to Waterloo Street, Rozelle and, when viewed from the street, has the appearance of no more than three storeys.*

The Schedule establishes the following maximum floor space ratios (FSRs) for the site:

FSR Components	
Shops FSR	1.3:1
Commercial premises FSR	0.2:1
Clubs FSR	0.5:1
Residential development FSR	1.9:1
Overall FSR	3.9:1

Schedule 1 also specifies maximum heights on the site:

- a) *in relation to a building on the site that is less than 10 metres from Waterloo Street – maximum building height of 12.5 metres,*
- b) *in relation to a building on the site that is less than 36 metres from Darling Street – maximum building height of 52.0 metres relative to the Australian Height Datum or two storeys,*
- c) *building height on the site not to exceed a reduced level of 82.0 metres relative to the Australian Height Datum or twelve storeys*

Leichhardt Development Control Plan 2000 (DCP 2000) includes site specific controls for the Balmain Leagues Club Precinct which reflect the following objectives:

- *To provide a planning and urban design framework that guides the redevelopment of the Balmain Leagues Club Precinct.*
- *To enable the redevelopment of the Balmain Leagues Club Precinct as a consolidated parcel.*
- *To encourage well designed development with articulated height and massing.*
- *To promote development that links to and contributes to the ongoing vibrancy and viability of the Rozelle Commercial Centre.*
- *To promote the long term viability of the Balmain Leagues Club on the site, for the benefit of the local community.*
- *To promote low and moderately priced housing through a mix of dwelling types.*

- To ensure an integrated and well designed public domain environment that supports the existing Rozelle commercial area.
- To promote ecologically sustainable development.

The DCP includes layout and massing provisions, largely reflected in the following height map.

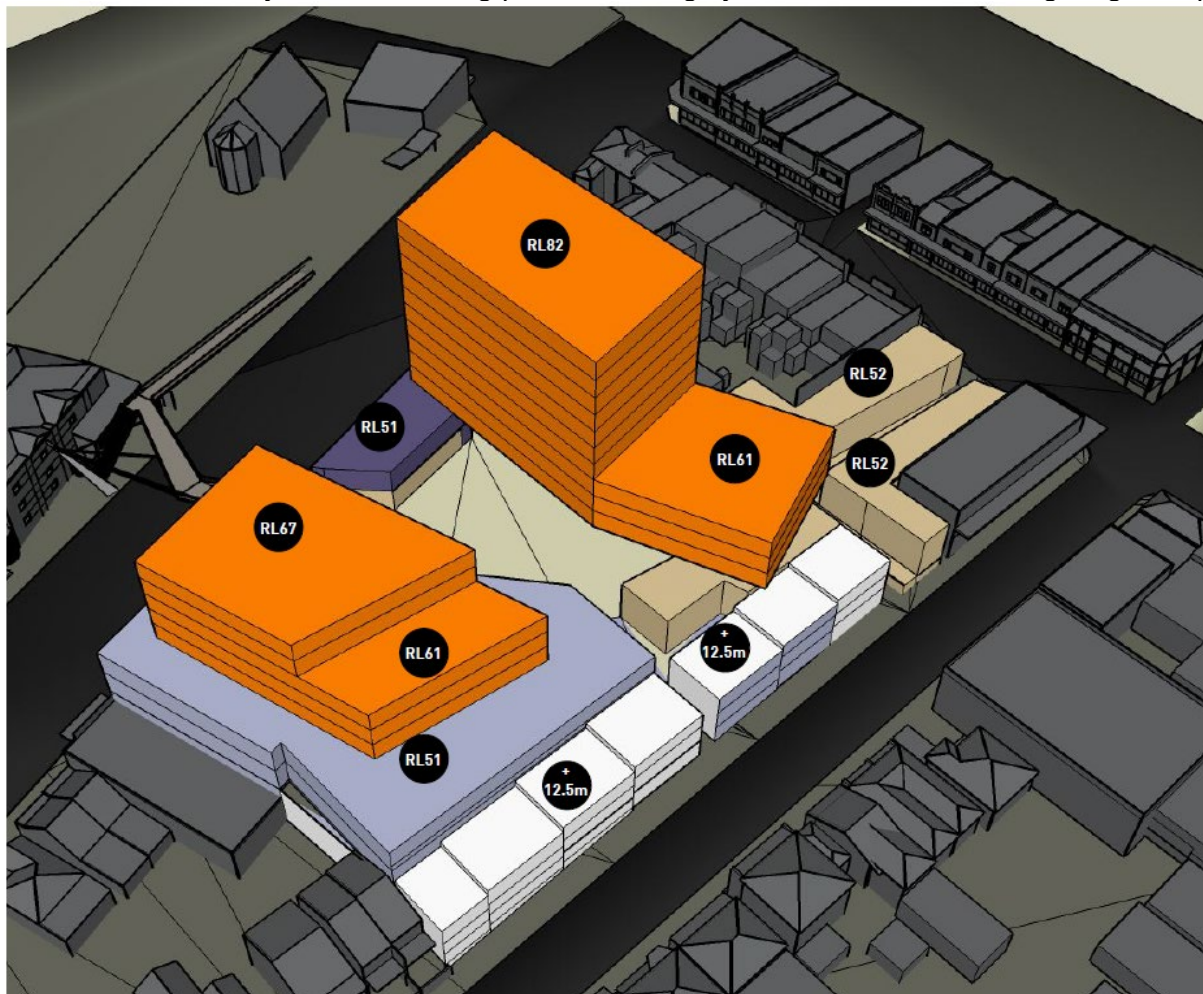


Figure 2: DCP 2000 Height Map

This is supported by a map depicting setbacks from boundaries, upper level setbacks and building widths.

The DCP states that land uses on the site shall include:

- Commercial
- Retail including a supermarket and fresh food market
- Restaurants and cafes
- Residential
- Car parking
- Leagues Club
- Plaza and other accessible spaces

Proposed amendments

Prior to lodgment of the DCP amendment, preliminary meetings were conducted between the Proponent and Council officers and a written response was provided in relation to urban design concepts. The response by Council officers in February 2018 noted that any proposal to amend DCP 2000 must be justified by technical analysis demonstrating strategic merit and

compliance with the site-specific provisions contained in LEP 2000. Specifically, the Proponent was advised that any proposal to amend the DCP should consider:

- Traffic impacts;
- The ongoing vitality of businesses along Darling Street;
- The appropriateness of the pedestrian bridge and alternative works that may be delivered through a Voluntary Planning Agreement (VPA);
- The return and retention of a viable Balmain Leagues Club;
- Built form and urban design;
- Affordable housing; and
- Environmental and design excellence.

With regard to the Council officer feedback that the Proponent's amendment must demonstrate compliance with the site-specific provisions of LEP 2000, it should be noted that both the Proponent's scheme and the alternate scheme prepared by Council engaged consultants (discussed later in the report) include more residential development than permitted under the LEP (1.9:1) while being consistent with the overall FSR of 3.9:1. While the DCP is silent on FSR, the building envelopes informing the DCP amendment and its review are based on floor plates comprising specific land uses, hence the variations are evident.

The Proponent's masterplan includes a reduced retail component with an FSR of 0.69:1, well within the 1.3:1 FSR permitted for 'shops' under LEP 2000. Their submission states that "changed retail and Club footprints, as well as reduced parking rates, means that the proposed scheme is able to meet the trip generation budgets". Traffic consultants engaged by Council have confirmed that increased retail floor space on the site would result in unacceptable traffic impacts.

It is apparent that a scheme that aligns with the maximum FSRs outlined in LEP 2000 would not be viable from a traffic impact perspective. The assessments of previous development applications for the site reinforce this.

The DCP amendments sought by the Proponent's original submission are outlined in the following table. The amendments largely relate to enacting the Proponent's masterplan for the site, in particular the building envelope and location and configuration of the public domain. Objectives and rationales associated with the DCP controls are proposed to be retained.

DCP Control	Proponent's proposed amendment
1.4 General Objectives	Objectives to be retained
1.5 Layout and Massing	Objective, Rationale and Design or Planning Principles to be retained. Controls to be amended as follows: <ul style="list-style-type: none"> • Layout and massing to reflect the revised scheme; • Setbacks to reflect the revised scheme; • Additional control inserted requiring that the built form "demonstrate design excellence, uniqueness, innovation and celebration of the local character and heritage".
1.6 Land Use	Objective and Rationale to be retained. Planning Principles and Controls to be included/amended as follows: <ul style="list-style-type: none"> • Identify the commercial uses to be encouraged – collaborative and creative work spaces; • Encourage speciality retail which will complement the Rozelle commercial centre;

	<ul style="list-style-type: none"> • Removal of pedestrian bridge given objection from Department of Education and Roads and Maritime Services; • Removal of free home delivery from all shops as there is no guarantee to provide this through planning controls; • Control inserted to encourage innovative design measures to reduce noise and air pollution inside buildings; • Community bus to be provided and operated by the Club; • The control relating to the noise sensitive areas (such as bedrooms) being located away from noise sources has been removed.
1.7 Building Language	<p>Objective and Rationale to be retained.</p> <p>Planning Principles and Controls to be included/amended as follows:</p> <ul style="list-style-type: none"> • Revision of articulation zones; • References to controls now covered by the Apartment Design Guide removed.
1.8 Development within the Conservation Area	<p>Objective and Rationale to be retained.</p> <p>The planning principles relating to the properties fronting Darling Street have been revised to retain the street frontage of 697 Darling Street and remove 1 Waterloo Street to facilitate the pedestrian link between Darling Street and the Town Square (the DCP currently allows demolition of both buildings with retention of contributory features).</p>
1.9 Public Domain and Town Square	<p>Objective and Rationale to be retained.</p> <p>Planning Principles and Controls to be included/amended as follows:</p> <ul style="list-style-type: none"> • Removal of pedestrian bridge reference; • Controls for the following items to be included: <ul style="list-style-type: none"> - Footpath upgrades and landscaping to the public domain; - The areas and locations of the laneways/through site links, Town Square, landscaped forecourt, active frontages, communal open space and deep soil landscaping; - Uncovered/covered areas for the public open space.
1.10 Access and Management	<p>Objective, Rationale and Planning Principles to be retained.</p> <p>Controls to be removed to reflect the proposed amendment to the public domain and Town Square.</p>
1.11 Traffic Management	No amendments proposed.
1.12 Parking	No amendments proposed.
1.13 ESD Measures	<p>The following Environmentally Sustainable Development (ESD) measures are proposed to be inserted:</p> <ul style="list-style-type: none"> • 20% reduction in greenhouse gas emissions; • Renewable energy generation via solar (to house services); • 30% reduction in peak electricity demand (to house services) using solar above; • 30% reduction in water consumption (to house services); • 15% of water delivered (to house services) by non-potable sources including rainwater or recycled water.

The building envelopes facilitated under the existing DCP are shown in Figure 2 (DCP 2000 Height Map) above, while the Proponent's desired scheme (as amended following Council consultant/officer feedback) is shown below in Figure 3.

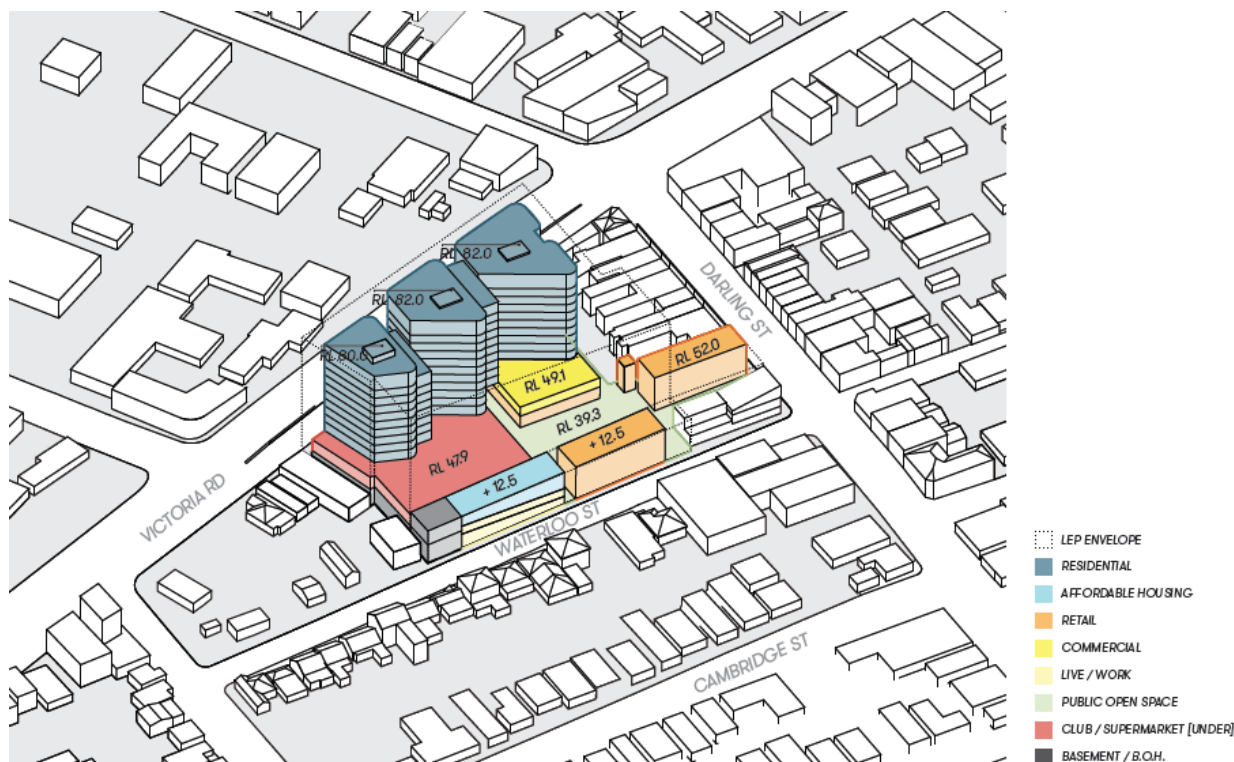


Figure 3: Proponent's proposed height and massing

Peer reviews

To inform Council's assessment of the proposed DCP amendment, external independent consultants were commissioned to undertake the following peer reviews:

- Economic impact (**Attachment 1**)
- Traffic impact (**Attachment 2**)
- Urban design and heritage impacts (**Attachment 3**)

In accordance with Council's Fees and Charges, the costs associated with the peer reviews were borne by the Proponent.

Traffic and transport

Traffic consultants, Arup, were engaged to review the transport and traffic circumstances likely to be created by the proposed scheme. The methodology employed by Arup included:

- Review and update of the base year traffic model developed by Ason Group (the Proponent's traffic consultants) for the local area network;
- Development of traffic generation and distribution for the proposed development;
- Traffic assessment of the implications of the proposed development.

In order to conduct this review, Arup examined the proponent's model in relation to:

- Convergence and Calibration;
- Travel Time Validation;
- Assumptions and scenarios (including trip generation, trip distribution/route assignment).

Arup's analysis was carried out with the understanding that no kerbside parking spaces should be removed from Darling Street, Rozelle and that any future spare capacity on Victoria Road (resulting from construction of the Iron Cove Link) would be used to improve the sustainable transport network and to provide opportunities for public domain improvements, rather than being used to accommodate increased traffic flow.

Arup's review of the Proponent's model determined that it generally conformed to the RMS *Traffic Modelling Guidelines*, however several minor modifications were suggested and the model modified accordingly:

- Inclusion of increased dwell times (time to pick-up/set-down passengers) for westbound buses;
- Slight increases in the trip generation rates for retail, club and residential uses; and
- Some minor coding variations within the model.

The model was recalibrated, revalidated and run with the revised assumptions. Outputs from the revised model were then reviewed and indicated that:

- The development scenario was generally found to result in only minor increases in average delay and density across the network, resulting in a slight reduction in average speed;
- In general, relatively small increases (satisfying the <10% criteria that has been used throughout previous studies for this site) were recorded for most travel time routes. Exceptions to this include:
 - Route 1 (Victoria Road westbound) and Route 4 (Darling Street northbound) recorded 11% and 15% travel time increases respectively during the PM peak hour. Modelling shows the key constraint for each of these routes is the central intersection of Victoria Road and Darling Street. Movements associated with these routes operate in opposing traffic light phases which makes it difficult to improve travel time for both routes concurrently without delaying the other route.
 - Route 7 (Terry Street northbound) and route 8 (south-west bound from Wise Street to Victoria Street via Wellington Street) showed travel time increases in excess of 10% in a number of the modelled peak periods, but most notably in the Saturday midday scenario. This however was based on relatively low numbers of vehicles travelling along these routes.

It should be noted that while the model indicated that the individual sections of certain routes mentioned above experienced increases of greater than 15%, it was considered that the short length of these sections and often small number of vehicles were likely to reduce the model's accuracy at these individual locations, consequently the analysis has focused on likely impacts for complete routes rather than individual sections.

Additionally, while latent demand was not recorded for any tested scenario it was considered unlikely to significantly vary the model's outputs.

In summary, analysis of the revised model indicated that, in relation to transport and traffic implications, the current proposal can be anticipated to result in generally acceptable increases in delay/congestion on the adjacent road network, when considered in the context of likely future conditions on the adjacent road network.

Economic impact

SGS Economics and Planning were engaged to consider:

- The suitability of the proposed retail and commercial floor space indicated in the masterplan, in terms of both quantum and location;
- Impact on existing centres, particularly Rozelle and Balmain;

- Position of the Region and District Plans in relation to commercial and retail development in the area; and
- Any potential modifications of the proposed amendments.

SGS undertook an assessment and review of the evidence presented in the Economic Impact Assessment prepared by Location IQ (Proponent's consultants) and concluded that overall the assumptions and assertions are supportable or acceptable. SGS also undertook their own retail impact assessment to test the trade diversion effects of introducing new retail floorspace.

In summary, SGS concluded that the quantum and mix of retail being proposed is warranted for the following reasons:

- The site is located within an established retail centre, generating potential co-location benefits, reducing the need for vehicular travel and (potentially) greater integration within this centre.
- There is an undersupply of retail floorspace in the local economy, particularly in terms of full-line supermarkets.
- Expected population growth will exacerbate this undersupply.
- There is policy support for increased floorspace (including retail) in established centres across Metropolitan Sydney under the Greater Sydney Commission's Central City District Plan to meet the impending population growth.
- There is no demonstrably significant trade diversion effect on any other centre (largely due to the supermarket undersupply in this area).

SGS considered the provision of commercial floorspace reasonable, but advised that thought should be given to which businesses it is likely to attract and what floorspace layout they require.

The most significant concern arising from the review of the Proponent's EIA and the proposed scheme for the site is the potential dislocation from the remainder of the established centre. In response, SGS made the following insights and recommendations for integrating the development of the site with the rest of the centre:

- Consider better integration of the specialty shops with Darling Street, maximising the vitality of the corner where Heritage Lane meets Darling Street;
- The masterplan identifies that the northern and southern frontages of the Town Square are to be activated with retail of some sort. This will likely be an attractive space and, given its direct line of sight to Darling Street, will retain visual connection important in drawing people out of the square and into Darling Street itself;
- There is a risk that prominence along Victoria Road may jeopardise retail trade along the southern portion of Darling Street by dragging foot traffic directly to the site rather than past the existing Darling Street frontages;
- Placing the supermarket below ground is acceptable even though it creates some risk of visitor self-containment;
- A supermarket at ground level would still be internalised in the development and would not provide direct visual access to Darling Street. Visual amenity and activation in the Town Square would also be reduced.

Urban design and heritage

Conybeare Morrison (CM+) were engaged to undertake an urban design and heritage analysis, with the heritage input provided by Extent Heritage. The adopted methodology was as follows:

- Peer review of the documentation submitted by the Proponent, including:
 - Masterplan
 - Proposed DCP amendments
 - Statement of Heritage Impact

- SEPP 65 Design Verification Statement
- Development Application Design Report
- Urban design and heritage analysis
- Consideration of traffic and economic peer reviews
- Identification of site opportunities and constraints
- Development of key urban design principles
- Development of alternate precinct masterplan options
- Assessment of the appropriateness of potential built form scenarios in terms of urban design considerations
- Preparation of urban planning and development controls for the precinct

The urban design and heritage reviews acknowledged that the Proponent's scheme had a number of positive outcomes, including:

- Concentrating the height adjacent to Victoria Road and away from the surrounding low density residences;
- Incorporation of vertical recesses to make the tower building read as three towers;
- Improved site permeability and activation;
- Good sized and well-proportioned Town Square that is connected to adjoining streets;
- Building scale and grain along the Waterloo Street frontage provides a successful response to the streetscape and demonstrates heritage sensitivity.

Notwithstanding, the following issues and missed opportunities were identified:

- Relationship with Victoria Road in terms of scale, activation and pedestrian environment;
- Victoria Road street wall undermined by significant building setbacks at podium level;
- Design and form of the tower building contrasts significantly with the surrounding character;
- Inadequate solar access to the proposed town square;
- Redevelopment potential of adjacent lots to be constrained by nil setbacks;
- Lack of consideration of potential future integration of the public domain with that of adjoining sites;
- Opportunity for north-west pedestrian connection not considered;
- Apartments to have compromised amenity due to limited opportunity for cross ventilation, solar access and visual and acoustic privacy; and
- Development to respond to the existing local character in terms of scale, form, materials and colours, with particular regard to the adjoining HCAs and heritage items.

CM+ prepared an alternative scenario reflecting the following urban design principles:

- Maximum height for the site at 12 storeys (reflecting the site specific provisions of LEP 2000);
- Provide a two storey (10m high) street wall along Victoria Road;
- Concentrate higher built form along Victoria Road;
- Provide fine grain built form along Waterloo Road;
- Provide a Town Square within the site;
- Increase site permeability by providing a network of pedestrian laneways;
- Facilitate future integration of the proposed Little Darling Lane with the adjoining Right of Way (rear of Darling Street properties);
- Provide active frontages along Victoria Road, future laneways and Town Square;
- Provide adequate building-to-building separation distances to the adjacent properties; and
- Reuse building at No. 697 Darling Street
- The Proponent's scheme has essentially replaced the 'surplus' retail floor space with residential. The alternative scenario prepared by CM+ includes a lesser residential component, yet still exceeds the maximum permitted under LEP 2000. Notwithstanding,

the suitability of any deviation from the maximum FSRs contained within LEP 2000 will ultimately be considered in the assessment of the DA.

The following figures (produced by CM+, incorporating inputs from the Proponent's urban design consultant Scott Carver) depict the current Leichhardt DCP 2000 controls; the proponent's original scheme; and the alternative scenario from a range of perspectives.

View 1: 3D perspective

Figure 4: LDCP 2000



Figure 5: Proponent's scheme

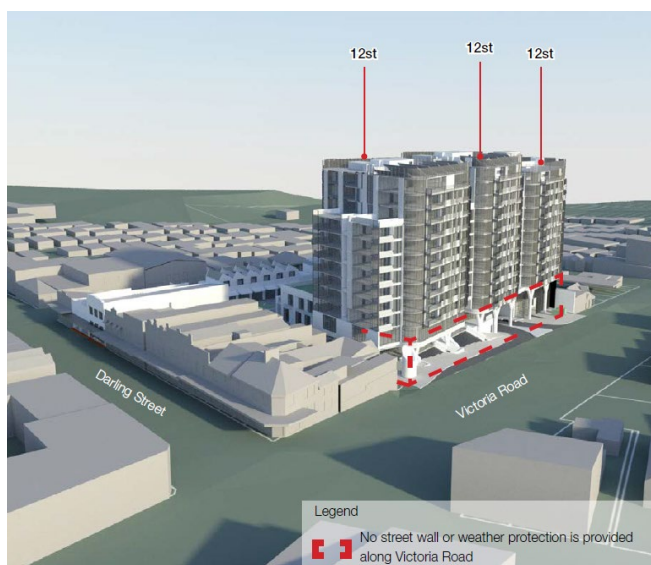


Figure 6: Alternative envelope



View 2: Victoria Road (Darling Street cnr)

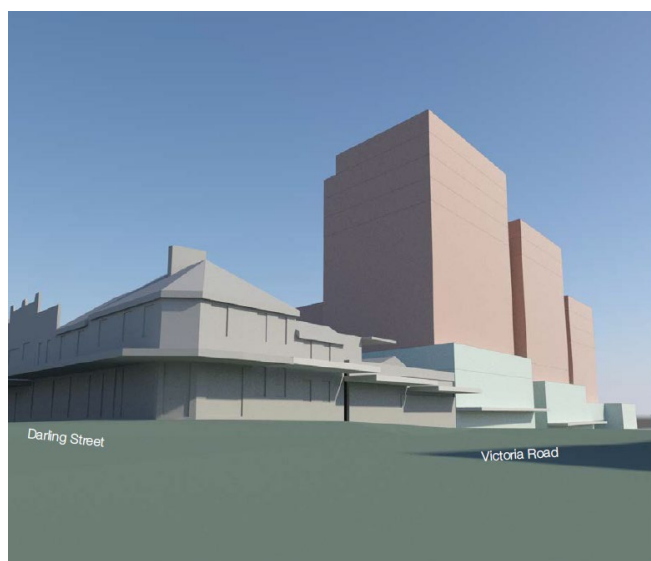
Figure 7: LDCP 2000



Figure 8: Proponent's scheme



Figure 9: Alternative envelope



View 3: Victoria Road

Figure 10: LDCP 2000

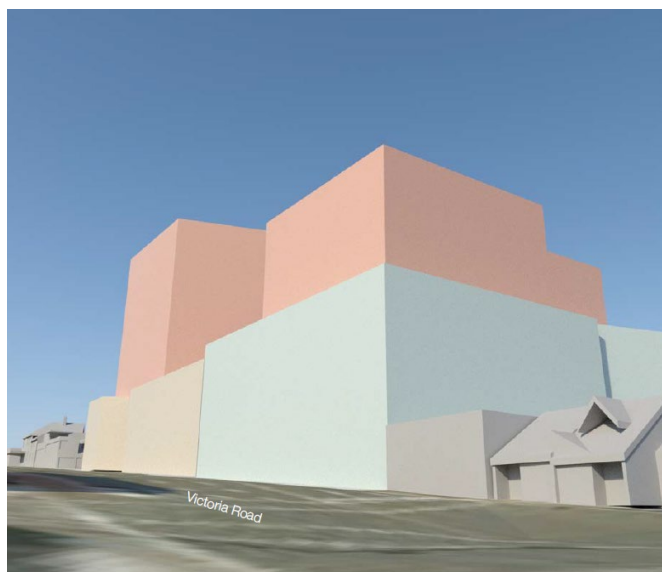


Figure 11: Proponent's scheme



Figure 12: Alternative envelope



View 4: Darling Street

Figure 13: LDCP 2000



Figure 14: Proponent's scheme



Figure 15: Alternative envelope



View 5: Darling Street (Waterloo Street corner)

Figure 16: LDCP 2000



Figure 17: Proponent's scheme



Figure 18: Alternative envelope



View 6: Waterloo Street

Figure 19: LDCP 2000



Figure 20: Proponent's scheme

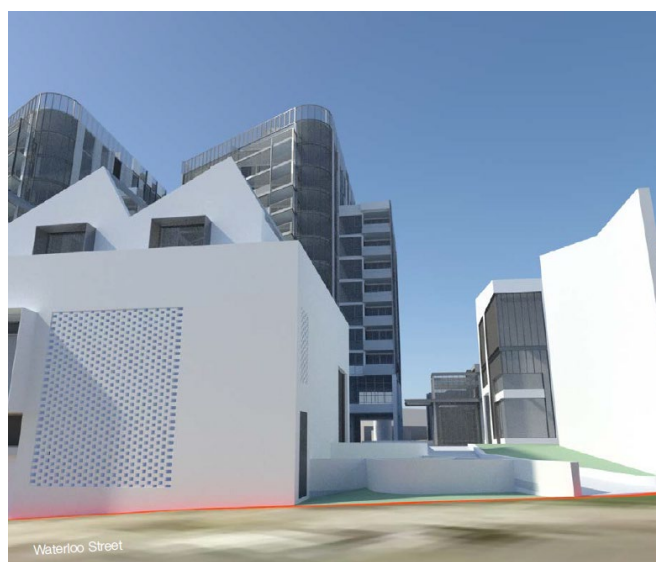


Figure 21: Alternative envelope



The following recommendations of the independent urban design and heritage analysis were presented to the Proponent's consultants for consideration and incorporation:

- Provide a street wall height of 10m (2-storey) along the Victoria Road frontage with a setback to the tower above;
- Activate Victoria Road by building up to the street frontage and by providing active uses along the Victoria Road frontage;
- Articulate three distinctive towers with vertical recesses;
- Prioritise pedestrian movement along the Victoria Road footpath by:
 - providing adequate setback to Victoria Road to accommodate the new slip lane as well as a continuous footpath of 4.5m width; and
 - continuing the footpath level and finishes across vehicular entry points.
- Reconfigure the tower building height and setbacks to provide good solar access to the future Town Square at lunchtime during mid-winter. The alternative scenario by Consultancy CM+ introduces a series of tower heights stepping down Victoria Road (12 storeys, 11 storeys, 9 storeys);
- Provide minimum 6m setback to the common boundaries to comply with ADG building-to-building requirements;
- The design of proposed Little Darling Lane should be integrated with the future redevelopment of the Right of Way to the east of the site. Consider levels, columns, planters, etc;
- Provide for a future north-westerly pedestrian connection to the potential development precinct to the northwest of the site. It was resolved during the workshop (discussed below) that an acceptable alternative would be an increased setback to Waterloo Street, providing improved pedestrian amenity;
- Provide a clear street address for residential entries;
- The proponent should consider 'The Design Context: Guidelines for Infill Development in the Historic Environment' prepared by the Royal Australian Institute of Architects NSW Chapter and the Heritage Office with regard to scale, form, materials, colours and responding to the local character;
- The proponent should prepare perspective views from the heritage items, from Darling Street and from Waterloo Street to assess the potential impact on heritage items and the HCA.

It is noted that the alternate envelopes may appear relatively bulky as they are only envelopes but will be incorporated into specific DCP controls prior to exhibition of the DCP. It was agreed between the proponent and Council that Figure 15 will be the preferred option going forward for the Darling Street frontage.

Two workshops were conducted to proactively discuss the issues identified by the urban design and heritage peer review and its recommendations in November 2018. These were attended by Council Officers, Council's engaged consultants and the Proponent's consultants.

Subsequent to the second workshop, the Proponent provided a response to the urban design and heritage peer review comprising the following:

- Design response (sketch form);
- Revised draft DCP;
- Revised DCP amendment drawings;
- Written response to the peer review recommendations.

This supplementary material was reviewed by CM+ and the following was noted:

- A two-storey street wall height is introduced along Victoria Road; however, no upper-level setback has been provided for the tower elements. The cross section provided by the Proponent shows that the upper-level built form further encroaches into the Victoria Road setback by providing building articulation zone. CM+ suggests that the Victoria

Road setback should be free of any built form encroaches from the upper-level building envelope. As suggested in the CM+ previous comments and during the workshops, a 3 metre upper-level setback above the podium is recommended to mitigate the scale of the proposed development.

- The ground floor uses are brought closer to Victoria Road, which is in line with the previous recommendation. The Proponent has not addressed the concern raised by Assessment Officers regarding the potential that the Club may be diminished within the overall development, especially when viewed from Victoria Road.
- The Proponent has accepted to have a 4.5m footpath along Victoria Road in the written response by Mecone.
- The Proponent has not shown the relocation of the vent and the substation in the plan.
- The Proponent fails to improve the solar access to the future Town Square. CM+ agree that locating the tower forms along Victoria Road is the appropriate urban design approach. The revised sketches marginally increase the solar access to the future Town Square; which is considered insufficient. As suggested in the previous comments and during the workshops, CM+ strongly recommend that the tower height to the north-east of the site is reduced to allow improved solar access to the future Town Square. The analysis undertaken by CM+ recommends that the solar access outcomes achieved under their alternative scenario should be incorporated as DCP requirements (minimum proportions of the Town Square to receive sunlight at certain times during the day on the winter solstice).
- A 6m setback to the south-east common boundary has been introduced in the revised sketches; and is measured from the centre line of the adjacent Right of Way (ROW). Whether the proposed 6m setback is measured from the centre line of the ROW should be determined by Council with consideration of the land title of the ROW. [Assessment officers have since advised that the setback should be provided to the property boundary, not the centre line of the ROW].
- There is no Concept Plan showing the long term public domain outcome - integrating the proposed Little Darling Lane and the ROW into a single place. However, CM+ note that the Draft DCP by the Proponent requires the Concept Plan to be provided in the DA stage.
- A 3m wide footpath is proposed along the northeast side of Waterloo Street in the revised Draft DCP by the Proponent, however this setback is not included in the sketches by Scott Carver. A revised plan and typical cross section through the Waterloo Street footpath should be provided to illustrate the proposed footpath widening.
- A control has been introduced in the Draft DCP by the Proponent to reflect need to consider 'The Design Context' document. However, the Proponent has not provided a revised Heritage Impact Assessment.
- CM+ note that the Draft DCP by the Proponent requires photomontages to be provided at the DA stage. Photomontages from the critical vantage points, to assess the potential visual impact, have not been provided. CM+ continues to have concerns with regard to the Architectural shaping, and material and finishes of the proposed towers. Further, as previously requested, more detail is required in regard to the design of the podium level 'Green Street Wall'.

In summary, the key concerns of Council's urban design and heritage consultants that remain outstanding are:

- the lack of an upper-level setback of the towers,
- the shaping of the towers and the height of the northernmost tower resulting in significant overshadowing of the future Town Square.

ESD measures

The Proponent's draft Environmentally Sustainable Development (ESD) have been referred to Council's Urban Ecology Team for comment. cursory review suggests that the proposed ESD

measures are lacking and that more detailed provisions should be incorporated to ensure that the outcomes achieved on this prominent site align with best practice.

A viable leagues club

In support of their proposed amendments, the Proponent submitted a 'review of changing club requirements' (**Attachment 9**). It states:

In New South Wales, research indicates that an increasing focus on service diversification and more investment in services and infrastructure that better supports the needs of local communities, has led to a gradual shift away from gaming services as the major revenue source.

The review considers example clubs that have diversified their offering, before concluding:

Changing consumer taste of the younger generations and changed government regulations have all contributed to a historic declining revenue for Clubs. The examples above show that Clubs that have been successful in recent years have significantly changed their business offering to focus more on providing services that these communities want. In particular, there has been a move away from larger gaming areas, with a renewed focus on family entertainment, food and beverage and recreation services.

The footprint proposed for the Balmain Leagues Club has been driven to best align with these examples of successful, modern Clubs, that are financially viable and reflect the changing tastes of the local community.

It is noted that the NSW Land and Environment Court's finding in relation to D/2015/483 concerning the previous DA for the site was that:

While the Court would not normally concern itself with the user of a development, because of the way LEP 2000 was prepared and the requirement in DCP 2000 to promote the long term viability of the Balmain Leagues Club on the site, it is a valid planning consideration. Furthermore, to be satisfied that this development will be promoting the long term viability of the Club, the Court should be satisfied that the GFA provided for club use will be occupied by the Balmain Leagues Club for its long term viable usage.

Pedestrian bridge

The existing DCP requires the provision of a "pedestrian bridge over Victoria Road accessed directly from the development and via lift and stairs or ramp from both sides of Victoria Road". The Proponent's DCP amendment removes the requirement for the pedestrian bridge.

In the appeal against the deemed refusal of D/2015/438 Council's expert architect and urban designer opposed a pedestrian bridge over Victoria Road, taking the position that the connectivity and pedestrian amenity of an at grade crossing at Darling Street is essential for the shopping precincts on both sides of the intersection. Council's transport planners concur with this position. It is understood that the bridge was also not supported by Roads and Maritime Services and the Department of Education.

Next steps

Consistent with their brief, architectural firm CM+ are now preparing revised controls for the site that are consistent with their recommendations and the outcomes of the workshops.

Once these are drafted and reviewed by Council officers, and appropriate recommendations of the economic and ESD reviews are incorporated, it is proposed that they will be placed on

exhibition in early 2019, noting the impending Christmas/New Year holiday period. The Proponent's material will be made available as supplementary documentation.

FINANCIAL IMPLICATIONS

In accordance with Council's adopted Fees & Charges, the Proponent paid a fee of \$15,000 for Council to consider the proposed DCP amendment. The costs associated with the Council commissioned peer reviews were covered by the Proponent.

It is proposed that the fees associated with the advertisement and notification of the DCP amendment will be sought from the Proponent prior to exhibition.

PUBLIC CONSULTATION

It is recommended that draft DCP provisions, consistent with the findings of the peer reviews, be prepared and exhibited in accordance with the *Environmental Planning and Assessment Regulation 2000* (EP&A Regulation).

CONCLUSION

It is recommended that Council endorse the preparation of amended DCP provisions for the Balmain Leagues Club Precinct that reflect the findings of the thorough review outlined in the report above. Once prepared, it is proposed that the amended DCP will be exhibited in accordance with the EP&A Regulation. A post-exhibition report, discussing submissions received and any proposed changes to the draft amendments, will be presented to Council for consideration.

ATTACHMENTS

1. Council Peer Review - Economic Impact Assessment
2. Council Peer Review - Traffic Report
3. Council Peer Review - Urban Design
4. Proponent - Amended DCP November 18
5. Proponent - Design Response to Peer Review
6. Proponent - Economic Impact Assessment
7. Proponent - Original Masterplan
8. Proponent - Traffic Report
9. Proponent - Review of changing Club requirements