

Item No: C1222(1) Item 8

Subject: POST EXHIBITION - DRAFT DEVELOPMENT CONTROL PLAN - 469 - 483
BALMAIN ROAD, LILYFIELD

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RECOMMENDATION

That Council:

1. **Note the engagement outcomes in response to the public exhibition of the site-specific Development Control Plan (DCP) amendment for 469-483 Balmain Road, Lilyfield as detailed in Attachment 3;**
 2. **Note the Architectural Excellence and Design Review Panel (AEDRP) advice that it does not support the site-specific DCP amendment for 469-483 Balmain Road, Lilyfield; and**
 3. **Request the proponent to submit a revised draft site-specific DCP and urban design scheme to address the matters raised by AEDRP. The revised DCP, if satisfactory, be re-exhibited and referred back to AEDRP for advice.**
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DISCUSSION

On 26 February 2021, the former Leichhardt Local Environmental Plan (LEP) 2013 Amendment 18 (now Inner West LEP) was gazetted to enable residential uses on the industrial site at 469-483 Balmain Road, Lilyfield and increase the Floor Space Ratio (FSR) to 2.2:1 and Height Of Building (HOB) to 23m equivalent to 6 storeys.

Clause 6.25 of the IWLEP 2022 requires that a draft site-specific DCP be prepared to enable this mixed-use development on the site. The DCP must provide for objectives and controls relating to built form, height transition, retention of character buildings, distribution of land uses, sustainable transport, environmental impacts, ecologically sustainable development etc.

Council as the planning authority is responsible for making or amending the DCP as per the *Environmental Planning & Assessment Act 1979* (the "Act") and *Environmental Planning & Assessment Regulation 2021* (the "Regulation").

The draft site-specific DCP (**Attachment 1**) was prepared and exhibited by Council from 21 June to 30 July 2021 and subsequently reported to the Inner West Architectural Excellence & Design Review Panel (AEDRP).

On 7 June 2022, the AEDRP advised Council that it does not support the draft site-specific DCP. Council officers have considered the matters raised by AEDRP with respect to the shortfalls in the DCP. These matters cannot be addressed through minor modifications to the draft DCP, and therefore, it is recommended that Council request the proponent to submit a revised DCP with an urban design scheme.

1.0 Background

A Planning Proposal to amend the former Leichhardt LEP 2013 for the site which sought to enable residential uses on the IN2 - Light Industrial zoned site and increase its FSR and HOB. The Planning Proposal was not supported by Council officers as it lacked strategic merit due to key issues such as potential loss of industrial uses and incompatible built form response.

In August 2017, a Rezoning Review was lodged by the proponent with the Department of Planning & Environment (DPE). The proposal was subsequently supported by the Sydney Eastern City Planning Panel (SECPP) and DPE.

On 26 February 2021, the Minister for Planning gazetted the Leichhardt LEP Amendment No. 18 (**Attachment 2**) to enable residential uses on the industrial site with increased FSR from 1:1 to 2.2:1 and new HOB control of up to 23m equivalent to 6 storeys.

The site-specific LEP provisions prepared by DPE require that a site-specific DCP be prepared which outlines provisions relating to design principles, building envelopes, public domain treatment, sustainability, land use conflict and environmental impacts.

2.0 Site Context

The 6,824sqm site (see Figure – 1) is located in the Balmain Road Industrial precinct and is bounded by Balmain Road, Fred Street and Cecily Street. Three buildings built between 1907 and 1960 characterise the site, namely Pilchers Bakery, the former ABBCO Pty Ltd office building, and a factory that has two residential apartments above. To the north of the site is Callan Park. To the south, the predominant built form is single and attached dwelling houses. To the east along Balmain Road are shopfronts and a timber yard.



Figure 1 – Site location

3.0 Inner West LEP 2022 site-specific provisions and Draft DCP

The site is currently zoned IN2 Light Industrial with an FSR of 2.2:1 and HOB up to 23m. Previous to the 2021 LEP amendment, the site had an FSR of 1:1, no HOB and no residential uses were permitted.

IWLEP Clause 6.25 Development of Land at 469-483 Balmain Road, requires:

- ongoing provision of employment, service and creative enterprise opportunities on the land and the following mix of uses:
 - (i) at least 6,000m² of the total gross floor area (GFA) for employment uses, and
 - (ii) at least 1,200m² of the 6,000m² employment uses for creative purposes, and
 - (iii) adaptive reuse of existing buildings
 - (iv) at least 5% of the GFA for affordable housing.
- a DCP that provides for matters including design principles, retention of buildings, distribution of land uses, landscaping, building envelope (setbacks, massing and heights), diversity of housing, public domain treatment, sustainability, land use conflict, environmental impacts .

In addition, the IWLEP 2022 Schedule 1 - Additional Uses Clause 18 applies a sunset clause to the site as per below:

Clause 18 - Development for the purposes of residential flat buildings is permitted with development consent if the development application is lodged on or before 26 February 2024.

The preparation and adoption of site-specific DCP is required to comply with the above clause and provide certainty to the community that good design and amenity outcomes will be delivered on the site at the Development Application (DA) stage.

The draft DCP provides objectives and controls on the following matters:

- Desired future character
- Public domain
- Open space, deep soil and landscaping
- Employment Uses and Residential amenity
- Built form, height and design
- Environmental Management
- Building materials and finishes
- Waste and Recycling
- Heritage
- Housing Affordability and Diversity

The draft DCP also includes below diagrams showing the indicative site plan and sections which will result in a 6 storey mixed-use development on the site. The draft DCP is primarily based on the proponent's site layout as supported by the SECPP in December 2020.

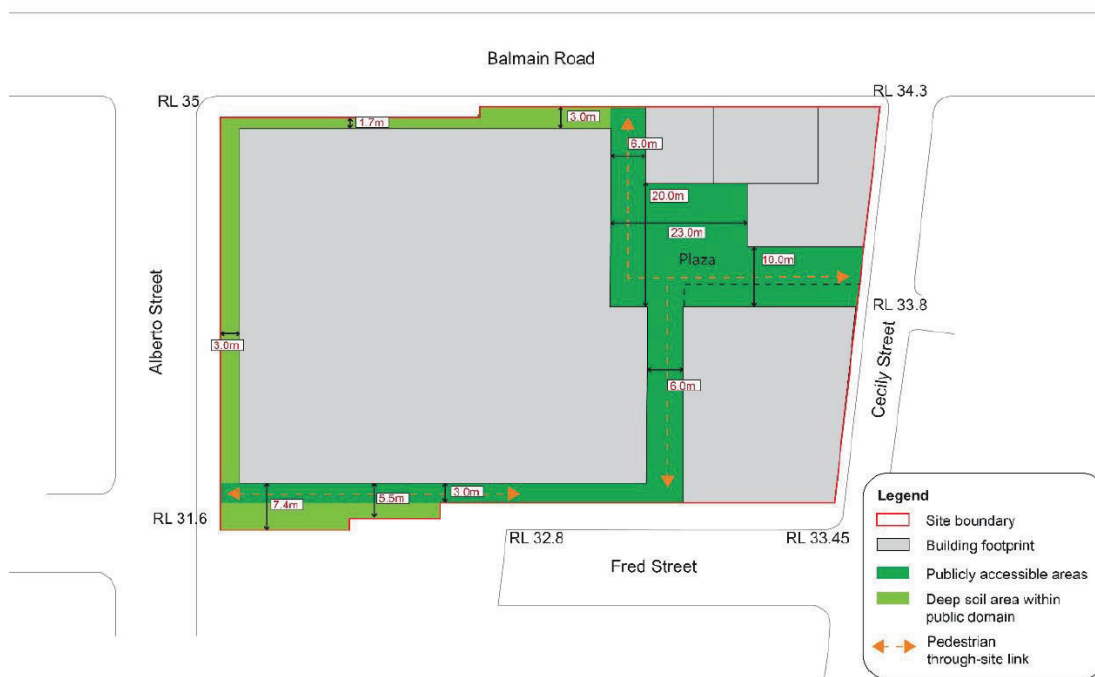


Figure 2 - Public domain, deep soil planting and pedestrian through site links (Draft Balmain Rd Site Specific DCP)

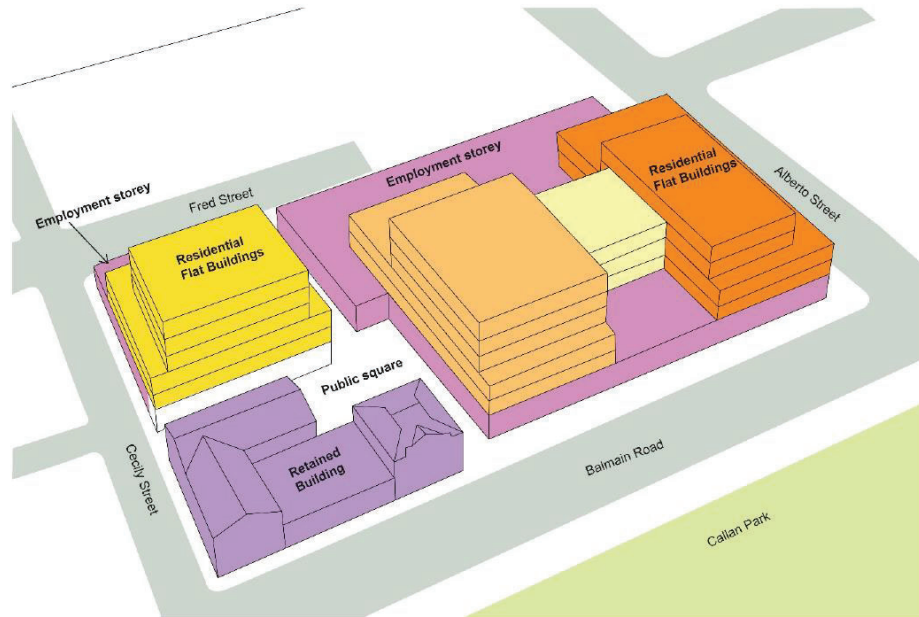


Figure 3 – Indicative Built form massing Draft Site-specific DCP

4.0 Engagement outcomes

The draft site-specific DCP was exhibited by Council officers for 41 days from 21 June 2021 to 30 July 2021 in accordance with the Act and Council's Community Engagement Framework. Council sent hard copy letters to nearby landowners and occupants to notify them of the public exhibition and provided information on how to view the supporting documentation, which was featured on Council's Your Say website. Detailed Engagement Outcomes report is provided in **Attachment 3**.

Council received 27 written submissions during the exhibition period.

4 submissions supported or had no objections in principle to the proposed DCP amendments, key matters of support were:

- provision of affordable housing
- provision of creative industries
- a considered approach to the draft DCP.

6 submissions were neutral whilst 17 submissions opposed the proposed amendments. The key matters of concern were:

- excessive height, bulk and scale, out of character
- additional traffic and insufficient parking
- noise
- loss of sunlight
- privacy impacts
- poor public domain
- lack of adequate open space
- poor sustainability outcomes
- loss of affordable rental spaces for artistic and creative uses.

Some of these concerns relating to height and density are beyond the remit of a site-specific DCP as these controls have already been gazetted by DPE as part of the LEP Amendment.

10 submissions (out of total of 27) also suggested potential changes to the draft DCP controls which have been considered by Council officers as per below.

5.0 Post-exhibition amendments

The following minor changes were made to the exhibited DCP to address community's concerns and strengthen the proposed DCP guidelines to better address environmental and amenity impacts at the DA stage:

- Ensuring that building envelopes are within the IWLEP's maximum FSR of 2.2:1 and minimise bulk and scale impacts on the surrounding neighbourhood.
- Ensuring that adequate servicing facilities are provided within the site for the employment areas and avoiding "spill over" onto residential streets.
- Effectively utilising the podium for communal open space and provision of tree canopy.
- Providing sufficient tree planting in the building setbacks to improve public domain treatment.

It is important to note that the proponent's original design scheme/ proposal was not supported by Council officers and that the exhibited draft DCP was primarily based on proponent's design scheme as supported by DPE/SECPP. Council officers are unable to satisfactorily resolve all of community's concerns without making substantial changes to the draft DCP's building envelope.

6.0 Consideration of the AEDRP advice

The State Environmental Planning Policy (SEPP) 65 Design Review Panel (also known as AEDRP) was formally constituted for IWC on 1 July 2021. Clause 15 of the Regulation requires that the DCPs with residential flat buildings be referred to the Panel prior to adoption by Council. The Regulation requires the Panel to provide advice on the draft DCP that it has addressed the matters in parts 1 and 2 of the Apartment Design Guide (ADG) 2015.

The revised draft DCP, including minor amendments as listed above, was referred to the AEDRP in accordance with the Regulation.

On 7 June 2022, AEDRP provided their advice to Council (**Attachment 4**) that it does not support the draft DCP due to various concerns including:

- the need to describe the overall project objectives and vision for the precinct
- the proposed residential envelopes being substandard in terms of providing amenity
- viability of industrial uses being compromised by the residential component
- the ground floor plates being too deep for provision of natural light and ventilation
- the site's ability to achieve maximum FSR within the proposed envelope, incl. maximum HOB
- lack of certainty regarding how the residential uses will co-exist with light industrial uses
- the need to avoid overly prescriptive DCP envelopes for improved configurations.

Overall, the AEDRP considered that compliance with the ADG for the proposed development will be difficult to achieve at DA stage. It also considered that a substantially different design concept to what was prepared by the proponent and approved by the SECPP is required to achieve compliance with the ADG and good design/ amenity outcomes.

Council Officer's consideration of the AEDRP advice

Council officers acknowledge the issues raised by the AEDRP, particularly in relation to the proponent's proposed building envelopes which may not achieve sufficient amenity. However, these matters cannot be addressed through minor modifications to the draft DCP. These

require considerable changes to the urban design scheme including revised built form configuration to satisfy the ADG and LEP requirements. Noting that the FSR and HOB controls have already been set in the LEP and cannot be amended, any new design scheme will need to demonstrate that the built envelope is within the planning framework established by the LEP for the site.

Council officers have advised the proponent in June 2022 regarding the issues raised by the AEDRP. However, these issues have not yet been resolved. The proponent expressed their intention to pursue an alternate design scheme substantially different from the building envelopes outlined in the exhibited DCP.

In addition, there are concerns that despite the proposed LEP provision requiring preparation of a site-specific DCP, Clause 4.23 of the Act allows proponents to proceed with the Concept DA without having a site-specific DCP in-place. This overrides the LEP requirement regarding provision of DCP prior to any development consent being granted through addressing design provisions at the Concept DA stage.

This site specific DCP is an important mechanism to set detailed planning and design controls for any new development. In the event that the DCP is not in place, there are potential concerns that AEDRP's concerns will not be addressed.

7.0 Conclusion

Community consultation and AEDRP referral has been carried out as per the requirements of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2021*.

AEDRP has raised significant concerns with the draft DCP provisions as outlined in this report. Therefore, the draft DCP as exhibited is unsatisfactory and a revised DCP and supporting urban design scheme are required to address key issues raised by the AEDRP and community. It is recommended that Council write to the proponent outlining concerns with the current DCP and request that revised DCP be submitted to Council for assessment.

Should the revised DCP be satisfactory, it will be re-exhibited for public feedback and referred to the AEDRP. Post-engagement outcomes will be presented to Council in 2023. This should be done in a timely manner as the sunset clause applies to the site relating to permissibility of residential uses up to **26 February 2024**.

FINANCIAL IMPLICATIONS

Nil

ATTACHMENTS

1. [↓](#) Draft DCP exhibited 2021
2. [↓](#) Leichardt LEP Amendment No 18
3. [↓](#) Engagement Outcome Report
4. [↓](#) AEDRP Advice

SITE-SPECIFIC DEVELOPMENT CONTROL PLAN

**Amendment 16 to Part G - Leichhardt Development
Control Plan 2013**

469-483 BALMAIN ROAD, LILYFIELD

1 June 2021

SECTION 12 – 469-483 BALMAIN ROAD, LILYFIELD

Relationship to other plans

The following site-specific controls apply to 469-483 Balmain Road, Lilyfield.

Unless otherwise stated, development of the site should be designed and constructed in accordance with the controls in this section and all other relevant provisions of this DCP.

In the event of an inconsistency between this section and other provisions of this DCP, the controls in this section shall prevail in relation to development on the site to the extent of the inconsistency.

Map Reference

Refer to Area 11 in Figure G1 – Site Specific Areas and **Figure 1** below.

G12.0 LAND TO WHICH THIS SECTION APPLIES

This section applies to 469-483 Balmain Road, Lilyfield being Lot 2 DP1015843 (the site).

The site has an area of 6,824m² and is bounded by Balmain Road, Cecily Street, Fred Street and Alberto Street, Lilyfield as shown in **Figure 1**.



Figure 1: Site location

G12.1 BACKGROUND

The site is the subject of a planning proposal which included residential flat building as an additional permitted use, changes to the height and floor space ratio controls and conditions for ongoing provision of employment floor space, retention and adaptive reuse of character buildings, affordable housing and a site-specific development control plan. The Sydney Eastern City Planning Panel determined the planning proposal to proceed for finalisation.

The subject site is within the Balmain Road Industrial Precinct which is part of a shrinking but increasingly valuable urban services and light industrial land that is to be protected in the local government area

G12.2 OBJECTIVES

- O1 To ensure the ongoing provision of employment, service and creative uses high quality residential housing above.
- O2 To respond to the existing and future context and character of the area, including the wider industrial precinct, low density residential neighbourhood and Callan Park.
- O3 To achieve architectural and urban design excellence.
- O4 To retain and adaptive reuse the existing character buildings.
- O5 To provide a publicly accessible plaza and network of through site links with high quality amenity.
- O6 To renew the public domain along Alberto Street, Cecily Street, Fred Street and Balmain Road.
- O7 To provide for housing mix, affordable and adaptable housing.
- O8 To minimise traffic impacts and address vehicle access arrangements for the different uses.
- O9 To ensure acceptable residential amenity by ensuring adequate solar access, visual and acoustic privacy.
- O10 To minimise impacts on adjacent and nearby heritage items and Callan Park Conservation Area and buildings.
- O11 To mitigate land use conflict between the residential component and employment uses on the site, including the operation of employment uses in the vicinity.
- O12 To ensure an ecologically sustainable development outcome.
- O13 To encourage active transport and support public transport mode share and appropriate car parking provision.

G12.3 DESIRED FUTURE CHARACTER

The site is within the Nanny Goat Hill Distinctive Neighbourhood C2.2.4.2 of the DCP.

The building design should reflect the diverse built form of the surrounding area and its fine grain character comprising a unique mix of traditional single storey buildings, employment lands and open space along the ridge line of Lilyfield. The site will retain the character buildings and provide ongoing space for local artists to create a vibrant place with abroad appeal to the surrounding community.

The new character of the site should:

- O1 Contribute positively to the existing character of the suburb of Lilyfield, Nanny Goat Hill Distinctive Neighbourhood, and the site.
- O2 Achieve a mix of light industrial, creative and residential spaces that can successfully co-exist and support the employment viability of the wider light industrial precinct.
- O3 Protect and enhance the residential amenity of neighbouring dwellings and within the development.
- O4 Minimise conflict between residential and industrial uses in and adjoining sites.
- O5 Enhance and activate the public domain, with ground floor employment uses, widened footpaths, street trees and connectivity through and around the site.
- O6 Protect and enhance heritage items and Callan Park Conservation Area and character buildings.
- O7 Achieve design excellence by using a diversity of building envelopes, modulation and setbacks that is complementary to the character area
- O8 Provide an appropriate transition to the low density residential neighbourhood.
- O9 Provide an architectural response using a variety of materials found within the local area.

G12.4 PUBLIC DOMAIN

Objectives

- O1 To provide throughsite links and a public plaza which facilitate permeability, legibility and functionality between the public domain, streets and uses.
- O2 To improve the pedestrian experience by setting back new buildings and creating wider footpaths.
- O3 To enhance local amenity with improved footpaths and landscaping within and adjoining the development.
- O4 To enhance views of, and physical connection, with the retained character buildings.
- O5 To provide a mix of high quality open space for residents and the public.

Controls

- C1 Widened footpaths to Balmain Road, Alberto Street and Fred Street are to be provided as shown in **Figure 2**. These are to be dedicated to Council at no cost.
- C2 Provide a minimum 3m wide pedestrian link to provide unrestricted public access between Fred Street and Alberto Street as shown in **Figure 2**.
- C3 Provide through site links between Balmain Road, Cecily Street and Fred Street ranging between 6m to 7.2m as shown in **Figure 2**.
- C4 The proposed public plaza and through site links should have a combined minimum area of 790m². Ensure the plaza has tree canopy cover.
- C5 Provide for activation and passive surveillance of the public plaza and through site links through the implementation of Crime Prevention Through Environmental Design (CPTED) principles.
- C6 Proposed through site links should consider the following principles:
 - a) expose the existing external fabric of the existing buildings, enabling an appreciation of the site's industrial past;
 - b) enable comfortable pedestrian movement and experience;
 - c) provide universal access; and
 - d) be publicly accessible.
- C7 Balmain Road is to be the primary street frontage with any proposed redevelopment, including within the retained character buildings.
- C8 Trees capable of attaining a large canopy are to be planted along Balmain Road and Alberto Street with medium size trees to the Fred Street frontage of the site. Planting is to consider conditions such as:
 - a) ground floor setbacks
 - b) undergrounding of overhead power cables; and
 - c) consistency with the character of the street.

- C9 Overhead power cables along Balmain Road, Alberto Street and Fred Street must be relocated underground and replaced with appropriate street lighting given the scale of the development and the significant aesthetic benefit resulting from undergrounding, including allowing for viable street tree planting. Existing mature street trees in Fred Street should be discussed and inform a decision for undergrounding on this frontage.



Figure 2: Public domain, deep soil planting and pedestrian through site links

G12.5 OPEN SPACE, DEEP SOIL and LANDSCAPING

Objectives

- O1. To ensure occupants are provided with a reasonable level of outdoor amenity and access to open space.
- O2. To integrate high quality landscaping into the development.
- O3. To ensure the type, number, scale and siting of trees is compatible with the existing or desired streetscape character.
- O4. To create opportunities for planting of canopy trees and landscaping.
- O5. To soften the scale of buildings and contribute to the overall amenity of the site.
- O6. To minimise stormwater runoff.

Controls

- C1. Landscaping and mature tree planting with large canopy trees shall achieve 25% site canopy coverage as required in Section C1.14 of the DCP.
- C2. Provide a minimum deep soil area of 310m² on the site. A minimum of 75m² of this must be provided within the proposed public plaza as shown in **Figure 2**.
- C3. Provide deep soil areas in the Alberto and Fred Street frontages as shown in **Figure 2**.
- C4. A landscape plan prepared by a suitably qualified Landscape Architect is to be submitted with the development application showing the:
 - a) total area and deep soil area of the proposed plaza and through site links;
 - b) levels adjacent to the public domain;
 - c) planting schedule with numbers and species of plants (botanical and common name)
 - d) number and name (botanical and common name) of mature trees on site
 - e) type and detail of paving, seating, walling, fencing and other details of external areas of the site, including the plaza.
- C5. Use a diverse variety of local Inner West native plant species and plant types with low water needs, including trees, shrubs, grasses, groundcovers and climbers.
- C6. Landscaping is to be of the highest quality, and use appropriate stone, high quality precast concrete elements and high quality pavements.
- C7. Suitable soil depth, drainage and irrigation are to be provided for all landscaping built on structures.
- C8. Private residential courtyards and roof top / terrace common areas are to be located, designed and landscaped to:
 - a) maximise views across Callan Park;
 - b) achieve good amenity for the new residential apartments in terms of solar access;
 - c) minimise noise impacts and overlooking of nearby residential properties.
- C9. Ground level public spaces are to include trees planted on structure capable of reaching early stages of maturity within 5 years of planting.
- C10. Provide a minimum number of 1 large tree (at least 12m in height) per 90m² of soil, or 2 medium trees per 90m² of soil.

C11 Planting on structure is to have the following soil volumes:

Tree Size	Height	Soil Volume
Small	6-9m	20m ²
Medium	10-13m	30m ²
Large	14m+	40m ²

Refer to G12.10 Environmental management and G12.11 Building materials and finishes for controls relating to green roofs and green walls.

G12.6 EMPLOYMENT USE

Objectives

- O1 To co-locate industrial, creative and residential spaces without adverse impacts on the ongoing provision of employment uses on the site.
- O2 To encourage large floor plates and high ceilings for employment floorspace to ensure flexibility in accommodating a diverse range of light industrial and creative uses.
- O3 To safeguard the current and future viability of the adjoining industrial precinct.
- O4 To retain and adapt the character buildings for employment use.

Controls

- C1 Provide a minimum of 6,000m² GFA as employment floor space. Of this, a minimum of 1,200m² GFA is to be for creative purposes.
Note: The LEP clarifies where similar types of uses may exist as office or business uses.
- C2 Light industrial and creative employment uses are to be substantially located at ground floor level except for the mezzanine at lower ground floor (Fred and Alberto Street corner) with all levels of the retained character buildings (1 & 2 storey) on Balmain Road to be used for employment uses. Refer to **Figure 3**.
- C3 The character buildings are to retain industrial elements and be reconfigured as employment space for artists and creative purposes.
- C4 Provide a minimum floor to floor height generally consistent with **Figures 6-11** for employment floor space. This includes any allowance and acoustic attenuation between levels as referenced in Section 12.7(C1).
- C5 Ensure floor to ceiling height is adequate to accommodate truck and container deliveries and provision of efficient use of space for stock handling.
- C6 Notwithstanding C4 above, greater floor to floor heights are encouraged to provide flexibility in the final design of the ground floor employment level for light industrial uses and adequate attenuation between employment and residential uses.

Notes:

- 1) Employment uses do not include home businesses, home industries, home occupations, residential accommodation or tourist and visitor accommodation. Refer to the LEP for definition.

- 2) Employment uses for a creative purpose include media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions, community facilities or other related purposes, but does not include business premises or office premises. Refer to the LEP for definition.



Figure 3 Indicative floor plan showing employment uses within the site at ground, mezzanine and character buildings.

G12.7 RESIDENTIAL AMENITY

Objectives

- O1 To ensure acceptable residential amenity and the ongoing viability of employment uses within the site and on adjoining industrial land.
- O2 To provide an acoustically built development to minimise the conflict between employment and residential uses.
- O3 To optimise solar access to habitable rooms and private open space of new residential apartments to provide high amenity and energy efficiency.
- O4 To ensure adequate solar access, visual and acoustic privacy to surrounding residences.

Controls

- C1 The building design and construction shall minimise impacts between the employment and residential uses by:
 - a) implementing a minimum 400mm thick floor slab, up to 600mm thickness, or alternate attenuation treatment, between employment uses and residential uses for acoustic attenuation;

- b) incorporating construction methods and materials that insulate residential uses from noise and vibration transmission on site and from surrounding employment uses;
 - c) designing and locating employment and residential services and equipment (eg. Plant, goods lifts) that minimise amenity impacts; and
 - d) implementing suitable attenuation, vibration and odour measures to safeguard viable employment industries and minimise residential complaints.
- C2 Submit an Acoustic Report prepared by a suitably qualified acoustic consultant to verify the adequacy of the proposed design, construction methods and materials to achieve appropriate noise levels to ensure the ongoing operation of employment space would not impact residential uses above or adjoining.
- C3 Employment pedestrian access and circulation should be clearly separated from private residential pedestrian access (residential lobbies) and circulation.
- C4 All building entries are to be clearly identifiable with appropriate wayfinding.
- C5 Residential building components are to incorporate measures that reduce the entry of noise from external sources into the apartments. Where necessary, include acoustic measures to reduce the impact of noise from external sources.
- C6 Private open space (in the form of balconies, roof tops or courtyards) is to be:
 - a) recessed behind the main face of the building; or
 - b) where in the form of a terrace or otherwise open to the sky, include a landscape design such as perimeter planting boxes capable of accommodating screen planting; and
 - c) be located away from industrial noise sources, as far as is practicable, and designed with appropriate noise shielding devices.
- C7 Habitable rooms are to minimise the number or size of openings (where windows face industrial uses) or provide treatment of window openings with seals or other noise mitigating devices.
- C8 Surrounding residential properties receive a minimum three hours of direct sunlight to 50% of windows to principal living areas and 50% of principal open space between 9am and 3pm at the winter solstice. Where properties currently receive less solar access than specified above, there shall be no further reduction.
- C9 Minimise overlooking to surrounding residential properties and address any potential adverse noise and visual impact (such as night lighting) from employment areas

G12.8 BUILT FORM, HEIGHT AND DESIGN

Objectives

- O1 To achieve height, setbacks and massing that would provide an appropriate transition to the surrounding residential development and streetscape.
- O2 To ensure that the scale, building design and façade articulation responds to the context and character of the local area.
- O2 To integrate the existing character buildings with the future development and positively contribute to local character.
- O3 To minimise amenity impacts to surrounding properties and public domain.
- O4 To ensure the bulk and scale does not result in adverse visual impact on Callan Park.
- O5 To achieve high quality amenity for workers and residents alike.

Controls

- C1 **Figure 4** shows the built form and massing envisaged for the site.
- C2 Retain and restore all character buildings, known as the former Pilchers Bakery Warehouse buildings, identified in **Figure 5**. Refer to Section G12.13 for detailed controls on heritage and character.
- C3 Building heights, building separation distances and upper level setbacks are to be consistent with **Figure 5** and consider the following principles:
 - a) A varied and contextually responsive building mass,
 - b) A transition in building heights to complement the surrounding scale,
 - c) Provide residential amenity, including privacy, solar access, ventilation and landscaped setbacks,
 - d) Taller building elements take advantage of the wide Balmain Road streetscape and Callan Park amenity,
 - e) Active frontages along Balmain Road,
 - f) Lower building elements are located towards Fred Street to provide an appropriate transition to existing one and two storey houses, and
 - g) Upper level building setbacks to create a human scale pedestrian experience at street level.
- C4 Building heights step back at upper levels generally consistent with **Figures 6 -11**.
- C5 Provide building setbacks consistent with **Figures 6 – 11**.

Note:

- 1) The cross sections for **Figures 6-11** are indicated in **Figure 5**.

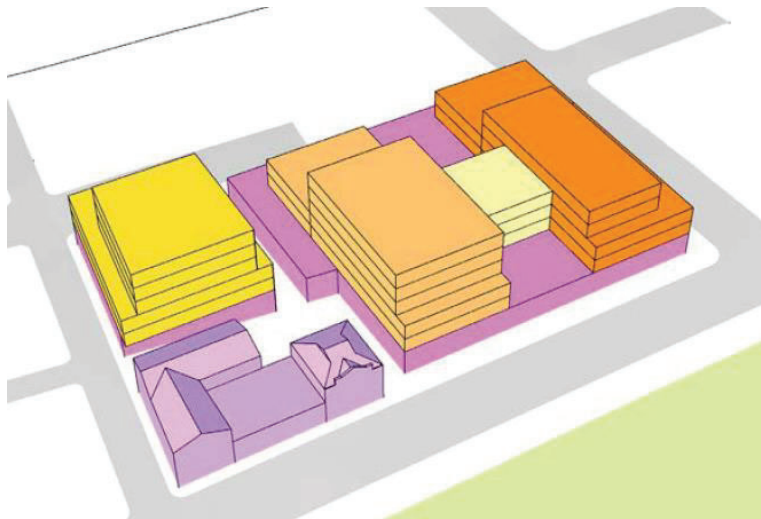


Figure 4: Indicative built form massing



Figure 5: Building height in storeys and upper-level building setbacks

- C6 Upper level setbacks are to be free of any encroachments from any parts of new building structures.
- C7 All roof structures, such as plant, lift overruns, and telecommunications equipment shall be integrated into the building design and setback a minimum of 5m from any external building façade and not be visible from the public domain.
- C8 Facades are to be articulated with an appropriate scale, rhythm, proportion, colour and material which respond to the building's use and the desired character of a locality. This can also be achieved through indentations, protrusions or with changes in material (such as brick work and glazing) and display distinct vertical modulation and rhythm that complements the character of the locality.
- C9 Expansive sections of blank facade (20m or more) are to be avoided.

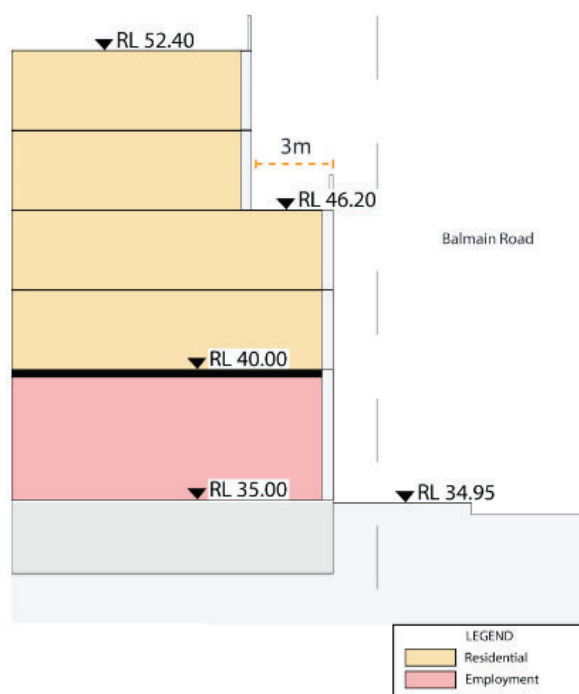


Figure 6: Indicative cross section A-A

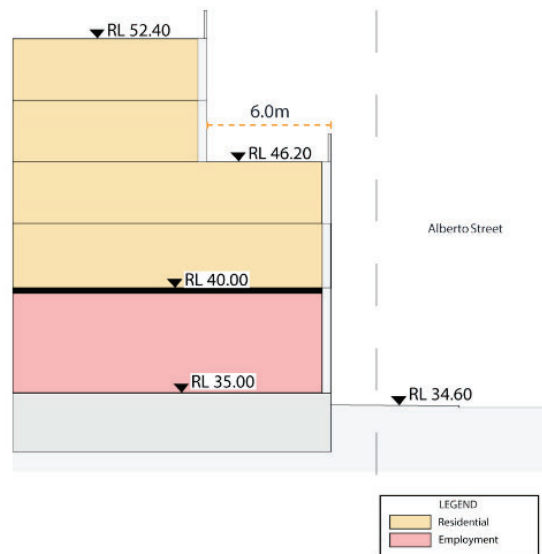


Figure 7: Indicative cross section B-B

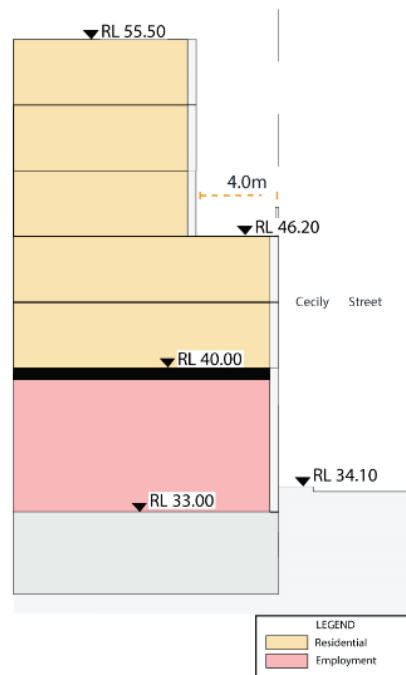


Figure 8: Indicative cross section C-C

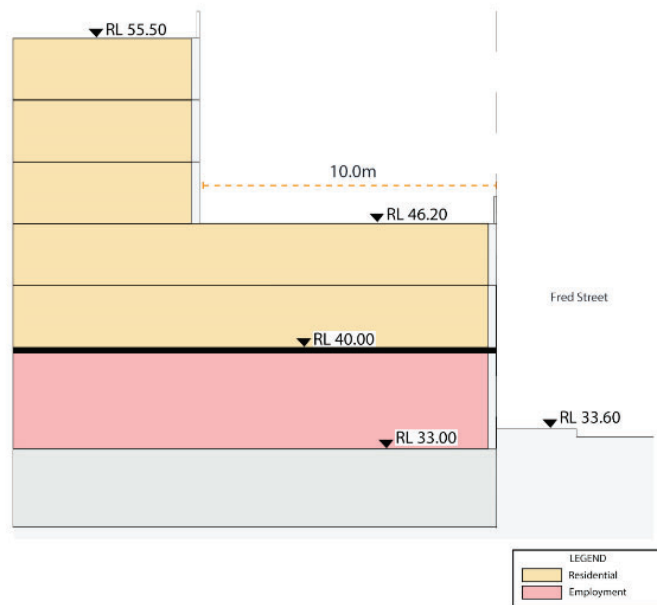


Figure 9: Indicative cross section D-D

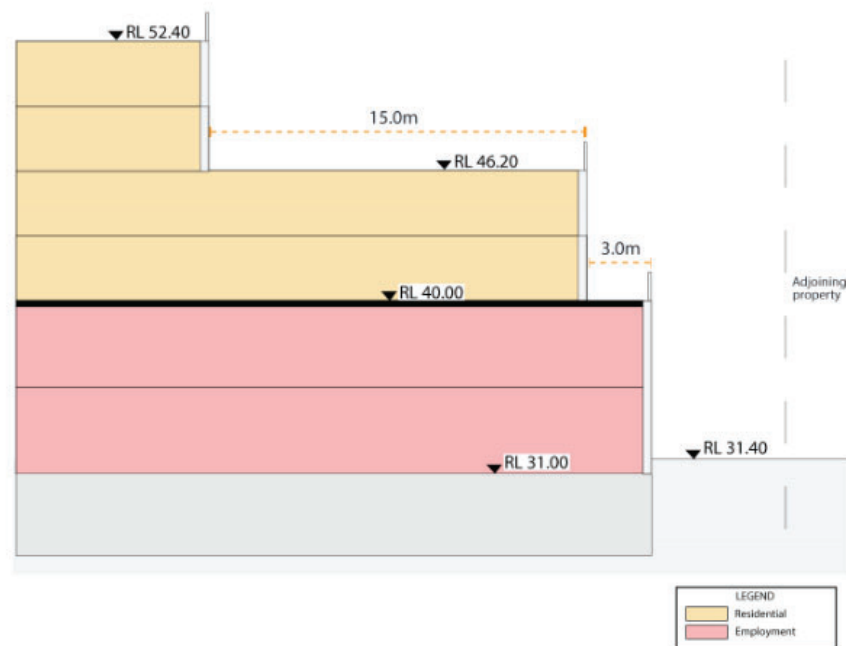


Figure 10: Indicative cross section E-E

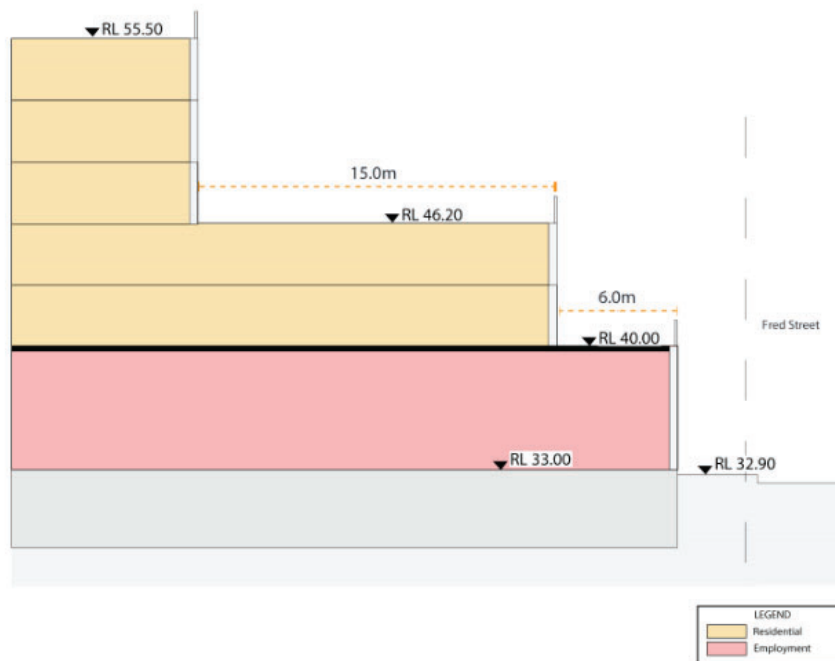


Figure 11: Indicative cross section F-F

G12.9 ACCESS AND PARKING

Objectives

- O1 To minimise worker and resident conflicts by providing separate pedestrian access and vehicular circulation.
- O2 To reduce the potential for conflict between pedestrians and vehicles.
- O3 To encourage use of active transport including public transport, cycling and walking.
- O4 To minimise the impacts of vehicular entry on the streetscape where possible.
- O5 To ensure the provision of adequate basement vehicular loading bays, delivery and servicing areas for non-residential uses.
- O6 To reduce car parking provision.

Controls

- C1 No vehicular access from Balmain Road. Vehicular access to and from the site should be provided in surrounding local streets.
- C2 Vehicular access should be located as far as practical away from traffic signals.
- C3 Vehicular access points are to be sited and designed in a manner that gives priority to pedestrians and bicycles by; maintaining the grade of the footpath; continuing the type of footpath material; and continuing the area of footpath required for the kerb ramp.
- C4 Vehicle access should be separated from pedestrian building entries to avoid pedestrian and vehicular conflict as shown in **Figure 12**.

A detailed traffic assessment is required to ensure that traffic and queueing within the network is not adversely impacted by the additional traffic generated by redevelopment and considers the movement of residential, employment and service vehicles in and out of the site and within the locality.
- C5 Vehicular access points can be shared between uses to minimise garage openings within the development.
- C6 Ingress and egress from the site shall be in a forward direction.
- C7 Vehicular entries are to minimise the visibility of garage doors on the street. This can be achieved by providing parking below ground level and setting doors back from the street boundary and building edge wherever possible.
- C8 Employment uses and residential uses are to be provided with clear vehicular and pedestrian entries, separate circulation and lifts and separate designated areas for car parking, loading/unloading etc.

On site car share facilities are to be provided in accordance with Part C, C1.11 Parking C25.
- C9 Car parking areas are to be designed and constructed so that electric vehicle charging points can be installed at a later time.
- C10 To support sustainable and active transport a travel plan is to be provided for development on the site where:
 - a) any residential development contains more than 25 residential units; or
 - b) any light industrial, creative or service development exceeds 1000m² of gross floor

space or accommodates more than 25 employees.

Refer to Part C, C26 of the DCP for details on what to include in a travel plan.

- C11 Access design, vehicular dimensions and turning circles are to comply with the relevant Australian Standards and Part D and Appendix D of the DCP in providing separate vehicular loading bays, delivery and servicing of non-residential areas.
- C12 Car parking can be provided in accordance with the rates outlined in Table C4 of Part C Section C1.11.1 of Leichhardt DCP 2013.

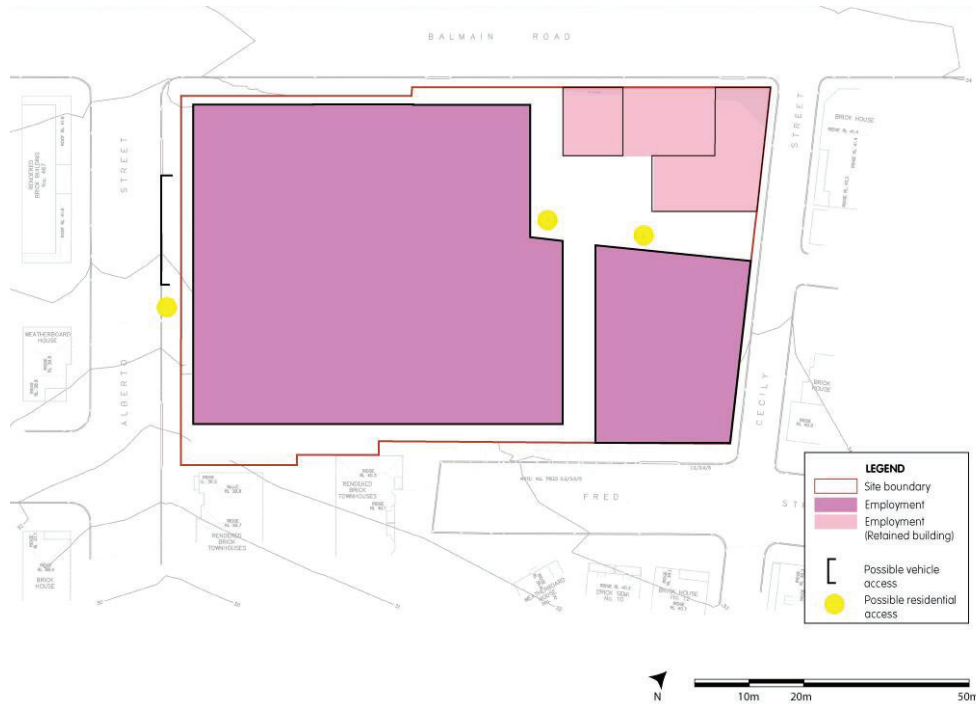


Figure 12 Preferred vehicular and pedestrian access points

G12.10 ENVIRONMENTAL MANAGEMENT

This section provides objectives and controls for ecologically sustainable development, water sensitive urban design, water re-use, recycling and harvesting and biodiversity.

Objectives

- O1 To ensure an ecologically sustainable development outcome
- O2 To reduce environmental impacts of the development.
- O3 To encourage improved environmental performance using industry recognised building rating tools.
- O4 To promote the use of renewable energy generation
- O5 To reduce the use of resources, and the generation of pollution and waste resulting from development activity.
- O6 To reduce the cause and impact of the urban heat island effect.
- O7 To implement sustainable urban water management.
- O8 To improve the diversity and abundance of locally indigenous flora and fauna species across the Inner West.

Controls

Ecologically Sustainable Development (ESD)

- C1 Encourage the use of an environmental rating tool, such as Green Building Council Star Rating, to demonstrate the degree to which it is an ecologically sustainable development. Where Green Star is used, achievement of a minimum of 5 stars is encouraged.
- C2 The installation and use of photovoltaic solar panels is encouraged. Where possible, solar panels should be co-located with extensive green roofs to increase the operational efficiency of the solar panels.
- C3 The development must increase urban green cover on the site through tree planting, mass planted garden beds, WSUD, and green roofs and walls.
- C4 The development must enhance urban biodiversity by increasing habitat for local flora and fauna.
- C5 Use building materials, fittings and finishes that have been recycled, made from or incorporate recycled materials, and have been certified as sustainable or 'environmentally friendly' by a recognised third party certification scheme.
- C6 All new water fittings and fixtures such as showerheads, water tap outlets, urinals and toilet cisterns, in all non-residential development, the public domain, and private open space are to be the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of development.
- C7 Non-residential development is to be designed to minimise the need for active heating and cooling by incorporating passive design measures related to glazing, natural ventilation, thermal mass, external shading and vegetation.
- C8 All lighting within the public domain should be energy-efficient, such as LED lighting.

Water Sensitive Urban Design (WSUD)

- C9 The development should adopt an integrated approach to water cycle management and address water conservation, efficiency, stormwater management, drainage and flooding through a coordinated process.
- C10 A suitably qualified engineer with experience in stormwater, drainage and WSUD is to assess the site requirements for the proposed development, and prepare the required stormwater, drainage and WSUD plans in accordance with the provisions of this DCP and with best practice sustainable water management techniques.
- C11 The development is to be designed so that the site maximises infiltration of stormwater, water and drainage of residual flows into permeable surfaces, tree pits and treatment areas.
- C12 Where filtration and bio-retention devices are proposed, they are to be designed to capture and provide temporary storage for stormwater.

Water Re-use, Recycling and Harvesting

- C13 Water used for irrigation of public and private open space (including green roofs and walls) is to be drawn from reclaimed water or harvested rainwater sources where there is feasible access to those water sources. Possible sources include harvested stormwater, treated greywater and wastewater and water from a decentralised local network. Water treatment measures must be incorporated to ensure that the water is fit for purpose.
- C14 Rainwater tanks should be installed where there are roof forms from which rainwater can be feasibly collected and plumbed to appropriate end uses.

Biodiversity

- C15 New habitat features are to be incorporated into the development, including trees, shrubs and groundcover vegetation, artificial habitat (such as insect hotels and habitat boxes), rockeries, and green roofs and walls where possible.
- C16 Opportunities to link to, extend or enhance existing or potential biodiversity corridors should be realised in the new development.
- C17 A mix of locally indigenous tree, shrub, grass and groundcover species should be incorporated into the planting palette. Where this is not practical, use other Australian native plants.

G12.11 BUILDING MATERIALS AND FINISHES

Objectives

- O1 To provide high quality, durable finishes and materials.
- O2 To ensure that buildings respond to the character and heritage of the surrounding area using appropriate materials and finishes.
- O3 To ensure that buildings have a high quality appearance including green roofs, green podiums, green walls and green façades to improve air quality, amenity, habitat, ambient air temperature, building insulation, to enhance the aesthetic quality of the urban environment.

Controls

- C1 Building materials are to be fit for purpose, demonstrate a climatic response, and be of a suitably high specification to ensure long term quality and sustainability.
- C2 Employ high quality finishes and materials that incorporate environmentally sustainable materials and produce low glare and do not require high levels of maintenance.
- C3 Building articulation, design and materials are to provide an appropriate balance between the new development and the older character of the locality, heritage items and Callan Park Conservation Area and buildings.
- C4 Air-conditioning units are not to be visible from the public domain.

The following controls supplement those in Part C, C1.21 of this DCP.

Green Roofs and Podiums

- C5 Green roofs and podiums are encouraged on all new buildings.
- C6 The size of the green roofs for buildings with the following gross floor areas are to be:
 - a) 250 to 999m² — 30% of roof space
 - b) 1,000 to 1,499 m² — 50% of roof space
 - c) 1,500m² or greater — 75% of roof space.
- C7 Green roofs and podiums must be planted with suitable Australian native plants (endemic to the Inner West where possible) and include habitat features such as habitat boxes, stone boulders and native beehives.
- C8 Green roofs must have a minimum substrate depth of 150mm.
- C9 Green roof areas designed for use as communal open space are to have a high standard of finish and design.
- C10 A detailed description, plan and sections of the roof top design are to be submitted with the development application (as part of landscape plan). The design must address:
 - a) safety and security
 - b) biodiversity
 - c) visual and acoustic privacy
 - d) maintenance and servicing
 - e) wind effects.

Green Walls and Façades

- C11 Green walls and façades are required on at least 15% of the available building surfaces, with particular focus on the north west facing façade to Balmain Road and north east facing façade to Cecily Street. This clause does not apply to the character buildings.
- C12 Green walls and façades must be planted with suitable Australian native plants (endemic to the Inner West where possible) and include habitat features.
- C13 Green facades using planter boxes/container planting installed at different levels across the building are encouraged
- C14 A detailed description, plan and sections of the proposed green wall and/or facade design are to be submitted with the development application (as part of landscape plan). The design of any green wall or facade is to address:
 - a) safety and security
 - b) biodiversity
 - c) maintenance and servicing
 - d) wind effects.

G12.12 WASTE AND RECYCLING

Objectives

- O1 To provide adequate on- site provision for the temporary storage and disposal of waste, food waste, and recyclable materials.
- O2 To maximise opportunities for source separation and recovery of recyclables are integrated into the development.
- O3 To minimise risk to health and safety associated with handling and disposal of waste and recyclable material and the potential for adverse environmental impacts associated with waste management.
- O4 To minimise the overall impacts of waste and recycling management
- O5 To reduce waste and maximise recycling.

Controls

The following controls supplement those in Part D and Appendix D of Leichhardt DCP 2013.

- C1 The collection of all residential and commercial/industrial waste, recycling and bulky waste is to occur on-site.
- C2 Residential and commercial/industrial waste areas are to be separated with separate accesses.
- C3 Waste and recycling facilities must be managed in acoustically treated areas to minimise the noise of collection.
- C4 Submit a Site Waste Minimisation and Waste Management Plan (SWMMP) addressing ongoing waste and resource recovery for both residential and employment components of the development is to be submitted. The SWMMP is to include details of the following:
 - a) types and estimated quantities of the predicted waste streams
 - b) size and location of recycling and waste storage areas, including bulky waste

- c) routes of access and transfer from source to storage areas for all users
- d) routes of transfer from storage areas to collection point
- e) access route for waste and recycling collection vehicle
- f) ongoing management, including responsibility for cleaning and transfer of bins between storage areas and collection points, implementation and maintenance of relevant signage, and ongoing education of all residents/tenants

Residential Waste Controls

- C5 The residential component of the development must be designed to accommodate standard Council waste and recycling services and collection vehicles on site. See Appendix D for truck dimensions and access design.
- C6 Waste and recycling storage areas within the premises are to be in proximity to the vehicle entrance and are to be on ground level. If this cannot be achieved the areas are to be no lower than one level below street level with easy truck access.
- C7 Plans are to show that every residence has disposal points for general waste, recycling and food waste within 30m of the dwelling access (distance covered by lifts excluded). Any bins stored on residential floors are to have the capacity to store, at minimum, all waste generated by that floor over a 24 hour period.
- C8 A dedicated space (room or caged area) is to be provided within or in close proximity to the bin storage area for the interim storage and management of Council-collected bulky waste and mattresses. A minimum of 8m² is to be provided for every 50 residences.
- C9 Additional communal space is to be provided for the separate recovery of materials including (but not limited to) textiles, hazardous, e-waste, polystyrene, materials under product stewardship schemes and problem wastes. A minimum of 2m² is to be provided for every 50 residences.
- C10 A dedicated space is to be allocated for communal composting or worm-farming for residents or waste collection designed for source separation, collection and processing of food organics.
- C11 The bin storage areas are to be designed to accommodate enough bins for the general waste, food waste and recycling that will be generated by residents and tenants of this building. An additional 50% of floor area is to be included to allow for bin manoeuvring.
- C12 The number of bins required is based on the average generation of 80L per one bedroom apartments, 100L per 2 bedroom apartments and 120L per 3 or more bedrooms, of both waste and recycling.
- C13 The bin storage areas are to be designed to meet the following:
 - a) Must be finished with a rigid, smooth-faced impermeable material that can be cleaned easily.
 - b) The floors must be graded and drained to a drainage fitting approved by Sydney Water and located as close as practical to the doorway.
 - c) A close-fitting and self-closing door or gate operable from within the room must be fitted, and the entrance should provide a minimum width clearance of 1200mm. At least one access doorway is to have sufficient dimension to allow the transfer of the maximum size containers selected for the development. These clearances will assist with flexible use of the storage area and variance in bin size.
 - d) Must have access to hot and cold water with a hose cock for cleaning purpose.

- e) Must be well-lit and ventilated.
- f) If the bin storage area is a secure holding area, a Council-approved code locking system will be required to allow access to Council collection staff, and liaison with Council's Resource Recovery Operations manager is required prior to the issue of an Occupation Certificate.

Non-residential Waste Controls

- C14 Provide a minimum of 4m² of dedicated space for every 500m² of non-residential floor space for the interim storage of bulky or fit-out waste, paper, cardboard packaging, batteries, equipment containing printed circuit boards, computers, televisions, fluorescent tubes or other recyclable resources from the waste stream.
- C15 Provide on-site space that is in reasonable proximity to non-residential activities including light industrial or creative premises to store re-usable commercial items such as crates, pallets, kegs and polystyrene packaging.
- C16 Allocate secure space for the separate storage of liquid wastes, including commercial cleaning products, chemicals, paints, solvents, motor and cooking oils.
- C17 Submit a Litter Management Plan for the site's open space and public domain.

G12.13 HERITAGE AND CHARACTER

Objective

- O1 To ensure that development on the site is sympathetic to adjacent heritage items and Callan Park Conservation Area and buildings.
- O2 To facilitate an understanding of the industrial history of the site and ensure the character buildings are retained and adapted for employment.

Controls

- C1 Submit a Heritage Impact Statement (HIS) with any development application for the redevelopment of the site, addressing the impact of the proposed works on heritage items in the vicinity of the proposal.
- C2 The HIS should consider 'The Design Context: Guidelines for Infill Development in the Historic Environment' (prepared by the NSW Heritage Office and Royal Australian Institute of Architects NSW Chapter) with regard to scale, form, materials, colours and responding to the local character.
- C3 A development application for the redevelopment of the site is to be accompanied by 'before' and 'after' perspective views from the heritage items to enable the potential impact to be considered.
- C4 The history and development of the site should be communicated to visitors and residents to enhance their understanding of the significance of the 1907 and 1917 buildings as part of the overall development.

Character

- C5 Retain and restore all character buildings, known as former Pilchers Bakery Warehouse buildings.
- C6 The character buildings are to retain industrial elements and be reconfigured as employment space for artists and creative purposes.
- C7 Confirm the extent of surviving building fabric in situ and its condition including prior to any works being carried out, photographically recording, the fabric and spaces affected by the proposed works.
- C8 Protect building fabric from damage during construction works.
- C9 Obtain ongoing advice from a heritage architect during design development and construction development phases of the works to assist in developing strategies to mitigate heritage impacts.
- C10 Openings in walls are to maintain masonry nibs and masonry above new openings, where possible.

G12.14 HOUSING AFFORDABILITY & DIVERSITY

Objectives

- O1. To increase the supply of affordable housing in the Inner West to meet community needs.
- O2. To provide affordable housing in appropriate locations across the site.
- O3. To provide a mix of residential apartments, that cater for the needs of the existing and future resident population and to encourage a diverse population.

Controls

- C1. Affordable housing units should:
 - a) be mixed with privately owned units throughout the development
 - b) Include a range of sizes to cater for different household sizes.
 - c) be rented to very low, low and moderate income households in accordance with the Inner West Affordable Housing Policy.
 - d) be designed and constructed to the same standard as other residential accommodation across the site.

Note: Affordable housing is defined under the NSW *Environmental Planning and Assessment Act 1979*

- C2. Dwellings of different sizes and tenures are to be provided across the development particularly those for accessible and affordable housing.

G12.15 DESIGN EXCELLENCE

Objectives

- O1. To achieve design excellence for new development on the site.
- O2. To ensure development contributes to the urban design and architectural quality of the locality.

Controls

- C1. Design excellence is to be achieved to ensure a high-quality outcome for the site.
- C2. Council's design and heritage experts shall assess proposals for the site and/or a Design Excellence Panel shall be appointed by Council to determine whether design excellence is achieved by the project. The proponent shall cover the cost of a design review process.
- C3. The following criteria shall be considered to determine whether design excellence is achieved:
 - a) excellence of architectural design, including internal layout, façade treatment, architectural detailing, roof features and spaces between buildings;
 - b) the proposed uses and use mix including the provision of ongoing light industrial and creative uses on site;
 - c) heritage conservation and restoration;
 - d) streetscape character and site context;
 - e) proposed provision of and improvements to public domain;
 - f) the bulk, massing and modulation of buildings;
 - g) street frontage heights;
 - h) environmental outcomes, such as sustainable design;

- i) overshadowing and solar access, visual and acoustic privacy, wind and reflectivity;
- j) noise and air pollution attenuation;
- k) the achievement of the principles of Ecological Sustainable Development;
- l) pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network;
- m) achieving appropriate interfaces at ground level between the building and the public domain;
- n) excellence and integration of landscape design
- o) high quality finishes and materials



New South Wales

Leichhardt Local Environmental Plan 2013 (Amendment No 18)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

BRETT WHITWORTH

As delegate for the Minister for Planning and Public Spaces

Leichhardt Local Environmental Plan 2013 (Amendment No 18) [NSW]

Leichhardt Local Environmental Plan 2013 (Amendment No 18)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Leichhardt Local Environmental Plan 2013 (Amendment No 18)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to Lot 2, DP 1015843, 469–483 Balmain Road, Lilyfield.

4 Maps

The maps adopted by *Leichhardt Local Environmental Plan 2013* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Leichhardt Local Environmental Plan 2013 (Amendment No 18) [NSW]
Schedule 1 Amendment of Leichhardt Local Environmental Plan 2013

Schedule 1 Amendment of Leichhardt Local Environmental Plan 2013

[1] Clause 6.14 Development control plans for certain development

Omit clause 6.14(6). Insert instead—

- (6) This clause does not apply to development on land identified as—
 - (a) “1 Kolotex Labelcraft Site” on the Key Sites Map, and
 - (b) “J” on the Additional Permitted Uses Map, being Lot 2, DP 1015843.

[2] Clause 6.21

Insert after clause 6.20—

6.21 Development of land at 469–483 Balmain Road, Lilyfield

- (1) This clause applies to Lot 2, DP 1015843, 469–483 Balmain Road, Lilyfield.
- (2) The objective of this clause is to ensure the ongoing provision of employment, service and creative enterprise opportunities on the land.
- (3) Development consent must not be granted to mixed use development on the land that includes a residential flat building unless the consent authority is satisfied of the matters specified in subclause (4) and the conditions specified in subclauses (5)–(7) are met.
- (4) The consent authority must be satisfied that—
 - (a) at least 6,000 square metres of the total gross floor area will be set aside for employment uses, and
 - (b) at least 1,200 square metres of the 6,000 square metres set aside for employment uses will be used for a creative purpose, and
 - (c) the development provides for the adaptive reuse of existing buildings on the land, as far as is practicable, and
 - (d) at least 5% of the gross floor area that is to be used for the purpose of residential accommodation will be used for affordable housing.
- (5) Development consent must not be granted unless—
 - (a) a development control plan that provides for the matters specified in subclause (6) has been prepared for or applies to the land, or
 - (b) the development is of a minor nature and is consistent with the objectives of the zone in which the land is situated.
- (6) The development control plan must provide for all of the following—
 - (a) design principles drawn from an analysis of the site and its context,
 - (b) buildings to be retained in, and incorporated into, any future mixed use development,
 - (c) distribution of land uses, including open space (its function and landscaping),
 - (d) building envelopes and built form controls, including specified building storeys, setbacks (both to the ground floor and upper storeys), bulk, massing and modulation of buildings,
 - (e) housing mixes, including affordable and adaptable housing,
 - (f) vehicle access arrangements,

Leichhardt Local Environmental Plan 2013 (Amendment No 18) [NSW]
Schedule 1 Amendment of Leichhardt Local Environmental Plan 2013

- (g) encouraging sustainable transport, including increased use of public transport, walking and cycling, and appropriate car parking provision,
 - (h) improvements to the public domain and opportunities for its passive surveillance,
 - (i) the application of the principles of ecologically sustainable development,
 - (j) environmental impacts such as overshadowing and solar access and visual and acoustic privacy,
 - (k) measures to mitigate land use conflict between the residential component and employment uses of the mixed use development,
 - (l) measures to mitigate land use conflict between the residential component of any future development and the employment uses surrounding the site, including light industrial uses.
- (7) Development consent must not be granted to the development unless conditions are imposed by the consent authority to the effect that—
- (a) for at least 30 years from the date of the issue of the occupation certificate—
 - (i) the accommodation proposed to be used for affordable housing will be used for affordable housing, and
 - (ii) the accommodation that is used for affordable housing will be managed by a registered community housing provider, and
 - (b) before the date of the issue of the occupation certificate, a restriction will be registered against the title of the land in accordance with section 88E of the *Conveyancing Act 1919* that will ensure that the requirements of paragraph (a) are met.
- (8) Subclause (7) does not apply to development on land owned by a public authority or to a development application made by, or on behalf of, a public authority or registered community housing provider.
- (9) A word or expression used in this clause has the same meaning as in *State Environmental Planning Policy (Affordable Rental Housing) 2009* unless it is otherwise defined in this Plan.
- (10) In this clause—
- employment uses** do not include home businesses, home industries, home occupations, residential accommodation or tourist and visitor accommodation.
- creative purpose** includes media, advertising, fine arts and craft, design, film and television, music, publishing, performing arts, cultural heritage institutions, community facilities or other related purposes, but does not include business premises or office premises.

[3] Schedule 1 Additional permitted uses

Insert at the end of the Schedule, with appropriate clause numbering—

Use of certain land at Balmain Road, Lilyfield

- (1) This clause applies to land identified as “J” on the Additional Permitted Uses Map, being Lot 2, DP 1015843.
- (2) Development for the purpose of residential flat buildings is permitted with development consent.
- (3) This clause is repealed on the day that is 3 years after the day on which *Leichhardt Local Environmental Plan 2013 (Amendment No 18)* commenced

Leichhardt Local Environmental Plan 2013 (Amendment No 18) [NSW]
Schedule 1 Amendment of Leichhardt Local Environmental Plan 2013

(the repeal date) if a development application for consent to development on the land for the purpose of a residential flat building has not been made before the repeal date.

INNER WEST



Engagement outcomes report

469-483 Balmain Road, Lilyfield

*Amendment to Leichhardt Development
Control Plan 2013*

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1. Summary

The site-specific Development Control Plan (DCP) for 469-483 Balmain Road, Lilyfield was publicly exhibited from 21 June to 1 August 2021 (a total of 42 days). The exhibition material was made available on Your Say Inner West (YSIW) and a letter was posted to surrounding neighbours, including landowners and occupiers.

During the exhibition period, the YSIW project page was viewed 177 times with relevant documents downloaded 64 times. A total of 27 submissions were received, 24 via YSIW and three by direct email. Respondents were asked "Do you support the DCP amendment at 469-483 Balmain Road, Lilyfield". Of the 27 submissions received:

- 17 submissions opposed the DCP amendment
- 4 submissions supported or had no objections in principle to the proposed DCP amendment
- 6 submissions were unsure/neutral
- 10 of the 27 submissions suggested potential changes to the draft DCP controls

This Engagement Outcomes Report addresses submissions received on the draft DCP as exhibited in 2021, and where relevant discusses the post exhibition amendments of the draft DCP undertaken in May 2022 for consideration of the Architectural Excellence Design Panel (held in June 2022) – refer to Council report for further details on this matter.

Note: Appendix A (at the end of this Engagement Outcomes Report) is contained separately as it discusses the requests made by submitters for additions to the DCP controls as exhibited in 2021.

2. Background

The NSW Government introduced new planning controls on 26 February 2021 as part of changes to Leichhardt Local Environment Plan 2013. The new planning controls seek to facilitate a mixed-use development on the site containing residential dwellings with ongoing provision of floor space for light industrial and creative purposes.

The LEP requires the provision of at least 6,000sqm of employment space of which 1,200m² is for creative purposes, the adaptive reuse of existing buildings, at least 5% affordable housing and the preparation of a site-specific DCP.

A draft site-specific DCP was prepared to support the objectives and planning controls of the LEP amendment and exhibited for 41 days from 21 June to 1 August 2021 (additional time provided due to overlap with school holidays) and is the subject of this report.

3. Engagement Methods

The following engagement methods were used:

- Online on yoursay.innerwest.nsw.gov.au
- By mail
- By email

3.1 Promotion

The engagement was promoted via:

- Council website in the news/announcement section
- Your Say Inner West Monthly e-news July
- Mail to surrounding residents

4. Engagement outcomes

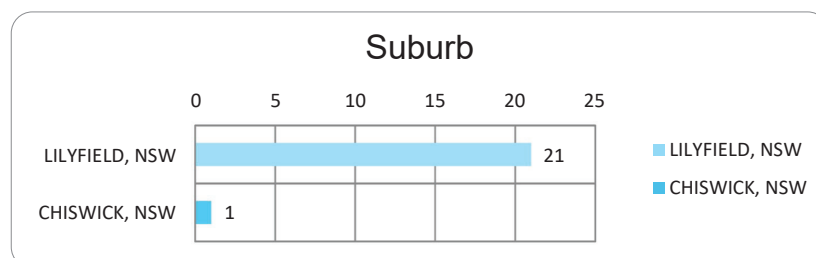
4.1 How did people respond?

Council received 27 written submissions in total. This included 24 responses on the YSIW webpage from the community. There were no government submissions.

On 20 August 2021, Council received correspondence from Jamie Parker, Member for Balmain stating objection to the Proposal and on behalf local resident concerns.

4.2 Who did we hear from?

The majority of the YSIW submissions were received from local residents principally from the suburb of Lilyfield. The graph below identifies where respondents live. Two respondents did not include where he or she lives and therefore only 22 of the 24 YSIW submissions are shown.



4.3 What did they say?

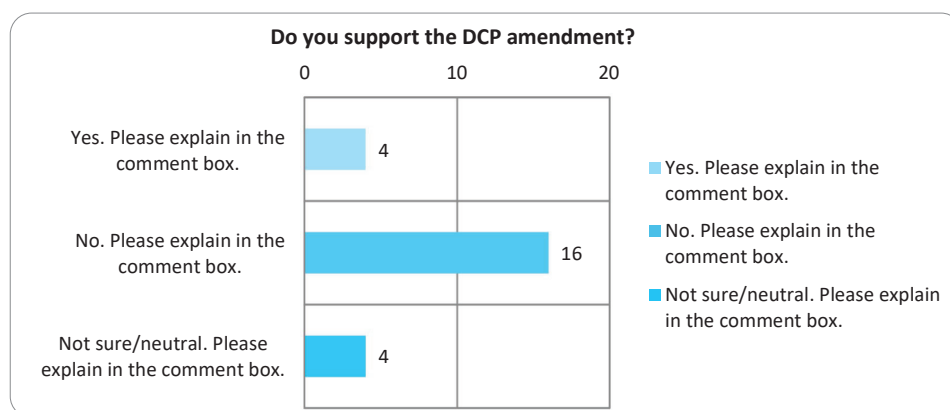
The YSIW project page survey asked the question 'Do you support the DCP amendment?' There were 24 responses to YSIW survey. Of these, 16 opposed the proposed amendment, four supported it and four were not sure/neutral.

It is important to note that three additional submissions were received by direct email. These submissions are therefore not accounted for in the official statistics and graphics from the YSIW page as duplicated above and below. These submissions have been accounted for in the overall tally of submissions to the project and the content of these submissions has been incorporated into **Attachment 1** and **Appendix A** as necessary.

The following key themes emerged from the community feedback:

- compounding traffic and parking issues in the area
- safety of young children moving about and playing in the neighbourhood
- excessive height, bulk and scale of the development given its strategic location on a ridge line, with low scale surrounding development and opposite Callan Park
- loss of affordable rental spaces for artistic and creative uses
- lack of green open space on site
- poor public domain and environmental/sustainability outcomes
- rubbish collection and noise impacts

Ten submissions offered amendments to the DCP. Further details of the submissions and officer's responses are provided in the table at the end of this report (Attachment A).



5. Attachment 1

5.1 Officer comments in response to public exhibition

A detailed submission was received from several submitters, an informal community group and through representations from Jamie Parker MP. This submission incorporated recommendations for additional controls to improve the DCP and built form outcomes.

Note: response to the additional controls requested by submitters is dealt separately and covered in **Appendix A** to this report (at end of document) and should be read in conjunction with this report.

Specific issues and submissions in support the DCP amendment

<i>Issue</i>	<i>Officer's comment</i>
<p>Reasons for supporting the DCP were:</p> <ul style="list-style-type: none"> • The provision of more affordable housing for the area. • School children crossing Balmain Road need a safe crossing. • Support affordable artist rental space. <p>It is a considered amendment to the DCP.</p>	<p>The comments are noted.</p> <p>The issue of a safe road crossing is addressed under <i>Traffic and Parking</i>.</p>
<p>Agree with the objectives and controls of the DCP with recommendations for additional controls for public domain, landscaping, employment/affordable creative rental, built form, access and parking, building materials and finishes, waste and recycling and heritage and character.</p>	<p>A response to the additional controls is provided in Appendix A of this report.</p>
<p>General support for the draft site-specific DCP however requests the removal of the requirement to dedicate new footpaths to Council at no cost as this will be covered in a</p>	<p>There is Planning Agreement (VPA) with Council. The DCP controls remain relevant.</p>

Issue	Officer's comment
separate Voluntary Planning Agreement (VPA).	
<p>Remove control 9 of Section 12.4 requiring the relocation of overhead power lines underground along Balmain Road, Alberto Street & Fred Street as this service is controlled by a separate authority. If there is a requirement by Ausgrid to undertake these works, it would be more appropriately required as a condition of consent.</p>	<p>Relocation of overhead power lines on a large standalone block will improve streetscape amenity and allow for street trees with more effective shading and cooling of the public domain and adjoining buildings.</p> <p>The DCP controls support and enable a condition to be attached to a future development application. No change is proposed to the control.</p>
<p>Control C1 Section 12.5 requires landscaping and mature tree planting with large canopy trees to achieve 25% site canopy coverage. This requirement conflicts with other LEP and DCP requirements, particularly Section 12.6 (Control C1 and Control C2) which requires a minimum of 6,000m² GFA as employment floor space and for the employment uses to be substantially located at ground floor level. The Site has an area of 6,824m², which equates to 88% of the site.</p> <p>The ground floor plane of the site will be substantially built upon (noting the requirement for through site links and widened footpaths). This would ultimately mean that canopy trees would need to be provided on upper-level terraces and rooftops.</p> <p>The percentage as proposed is onerous, the site is currently devoid of trees and currently does not contribute to Council's canopy tree targets.</p>	<p>The provision of 25% tree canopy can be provided on site.</p> <p>This is possible by adding an additional diagram Figure 8 in the draft DCP May 2022 showing green roofs with communal open space to highlight the availability of space and advantages to the provision of tree canopy across the building on the podium and upper-level terraces. The ground level plaza will also provide deep soil planting for several mature trees.</p>

Specific Issues and submissions that do not support the DCP amendment

Issue	Officer's comment
Traffic and Parking	
<ul style="list-style-type: none"> • Redevelopment of the site will exacerbate existing traffic and parking congestion making it unsafe for children on Alberto, Cecily and Maida Streets. • The size of the project and the impact on parking and increased traffic on an already congested intersection of Balmain Road & Alberto Street. • Development needs to incorporate lights at Alberto Street and Balmain Road. • Loss of existing street parking due to increase in visitors, people and cars • Further contributing to a difficult and dangerous right-hand turn from Alberto Street to Balmain Road. • Requirement for a safe road crossing on Balmain Road particularly for school children. • Need for a pedestrian crossing across Cecily Street on Balmain Road where visibility is obstructed by the existing buildings. • Loss of safety and amenity due to more traffic on local narrow streets. • The traffic report prepared for the planning proposal failed to address weekend markets, sports in Callan Park and the 	<p>A future Development Application must comply with the Leichhardt Development Control Plan (DCP) 2013 parking rates for cars, motorbikes and bicycles. It must also provide a new detailed traffic impact assessment and properly drawn architectural drawings that comply with the site requirements set out in the LLEP.</p> <p>Balmain Road is a State Road, and the location of traffic lights are set at intervals to facilitate the movement of traffic across the road network. However, consideration should be given to each of the intersections of Cecil and Alberto with Balmain Road with redevelopment of the site.</p> <p>Significantly, the lights at Cecil Street incorporate access to Callan Park and this is to remain a key vehicular entry point to the parkland under current upgrade plans. With the commitment of funds to implement the Landscape Structure Plan for Callan Park this regionally significant parklands will attract more users.</p> <p>The community have identified significant congestion and pedestrian safety concerns with the entry to the parklands and proposed intensification with redevelopment of the site necessitating a rethink of the road network to facilitate safer pedestrian road crossings and traffic movements.</p>

Issue	Officer's comment
<p>junction of Alberto Street and Balmain Road. Wait times are considerable at peak times already.</p> <ul style="list-style-type: none"> • Traffic report underrepresented the availability of public transport in the area. • One driveway entry point to the site on Alberto Street near the corner with Balmain Road is dangerous and busy. • Opposed to car access into the site from Alberto Street as it represents a danger to children and will increase congestion and noise in the street. • Support for vehicular access to the site on Alberto Street (C1, C2, Figure 12) as this street is wider compared to other residential streets in the area, it would mean a safer entry and exit point. • Make all parking on the street restricted to resident access only. • With small lots and limited yard space the impact of increased traffic on local streets will be enormous, especially to the young families who play in the street. • There is a risk factor with proximate parking limiting sight lines along Balmain Road, especially when turning right from Alberto Street. <p>Consideration should be given to reducing parking on Balmain Road.</p>	<p>Consultation with Transport for NSW, DPIE and Centennial Park and Moore Park Trust is recommended to address this matter and to comply with the Infrastructure SEPP.</p> <p>A requirement has therefore been added to the May 2022 draft controls for consultation with these bodies. See also Appendix A (of this Engagements Report) Response to additional controls.</p> <p>The traffic impact assessment will consider traffic and parking on surrounding streets and pedestrian safety and the functionality of intersections/T junctions. It will also need to address bus routes, the accessibility of the light rail and new metro station at the Bays Precinct both a solid walk from the site.</p> <p>Direct vehicle entry to the site cannot be made from Balmain Road (due to traffic volumes) nor Cecily Street (narrow with retained character buildings to the site edge). Alberto Street is a wide street and was the nominated entry to the site for both employment and residential uses.</p> <p>A properly detailed development application and traffic assessment residential vehicular access from Fred Street with employment/service access from Alberto Street is required which would spread the traffic more evenly across the road network.</p> <p>Note Balmain Road is a State controlled road its management will fall to RMS necessitating consultation with TfNSW</p>

<i>Issue</i>	<i>Officer's comment</i>
<ul style="list-style-type: none"> There are no traffic lights between Cecily Street and Carrington Street (but plenty of school buses stopping between these streets). The impact on local traffic will be felt immediately including the construction season. 	<p>in preparing and considering a development application for the site.</p> <p>Any development consent conditions will mitigate construction impacts.</p>
<i>Bulk, scale, height and public domain</i>	
<p>The scale of the development, its height and increased density are inappropriate for the area.</p>	<p>Building height and density were approved by the Sydney Eastern City Planning Panel (SEC Panel) and inserted into the Leichhardt LEP 2013. The draft DCP sets out design considerations on how this is to be achieved and has used the Urban Design Report dated November 2020 submitted to the Panel as a basis. This early design however will need to be modified to respond to the new LLEP parameters and the DCP.</p> <p>A future development application will need to resolve potential conflict between access arrangements for vehicles, pedestrians and between residential/employment land uses, concerns about loading and operating hours as well as noise, odour, dust and separation between uses in order to maintain productive industrial and urban services land.</p>
<p>Retain the site as is as the development is not in keeping with the Nanny Goat Hill area.</p>	<p>LLEP changes have been implemented with a three-year requirement to submit a development application and receive consent otherwise the clause is repealed, and residential flat buildings will no longer be permitted on the site.</p>

Issue	Officer's comment
	Future development on the site must ensure the ongoing provision of industrial, urban services and creative activities and protect them from being undermined by residential development proposed above.
Reduce the height to a maximum of 4 storeys.	The height has been set in the LLEP and cannot be changed by the DCP. The DCP can however ensure modulation of the built form with taller buildings kept to the Balmain Road frontage of the site as envisaged by the Panel and reflected in the DCP.
The development will have a great impact on the amenity and lives of residents in this small suburban area.	<p>A height of 23m and a floor space ratio of 2.2:1 was approved for the site by the State Government. Modulation of the building is to be achieved through varying storeys (1-6 storeys) across the site to manage impacts and to better fit its context. The higher heights to Balmain Road are to enable lower buildings to the south to protect existing dwelling sunlight and privacy.</p> <p>Figure 5 of May 2022 DCP (post exhibition) corrected to reflect the setbacks more accurately for a building with an FSR of 2.2:1 and new Figure 8 inserted showing how a tree canopy cover of 25% can be achieved.</p>
The lack of green space the project provides is appalling.	Noted. The requirement to provide 6,000m ² of employment space to match the existing provision of light industrial uses limits options for green space. Notwithstanding this, opportunities exist for green roofs, green walls and deep soil in the plaza and along the edge of the site. With a corrected Figure 5 amended (DCP May

Issue	Officer's comment
	2022) to match the FSR 2.2:1 and provide greater amount of podium green space shown in Figure 8, the footpath to Alberto Street shown in Figure 2 has been widened to provide better deep soil for mature trees.
<p>The proportion of site coverage to public domain is inadequate & not supported. The open space will be dwarfed by the bulk of the buildings. The passage spaces / pedestrian links are too narrow and will become wind tunnels and unpleasant dark spaces due to the height of buildings either side, particularly the link through to Fred St.</p>	<p>The proportion of site coverage to public domain was negotiated by the Eastern City Planning Panel, however additional open space could be obtained by reducing the building footprint and allowing some employment uses on the first floor. The distribution of land use can be further explored at development application stage.</p> <p>However, with a corrected Figure 5 (showing site plan) in May 2022 DCP to closer match the FSR 2.2:1, the footpath to Alberto Street has been widened to provide deep soil to support mature trees and the area of the plaza rationalised to provide clearer outcomes for built form and open space.</p>
<p>The public footpath between Fred Street and Alberto Street should be within the property rather than along its edge, reducing noise, safety and light impact on adjacent neighbours to the south-east.</p>	<p>Currently there is no thoroughfare between Fred Street and Alberto Street. The public pathway is within the boundary of the subject site and is to be given to Council. Providing a public thoroughfare along Fred Street supports pedestrian movement between Alberto and Cecily Streets and activates the street and improves pedestrian safety in the area.</p> <p>The DCP provides for landscaping adjoining the dwellings at 14-22 Alberto Street, Lilyfield which will provide</p>

<i>Issue</i>	<i>Officer's comment</i>
	screening and a distance buffer to the pathway.
Noise	
Noise from air-conditioning units appears not to be considered. These should be positioned so as not to impact neighbours.	Attenuation of sound has been added as a consideration to C4 in G12.11 (May 2022 DCP) as follows: C4 Air-conditioning units are not to be visible from the public domain and are to be energy efficient and located to minimise noise disturbance to residential properties.
Noise from garbage collection needs stronger clearer wording including the noise of collection, time of collection, trucks entering and exiting the property, and likely frequency.	The following draft control 12.12, C3 is considered sufficient to address noise attenuation. C3 Waste and recycling facilities must be managed in acoustically treated areas to minimise the noise of collection. The timing and frequency of truck movements however can be addressed in the Site Waste Minimisation and Waste Management Plan (C4). Therefore, a requirement to consider timing and frequency of collection has been added to 12.12 Waste and Recycling C4 at clause (f). It is noted that C7 of G12.9 Access and Parking requires all vehicles entering and exiting the site to do so in a forward direction.
Clarification of controls	
It is unclear what has been included in the draft DCP compared with the information provided to the Sydney	The draft DCP has used the material submitted to the Sydney Eastern City Planning Panel and its Determination/s.

<i>Issue</i>	<i>Officer's comment</i>
City Eastern Planning Panel to make its decision on 1st December 2020.	The draft DCP however incorporates the DCP requirements of Clause 6.21 of the Leichhardt LEP 2013.
DCP is missing controls that will directly affect our local community.	Noted. A number of additional controls have been put forward by several members of the community and are addressed in Attachment A and where appropriate incorporated into the DCP.
Section E-E seems to be inconsistent with the plan in that the middle section should be 3 storeys high, rather than 4.	The sections have been removed from the DCP as Figure 5 (containing site layout) in May 2022 DCP provides the same information as displayed in the sections setbacks.
The LEP assessment did not consider the impact and perspectives from the properties to the south-east of the site. This perspective needs to be considered, especially overlooking, overshadowing, privacy, sunlight, noise.	<p>G12.7 Residential amenity (C8, C9) incorporates controls for privacy, sunlight access and noise to minimise potential impact on surrounding properties including those to the south, south/east.</p> <p>A revised DCP site Figure 5 (containing site layout) corrected for floor space ratio has enabled the upper storey setbacks to be increased thus setting these levels back from Fred Street further to improve the bulk and scale and likely impact of the new residential buildings on sunlight and privacy.</p>

Continued next page

Submissions that are not sure/neutral about the DCP amendment

<i>Issue</i>	<i>Officer's comment</i>
In principle support but with strengthened elements considered before the DCP is made.	Noted.
Thanks the Council for a considered proposed Site-specific DCP Amendment for 469-483 BALMAIN ROAD, LILYFIELD with request for additional conditions within the DCP	The request for additional controls is addressed in Appendix A attached to this Report.
Development should complement the neighbourhood with design controls that can be implemented to ensure that the current residents liveability and quality of life is enhanced as opposed to the current proposal that favours the developer and this structure.	The DCP controls were drafted in accordance with the Urban Design Report November 2020 and draft DCP submitted to the Panel, new LLEP height, floor space ratio and clause 6.21 requirements of the LLEP. Improved figures have been included in the DCP (May 2022) to ensure appropriate compliance with MSR 2.2 :1 and minimise resulting building scale.
The scale of development is not unreasonable but in terms of sustainable urban development the DCP needs to proactively respond to Eastern District Planning Priority E19 by setting progressive yet achievable energy, mains potable water and passive solar design targets for the proponent to respond to. Specific recommended targets were proposed.	Noted, with minor amendments incorporated into section G12.10 Environmental Management of the May 2022 DCP to improve clarity and meet industry standards.
The Eastern District Plan of the Greater Sydney Commission emphasises that new development generally needs to achieve stronger energy and water performance generally. Apartment/ mixed-use development of this scale	Noted and minor amendments have been made to the controls and wording in G12.10 and G12.11 (May 2022 DCP).

<i>Issue</i>	<i>Officer's comment</i>
complies with minimum requirements (BASIX etc) with ease.	
Significant tightening of the wording is required in many places for the proponent to respond to clear performance expectations.	Noted and wording changes have been made to section G12.10 Environmental Management – objectives and controls (DCP May 2022).
Inner West Council has ambitious sustainability targets for the LGA and needs to ensure these translate into best practice design and environmental performance.	Noted, with improved clarity and content in the controls in DCP May 2022.
<i>G12.10 Environmental Management – sustainable development</i>	
<p>Objective O3 is to encourage improved environmental performance using industry recognised building rating tools.</p> <p>The DCP should categorically specify the use of one of the industry recognised tools.</p> <p>To strengthen and clarify control C1 remove “encourage” and provide choice of rating tools such as GreenStar 4 star using the new GreenStar Buildings tool (or 5 Star using GreenStar Design and As Built tool) would be a reasonable target.</p>	No change to the objective is proposed however control C1 has been amended to specify the use of the GreenStar Buildings rating tool.
<p>Improve objective 04 to reference the renewable energy features such as photovoltaics and/or solar water heating and/or heat-pump water heating applicable in the inner city.</p> <p>To activate the objective use numeric performance or a building rating tool like GreenStar.</p>	<p>Objective has been amended as follows:</p> <p>O4 To promote the generation and use of renewable energy such as photovoltaics, solar hot water and/or hot water heat pumps.</p> <p>GreenStar has been specified as the rating tool in C1 to achieve sustainable</p>

<i>Issue</i>	<i>Officer's comment</i>
<p>Improve wording in C2 as “encourage” is not a control term. Photovoltaic (PV) is commonplace technology and ideally should be mandated but cannot be due to BASIX SEPP over-ride.</p> <p>Colocation with Green Roofs is suggested as PV performance improves if panels are cooler, but location close to vegetation increases risk of shading or forces more maintenance to manage vegetation height.</p> <p>Add a recommended target of 0.75 kWp of p.v. per dwelling – very achievable for 6-7 storey development.</p>	<p>outcomes with the design and construction of buildings.</p> <p>Control C2 (which relates to the implementation of these objectives) has been amended in May 2022 DCP as shown below.</p> <p>A requirement for dwellings to achieve a target of 0.75 kWp of p.v. per dwelling has been added as control C3 as shown below:</p> <p>C2 The installation and use of photovoltaic solar panels is encouraged. Where possible, solar panels should be located on levels 5 and 6 to increase the operational efficiency of the solar panels.</p> <p>C3 A minimum installed solar PV capacity of 0.75 kilowatt peak (kWp) per dwelling is recommended.</p>
<p>O5 To reduce the use of resources, and the generation of pollution and waste resulting from development activity.</p> <p>The controls to implement this objective should: (i) set a target for demolition waste recovery that is in line with best practice in Sydney, and (ii) set a requirement for the use of concrete with a reduction in embodied energy of 30% or better.</p>	<p>Noted, with improved metrics for achieving this objective through controls C5, C6 and C7 in May 2022 DCP.</p>
<p>O6 To reduce the cause and impact of the urban heat island effect.</p> <p>To achieve this objective dark coloured walls and roofs should be avoided and some ‘green roof’ and ‘green wall’ elements must feature in the design, otherwise the design would be</p>	<p>DCP exhibited 2021 has controls (C5 – C14) under G12.11 Building Materials and Finishes achieve most of this.</p> <p>However, the requirement to minimise dark materials has been added to (May DCP 2022) C5 as follows:</p> <p>Green Roofs and Podiums</p> <p>C5 Dark coloured walls and roofs</p>

<i>Issue</i>	<i>Officer's comment</i>
<p>business as usual and non-responsive to urban heat.</p> <p>The landscape plan should also respond to the heat island effect via inclusion of deep soil zones capable of sustaining trees at maturity, and via selection of low water demand species.</p>	<p>should be avoided, and green roofs and podiums must feature on new buildings.</p> <p>C6 already specifies the percentage of roof space that is to comprise green roofs.</p> <p>While C11 requires green walls and façades on at least 15% of the available building surfaces. It is considered that these controls are sufficient in requiring future development to incorporate green features.</p>
<p>O7 To implement sustainable urban water management.</p> <p>Implementing this means slowing down the rate at which rain/stormwater leaves the site and capturing and re-using some of this water on site for irrigation and other non-potable water uses. The Controls should stipulate on site capture and re-use for landscape irrigation plus one within-apartment end use (note that car-washing alone would not generate any significant demand for recycled water).</p>	<p>Irrigation using harvested/reclaimed rain/stormwater is currently addressed in C13.</p> <p>C14 (DCP May 2022) has been strengthened as follows:</p> <p>C14 On-site rainwater capture should be maximised and plumbed to appropriate end uses, including at least one within-apartment end use (such as toilet flushing).</p>
<p>O8 To improve the diversity and abundance of locally indigenous flora and fauna species across the Inner West.</p> <p>This would be addressed via careful attention to plant selection, shade and exposure in the landscape plan. This is readily achieved by use of a skilled landscape planner.</p>	<p>As exhibited in Draft DCP 2021 a suitably qualified Landscape Architect is required to develop a landscape plan in G12.5 (C4)</p> <p>This is however in relation to general landscaping, rather than landscaping that focuses on increasing indigenous biodiversity.</p> <p>To ensure that G12.5 encourages landscape planning that promotes a diversity of locally indigenous species</p>

Issue	Officer's comment
	<p>the following words have been added to Objective O4 (DCP May 2022).</p> <p>O4 To create opportunities for planting of canopy trees and landscaping that promotes a diversity of locally indigenous species.</p>
<p>G12.10 Environmental Management Control C3.</p> <p>C3 The development must increase urban green cover on the site through tree planting, mass planted garden beds, WSUD, and green roofs and walls.</p> <p>The Control should reference a minimum 'green area' to be achieved – 10-15 % of site (including roof gardens) or follow existing general area DCP targets.</p> <p>Also, control should require Landscape plan to categorically state "area of vegetation as a % of total site area".</p> <p>C4 is ok but very open ended. Could combine with C3.</p>	<p>There is a target of 25% site canopy cover in stated in G12.5 (C1) along with other metrics for green roofs and walls in G12.11 Building Materials and Finishes.</p> <p>It is not proposed to combine C3 & C4 as suggested as the controls focus on different aspects (extent and diversity) and are workable.</p> <p>No changes are proposed to the controls.</p>
<p>C5 Use building materials, fittings and finishes that have been recycled, made from or incorporate recycled materials, and have been certified as sustainable or 'environmentally friendly' by a recognised third-party certification scheme.</p> <p>The term 'Environmentally friendly' is outdated and would be rejected by GBCA, ASBEC and all other sustainable building organisations.</p> <p>The control currently reads as if every building material used must be certified – this is unrealistic. Should</p>	<p>Former control C5 has been replaced with C6 (DCP May 2022) which deals with sustainable building materials with low embodied carbon.</p>

<i>Issue</i>	<i>Officer's comment</i>
<p>focus on the main materials in new construction.</p> <p>Timber specifically warrants focus (avoid uncertified hardwoods).</p> <p>Retain reference to "third party certification scheme" Replace 'recognised' with 'credible'.</p> <p>Add reference to some specific materials for which this condition could apply: Concrete, plasterboard, masonry, and structural timber.</p> <p>Timber certification can be explicit – there are only two credible schemes – FSR (gold standard). FSC Australia is the FSC representative in Australia.</p> <p>Responsible Wood (formerly Australian Forest Certification Scheme (AFCS)) is the PEFC accredited scheme in Australia.</p>	

APPENDIX A TO ENGAGEMENT REPORT

RESPONSE TO SUBMISSIONS SEEKING DCP AMENDMENTS

<i>Additional controls requested</i>	<i>Officer Response</i>
G12.4 PUBLIC DOMAIN	
Locate lobby of residential towers within the plaza to ensure good lighting, regular use and passive surveillance within the plaza.	<p>The draft DCP shows potential residential entry points, including accessed off the plaza and internal walkways to promote passive surveillance and to activate the area.</p> <p>In addition, Leichhardt DCP 2013 C1.9 Safety by Design will apply to future development and provides guidance on the principles of Crime Prevention Through Environmental Design (CPTED) in order to assist in preventing crime, reducing the fear of crime and to assist in creating safer public spaces within the municipality.</p>
Allow for a small number of low-key daytime complementary commercial uses such as local shops or cafes, in addition to artist studios and galleries.	<p>Restaurants or cafes and galleries are not a permitted use in the IN2 Light Industrial zone however neighbourhood shops and take away food and drink premises are permitted with consent.</p> <p>Activation of the plaza and its use by the community as a meeting place with canopy tree/s and a possible green wall will be inviting, with view lines between Balmain Road and Fred Street and into Cecily Street.</p>
Public bike racks be placed on Fred Street to support community use.	<p>The Leichhardt DCP and the exhibited site specific DCP require the provision of a travel plan which may include site-specific bike share facilities.</p> <p>A future development application will need to consider Leichhardt DCP 2013 Part C –</p>

<i>Additional controls requested</i>	<i>Officer Response</i>
	Section 1 General Provisions and in particular C1.11 Parking which includes bicycle and motorbike parking provisions including secure parking spaces for bicycle and end of trip facilities, accessible parking, car share facilities etc.
Consider impact on school catchment areas/numbers.	School catchment numbers are typically considered at the time of an LEP amendment and are not a matter for the DCP.
G12.5 OPEN SPACE, DEEP SOIL and LANDSCAPING	
Existing mature trees along Fred Street are retained as a condition of DA approval.	<p>The trees along Fred Street are deciduous London Plane and provide screening and streetscape amenity. The trees however have been repeatedly lopped for line clearance affecting their structural integrity and overall form. While retention of trees is sought wherever possible the trees have also been overplanted and with the lopping it is considered that they will not be viable and able to be retained in the long term. Undergrounding of utilities and the planting of new trees (200 litre or greater) as a condition of consent will be a better outcome in the long term.</p> <p>The retention of existing street trees will need to be offset with the advantages of undergrounding of overhead power lines and the reestablishment of new trees as part of a development application.</p> <p>As exhibited Control 9 of 12.4 Public Domain <u>has been</u> amended and a new Control 10 (May 2022) added to require new semi advanced street trees in a container size of no less than 200 litres as part of the undergrounding of overhead utilities to offset the immediate loss of amenity and improve the streetscape.</p>

<i>Additional controls requested</i>	<i>Officer Response</i>
One or two mature trees are planted in the public plaza at point of construction (rather than 5 years till maturity).	<p>The draft DCP (May 2022) G12.5 Open Space, Deep Soil and Landscaping states:</p> <p>C9 Ground level public spaces are to include trees planted on structure capable of reaching early stages of maturity within 5 years of planting.</p> <p>The rational for this control is that trees that will reach maturity within five years are generally fast growing with a shorter lifespan and require earlier replacement.</p> <p>It is proposed to retain the requirement for the trees to reach early stages of maturity within 5 years of planting to achieve a better overall outcome in tree selection and longevity. No change to the control is proposed.</p>
Landscape plan considers native plant species that provide additional community benefits such as herbs and fruit/citrus trees.	<p>The draft DCP G12.5 Open Space, Deep Soil and Landscaping as exhibited in 2021 requires the landscape plan to use native plant species in C4:</p> <p>C4 Use a diverse variety of local Inner West native plant species and plant types with low water needs, including trees, shrubs, grasses, groundcovers and climbers.</p> <p>No change to the control is proposed.</p>
G12.6 EMPLOYMENT USE	
Control C3 be expanded to ensure that the artistic/creative space is rented in perpetuity at low market rates, with a similar mechanism as affordable housing allocated under the Inner West Affordable Housing Policy.	<p>The draft DCP ensures the character buildings on site are retained and reconfigured as employment space for artists and creative purposes. These spaces and the new light industrial floor space across the site are to ensure the ongoing provision of 6,000m² employment, service and creative enterprise opportunities on the</p>

Additional controls requested	Officer Response
	<p>land as required under the Leichhardt LEP. Of this 1,200m² is for creative purposes.</p> <p>As exhibited, G12.6 Employment Use has the following objective with an amendment in underline:</p> <p>O2 To encourage large floor plates and high ceilings for employment floorspace to ensure <u>functionality and</u> flexibility in accommodating a diverse range of light industrial and creative uses.</p> <p>To give effect to this objective, including for capturing the functional needs so feasibility for creative spaces, the following new control (DCP May 2022) is proposed:</p> <p>C10 Design and construct a flexible ground/mezzanine/first floor space for a wide range of employment uses.</p> <p>In addition to ensure the effective operation of the employment land the following new controls have been added in draft DCP May 2022:</p> <p>C8 New development must demonstrate that all activities are contained within the site and prove the following:</p> <ul style="list-style-type: none"> a) Sufficient site facilities with a detailed site facilities floor layout, provision of adequate vehicular loading bays, delivery and servicing areas for businesses, industrial uses and removalist vans for residential. b) Service corridors for transfer of goods by business operators

Additional controls requested	Officer Response
	<p>and their customers, with adequate widths, service lifts from basement car parking levels to designated ground level pathways to business floor space.</p> <p>c) Locations of ground level fire hydrants and their clearance zones as well as substation locations to minimise adverse impacts on the urban design and appearance of the site.</p> <p>d) All waste and recycling storage and collection areas are to be provided within the premises in reasonable proximity to the vehicle entrance, and no lower than one level below street level.</p> <p>e) Location of mechanical ducting for ventilation horizontal and vertical shafts to enable a wide range of employment uses.</p> <p>C9 Provide adequate to large utilities including gas and water connection to support a range of employment uses.</p> <p>C10 Design and construct a flexible ground floor and mezzanine for a wide range of employment uses.</p> <p>C11 A stratum subdivision scheme is required to delineate ownership structures and obligations to the overall building regarding requiring owners' corporation consent for the submission of development applications and complying development</p>

Additional controls requested	Officer Response
	certificates for employment uses separate from residential uses.
G12.7 RESIDENTIAL AMENITY	No additional controls requested by submitters.
G12.8 BUILT FORM, HEIGHT AND DESIGN	
<p>To ensure objective G12.7 O4 to ensure solar access, visual and acoustic privacy to surrounding residents, site requires a maximum of 5 storeys and minimum of 6m setbacks where the site abuts other residential uses (specifically the rear corner with Cecily & Fred Street)</p> <p>The setbacks on Cecily Street should, at a minimum, be aligned with Alberto Street and increased to 6m, given the narrower street profile of Cecily Street. The bulk and scale of the development should also be factored into the controls for the "heritage and character" section of the DCP.</p>	<p>The November 2020 Urban Design Report to the Sydney City East (SEC) Planning Panel provides for a 3 and 6 storey element to the corner of Fred and Cecily Streets. This has been retained in the draft DCP and illustrates the modulation required across the site. However, the MFSR was required to be reduced from 2.54:1 to 2.2 :1 by the SRE Planning Panel and this is not reflected in the exhibited Figure 5 of the DCP and results in significantly excessive building envelopes which equate to approximately a 2.6:1 envelope. This will lead to unintended consequences for a potential larger building outcome sought which seek to rely on the DCP envelopes.</p> <p>A rescaling of the development for Figure 5 (showing site plan) of the DCP has been made to more closely fit within the permitted floor space ratio of 2.2:1, which will result in an increase in the setback of upper storey elements from Fred Street, so reduction in visual impacts to downhill affected houses. This will further ameliorate potential sunlight and privacy impacts for housing along Cecily and Fred Streets. Noting this is a community concern.</p> <p>A final distribution of the floor space and heights will be considered in a future</p>

<i>Additional controls requested</i>	<i>Officer Response</i>
	development application and will need to demonstrate that it achieves the sunlight and privacy controls of the DCP.
G12.9 ACCESS AND PARKING	
<p>A new traffic report (C4) is supported and should be undertaken by an independent body, during peak hours on weekdays (both morning and evening) and on Saturday mornings (significant traffic period on Balmain Road).</p> <p>The traffic report should not be completed whilst Sydney is in any form of Covid related lockdown. The report should consider additional traffic and pedestrian safety on all surrounding roads including Cecily Street and Alberto Street.</p>	<p>G12.9 Access and Parking C5 has been updated (DCP May 2022) to clarify what the traffic impact assessment must include and is not limiting. It is however specific to a number of issues identified with the local area network, intersections and parking.</p> <p>It is standard practice to include traffic counts and modelling for weekdays and weekends, so this aspect has not been incorporated into the control.</p> <p>The local area network includes the streets in the vicinity of the development including Cecily, Alberto, Fred and Maida.</p>
The traffic report needs to accurately represents the limited availability of close public transport and recognise the impact this will have on car usage by residents and employees of the site.	The number of car spaces will be determined by the amount of floor space provided for residential and employment uses not the availability of public transport. However, the active transport plan and the provision of bike facilities will encourage residents to use public transport or modes of transport other than a private motor vehicle.
<p>Condition of development that developer & Council consult with Transport for NSW to</p> <p>1) reinstate the bus route on Balmain Road to connect to Balmain East Ferry Wharf.</p> <p>2) to explore how new cycle lanes along Balmain Road could connect to schools and the Victoria Road cycle lane.</p>	<p>Consultation with Transport for NSW will be required for future development as Balmain Road is a classified State Road and the proposed development is of a size (6,000 m2 of industrial floor space) that triggers requirements under the Infrastructure SEPP as follows:</p> <p>Infrastructure SEPP Division 17 Roads and traffic</p>

<i>Additional controls requested</i>	<i>Officer Response</i>
<p>3) Provide safe and direct access to the new Bays Precinct Metro Station for pedestrians approaching from Lilyfield side of Victoria Rd (near Easton Park).</p> <p>This action would also strengthen Control (C10) sustainable and active transport plan.</p>	<p>Clause 104(2) b) in relation to development on a site that has direct vehicular or pedestrian access to a classified road or to a road that connects to a classified road where the access (measured along the alignment of the connecting road) is within 90m of the connection—the size or capacity specified opposite that development in Column 3 of the Table to Schedule 3.</p> <p>It is Council's responsibility to pursue wider community needs such as reinstatement of bus routes, new cycle lanes and safe and direct access to the new Metro Station and not the owner/developer of the site.</p> <p>A detailed traffic impact assessment with specific requirements has been set out in 12.9 Access and Parking, control C5.</p>
Adequate bike parking/air pump/secure storage/shower facilities should be included to encourage active and sustainable transport.	Draft DCP, G12.9, C10 has been amended to confirm that the controls of the Leichhardt DCP 2013 which address bicycle facilities applies to the site.
Car parking areas designed and constructed to include electric vehicle charging points at the point of construction (not later as currently described).	C11 and C12 in DCP May 2022 provide for electric vehicle charging points.
Vehicle entry for residential and industrial uses should be specifically restricted to proposed location shown on Alberto Street.	Potential locations include Alberto Street, however a final development application with a new traffic assessment may see additional access provided from Fred Street for residential use.
Residential car parking must allow for 1 space per dwelling unit of underground car parking to ensure availability required based on existing Lilyfield usage and lack of accessible public transport.	<p>Part C Section 1 General Provisions, C1.11 Parking of the Leichhardt DCP 2013 sets out (minimum & maximum) car parking provisions for the site.</p> <p>The minimum for the residential component is:</p>

<i>Additional controls requested</i>	<i>Officer Response</i>
	<p>1 bedroom unit 1 space per 3 dwellings; 2 bedroom unit 1 space per 2 dwellings; 3+ bedrooms unit 1 space per dwelling.</p> <p>This is consistent with other residential development under the Leichhardt DCP and no change is proposed for the site.</p>
The objective on p.17 "Reduce Parking provisions" should be increased to ensure allocation of 5 underground car spaces per 10 employees for employment & industrial uses.	C16 requires parking to be provided in accordance with Leichhardt DCP.
Inner West Council to ensure that the number of apartments and light industry site has adequate parking given-crowded street parking, consider restricting parking to Balmain Road, and introducing time-limits on parking in surrounding residential streets.	<p>The number of carparking spaces provided will be in accordance with Leichhardt DCP 2013.</p> <p>Introduction of restrictions on Balmain Road, timed parking and a resident parking scheme will be considered as part of a future development application and form part of the detailed traffic impact assessment.</p> <p>See G12.9 Access and Parking C5.</p>
During construction parking for workers on the building site and later in the light industrial area should be restricted to onsite or on Balmain Road.	<p>G12.9 Access and Parking C5 requires a detail traffic impact assessment for a future development application.</p> <p>Conditions relating to demolition and construction including parking by workers will form conditions to an approved development.</p>
Inclusion of car share spaces is important consider a higher level than in the DCP (DCP 2013 NB C1.11.1 p.64- 69 + Table C.4 parking rates).	<p>Leichhardt DCP 2013 Part C, C1.11.1 Parking applies to the site.</p> <p>C25 On-Site Car Share Facilities states: Car share parking spaces are to be provided for new multi-dwelling residential buildings and other commercial development as follows:</p>

Additional controls requested	Officer Response
	<p>a. residential development ± a minimum of one (1) car share space is to be provided for any residential development containing more than 50 residential units;</p> <p>b. office, business or retail premises ± a minimum of one (1) car share space per 50 car spaces provided.</p> <p>This would equate to a potential two or three car share spaces for residential and none for industrial uses based on 1 space per 250 sqm or 1 space per 150m² (24 – 40 car spaces). This is consistent with other site specific DCPs for mixed use precincts in the Inner West.</p>
<p>G12.10 ENVIRONMENTAL MANAGEMENT</p> <p>Agree with the objectives stated in G12.10 & G12.11 of the proposed DCP and believe that the controls in C1-C17 of this section largely satisfy these objectives.</p>	<p>Noted however the ESD controls have been clarified to ensure they can be delivered.</p>
G12.11 BUILDING MATERIALS AND FINISHES	
<p>Make solar panels mandatory and required as a condition of DA approval (C1,2)</p>	<p>Solar panels are covered in G12.10 Environmental Management as exhibited. Clearer wording of these controls is proposed to ensure sound sustainable building outcomes however these cannot be at cross purposes with BASIX requirements.</p>
<p>Require that the central plaza has a green wall (C3) as well as major bulky surfaces adjoining the street frontages.</p>	<p>As exhibited Draft DCP clause G12.11, provides:</p> <p>C11 Green walls and façades are required on at least 15% of the available building surfaces, with particular focus on the northwest facing façade to Balmain Road and northeast facing façade to Cecily</p>

Additional controls requested	Officer Response
	<p>Street. This clause does not apply to the character buildings.</p> <p>The draft DCP provides for a minimum requirement enabling a future development application to provide as much green walling as suitable.</p> <p>Major street surfaces have been considered in as exhibited control 9 of G12.8 Built form, Height, and Design:</p> <p>C9 Facades are to be articulated with an appropriate scale, rhythm, proportion, colour and material which respond to the building's use and the desired character of a locality. This can also be achieved through indentations, protrusions or with changes in material (such as brick work and glazing) and display distinct vertical modulation and rhythm that complements the character of the locality.</p> <p>It is not proposed to change the wording of the controls which enable future development to balance environmental and aesthetic outcomes for the site.</p>
<p>Water fittings and fixtures of the high star rating extend to residential uses, in addition to non-residential development. (C6)</p>	<p>This control has been corrected in G12.10 Environmental Management (DCP May 2022) to accurately reflect the application of WELS to non-residential development as shown below in underline.</p> <p>C8 All new water fittings and fixtures such as showerheads, water tap outlets, urinals and toilet cisterns, in all non-residential development, the public domain, and private open space are to be <u>within 1 star</u> of the highest Water Efficiency Labelling Scheme (WELS) star rating available at the time of development.</p>

<i>Additional controls requested</i>	<i>Officer Response</i>
	It is not proposed to introduce a similar control for residential development as this is already a requirement of the BASIX tool and SEPP.
Energy efficient lighting and air conditioning should be a condition of the residential development.	Both the GreenStar rating tool and BASIX provide for opportunity to achieve energy efficient lighting. As exhibited both G12.10 and G12.11 have controls relating to energy efficiency in both the public domain and for buildings.
The Water Sensitive Urban Design assessment (C10) must consider impacts on the surrounding residential properties.	C10 of G12.10 Environmental Management provides for: C10 A suitably qualified engineer with experience in stormwater, drainage and WSUD is to assess the site requirements for the proposed development, and prepare the required stormwater, drainage and WSUD plans in accordance with the provisions of this DCP and with best practice sustainable water management techniques. Consideration of the impacts of water management is a standard requirement of development. Long term maintenance of Water Sensitive Urban Design elements in the public domain however may lead to localised flooding in high intensity events where drains or features become blocked.
Use of timber in the development be encouraged as it is more sustainable than other materials and fits in with the surrounding heritage zone which is primarily wooden workers cottages. (C5)	The GreenStar building rating tool examines the design and construction of buildings to achieve sustainable outcomes. C1 of G12.10 has been-amended (May 2022) to explicitly require its application. C5 of G12.10 (now C6 DCP May 2022) has been-amended and C5, C6 and C7

Additional controls requested	Officer Response
We support the use of building materials that have been recycled or certified as sustainable (C5).	introduced to clarify the types of material that can be certified as sustainable and the percentage of material that can be expected to be recovered based on NSW government target.
G12.12 WASTE AND RECYCLING	
<p>Bins for both residential and industrial use to be concealed to ensure odor and visual aesthetics are maintained, and that collection is carried out at a reasonable hour away from residential uses (such as Balmain Road or Alberto Street).</p> <p>There are no controls listed as to where the collection of waste will be sited and restrictions on times. Currently residents on Fred Street are woken at 2am in the morning by the safety reversing sound on the trucks collecting garbage from industrial uses.</p>	<p>As exhibited, draft DCP G12.12, C1 requires all waste to be collected on site.</p> <p>As no access is to be provided to the site from Balmain Road, Alberto Street will most likely be the primary access for waste collection.</p> <p>This will require sufficient maneuvering room on site for large trucks to enter and remove waste effectively.</p> <p>As exhibited Draft DCP G12.12, C3 already provides for acoustically treated areas for waste and recycling to minimize the noise of collection.</p> <p>No specific areas for waste location have been nominated as final architectural drawings have not been prepared showing how the development will achieve the requirements of the LLEP and DCP to ensure viable businesses through:</p> <ul style="list-style-type: none"> • structural layout providing flexible open plans (to allow spaces to be subdivided as required) • space needs including minimum floor to floor heights and minimum ceiling heights • site facilities (loading docks, service corridors and lifts, storage rooms, waste collection and removal, mechanical ducting for ventilation)

Additional controls requested	Officer Response
	<p>horizontal and vertical shafts and substations)</p> <ul style="list-style-type: none"> separation requirements to ensure acoustic amenity for upstairs apartments <p>A future development application will need to demonstrate sufficient height, truck turning circles on site, loading and unloading areas as well as waste storage and collection areas. This needs to be achieved without impacting on the ongoing provision of employment use on site of 6,000m².</p> <p>G12.12, C4 has been amended to ensure that the Site Waste Minimisation and Waste Management Plan considers timing and frequency of waste removal as follows:</p> <p>f) timing and frequency of collection minimising noise transmission at night</p> <p>Also, to include an additional objective and control to G12.6 Employment Use in O6 and C8.</p>
G12.13 HERITAGE AND CHARACTER	
<p>Setbacks/style to be improved to be sympathetic to heritage 2 storey cottages at the rear on Cecily and Fred Street.</p>	<p>A revised Figure 5 (DCP May 2022) provides for increased upper level setbacks consistent with the floor space allowed on site. This increase in setbacks will remove some of the building bulk along Fred and Cecily Streets.</p>
<p>Design along Balmain Road should:</p> <ul style="list-style-type: none"> be more sympathetic to the heritage nature of main street facades in this area, 	<p>The site is opposite historic Callan Park and one of two entry points to this regional park and sports grounds. Consideration of the entrance to Park and safe road crossings is now a requirement of the detailed traffic assessment in the draft DCP.</p>

<i>Additional controls requested</i>	<i>Officer Response</i>
<ul style="list-style-type: none"> incorporate heritage material and design elements evident along Balmain Road, speak directly to the proximity of Callan Park main entrance, formalise the entrance to Callan Park including a pedestrian zone/crossing to slow traffic, use timber in the development to respect the wooden worker cottages in the area and for sustainability outcomes. 	<p>Callan Park and buildings as a State heritage item will require specific matters to be addressed in a future development application.</p> <p>The LLEP also has protection measures for heritage items and conservation areas in clause 5.10 which a future development application must address.</p> <p>It is considered that the existing draft DCP controls as exhibited along with G12.11 Building Materials and Finishes C3 is adequate in ensuring heritage considerations for this unique site.</p> <p>C3 Building articulation, design and materials are to provide an appropriate balance between the new development and the older character of the locality, heritage items and Callan Park Conservation Area and buildings.</p> <p>No change is proposed to the controls.</p>
G12.14 HOUSING AFFORDABILITY & DIVERSITY	
Supported however request a similar provision for affordable artist rental space	Noted, however this is beyond the control of Council.
G12.15 DESIGN EXCELLENCE	
This is one of the most strategic sites in Lilyfield – large, on the main road, bookends the high street, opposite the main entrance to the historic Callan Park. Ensure strong design principals that will deliver a landmark building, rather than a	<p>The draft DCP provides a design excellence clause while the objectives of the DCP seek to ensure a standard of development commensurate with this iconic location opposite a State heritage item, buildings and open space.</p> <p>No change is proposed to the controls.</p>

<i>Additional controls requested</i>	<i>Officer Response</i>
run-of-the-mill modern apartment block.	



Architectural Excellence & Design Review Panel Meeting Minutes & Recommendations

Site Address:	469-483 Balmain Road Lilyfield
Proposal:	Site-specific Development Control Plan (DCP) Review
Application No.:	-
Meeting Date:	7 June 2022
Previous Meeting Date:	-
Panel Members:	Tony Caro (chair); Peter Ireland; and Jean Rice
Apologies:	-
Council staff:	Vishal Lakhia; Niall Macken; Daniel East; Gunika Singh; Con Colot; Sarah Guan; Colette Goodwin
Guests:	-
Declarations of Interest:	None
Applicant or applicant's representatives to address the panel:	-

Introduction and Background:

1. The Architectural Excellence & Design Review Panel has been asked to review documentation provided by Council pertaining to the subject Draft DCP. This report is a record of the discussion with Inner West Council staff members through an online conference, and the panels subsequent consolidated advice.
2. The Inner West AEDRP was formed in July 2021, which is subsequent to DPIEs determination of the Planning Proposal associated with this Draft DCP. The Panel is therefore being asked to review the Draft DCP at a relatively advanced stage in the process, when many of the key strategic urban design decisions appear to be already embedded.
3. The Panel was specifically requested by Council to review the draft DCP for its consistency with the NSW Apartment Design Guide (ADG) *Part 1 – Identifying the context* and *Part 2 – Developing the controls*. It is noted however that any advice in relation to the ADG also requires consideration of *Part 3-Siting the Development* and *Part 4-Designing the Building*, which are strongly inter-related with matters covered in Parts 1 and 2.



Panel Comments and Discussion

1. As part of the NSW ADG review, the Panel is not convinced about a number of issues, including but not limited to –
 - a. setting and testing of primary controls (floor space ratio, height and setbacks),
 - b. building configuration due to the proposed 'H' form plan of the main building , and
 - c. excessive building envelope depths (24-29m in some instances).

The Panel considers resultant residential amenity achieved within the Draft DCP envelopes will not be optimum and there will be spatial planning, outlook, overlooking and acoustic privacy issues particularly at the re-entrant corners of the floor plan.

2. The Panel also notes that there will likely be tension between the maximum floor space ratio and maximum building height controls formalised through the planning proposal. The mismatch between the FSR and height will create significant pressure on yield versus residential amenity. The Panel is not sure whether the building envelopes provide the recommended 25-30% allowance for balconies, lifts, stairs and building/architectural articulation, as expected in Part 2B of the NSW ADG.
3. The Panel is aware that a site-specific DCP does not need to include residential layouts and verification for compliance with the NSW ADG. However, the Panel has been asked specifically to review the proposal for its ability to meet ADG requirements. It is noted that the proposed building envelopes included within the DCP are informed by the proponent's typical floor diagrams, however as a SEPP 65 Design Review Panel, it is suggested that the proponent needs to establish compliance with the primary ADG criteria for solar access, natural cross ventilation, maximum south facing apartments (without solar access), building depths, deep soil areas, communal open areas, as well as demonstrating acceptable inter-unit visual and aural privacy.
4. It is the Panel's view that consistency with the NSW ADG primary controls is not yet evident within proponent's urban design report and the appendices. For example – The Panel reviewed the typical residential level 'diagrams' included in the proponent's urban design study, and it appears that in its current configuration compliance with the minimum requirements of primary ADG controls is problematic in key areas.
5. The Panel was advised that based on the LEP provision, a minimum FSR 0.88:1 is to be allocated to employment use. However following the Panel's review of the proponents diagrams in the urban design study, it was evident that the required quantum of employment use may not be achievable since substantial allowances need to be provided for ground floor lobby access, fire exit corridors, vertical movement shafts, residential service shafts, industrial use ventilation and exhaust requirements, vehicular and service access and loading requirements. Excessive depth of the employment footprint and the resultant amenity for occupants is also a concern for the Panel.
6. The Panel does not support a shortfall to NSW ADG criteria in deep soil zone requirements since the increased density on the subject site should be supported by environmental benefits from deep soil zones. The Panel recommends that the DCP framework should ensure consistency with the minimum ADG criteria, which is 15% of the site reserved for genuine deep soil for sites greater than 1,500m², with a minimum 6m dimension.
7. All plans within the DCP should include a north-point. The DCP should include at least 2 schematic cross-sections across the site. All 3D views and cross sections should accurately depict fall of land.
8. While the Panel understands a minimum 2.7m floor-to-ceiling height is required by the NSW ADG, floor-to-floor heights need to be reviewed to ensure compliance with the new NCC and building performance requirements. The Panel suggested a minimum 3.2m floor-to-floor height would allow compliance with the NCC and additionally allow for provision of ceiling fans for low-energy alternative and for environmental benefits.
9. The Panel notes that in order to improve acoustic amenity the DCP allows for a 400mm thick structural slab above the ground floor, however, this will not resolve structural-borne sound and vibration that could travel through building fabric into the residential buildings.

INNER WEST

10. The Panel discussed that while good street activation and passive street surveillance are necessary, the DCP framework should facilitate a balance in terms of glazing and masonry elements for all ground level facades, to establish greater consistency of architectural expression with an appropriate inner-city fine grain residential and industrial character.
11. The Panel discussed that co-location of residential and light industrial uses create potential acoustic and other amenity issues for the residents and industrial occupants, nevertheless, natural ventilation and daylight should be maximised to all habitable areas. Appropriate guidance and controls for noise mitigation are available within Parts 4B and 4J of the NSW ADG.
12. The Panel discussed alternative site planning strategies, and if the proponent had considered residential and light industrial in separate buildings rather than in the proposed configuration. The panel considered that the DCP should allow alternate envelopes to be proposed if better residential amenity and light industrial viability and operability can be achieved.

Conclusion and Recommendations:

The Panel does not support the Draft DCP in its current form, as in the Panel's opinion:

- The proposed residential envelopes are a pragmatic response to external factors, principally being the need to minimise impacts on existing low density residential to the southwest through southeast of the subject site. Whilst this is an important consideration, the resultant residential envelopes described by the DCP are not optimised for a high quality contemporary residential amenity outcome.
- Viable continuation of light industrial uses on the ground floor must be co-ordinated with adequate provision for a range of spatial requirements arising from its co-location with the residential development above, and the need for active frontages to streets and the proposed new public square is not sufficiently embedded into the DCP. The panel is concerned that the viability of the light industrial uses may be compromised by the requirements of the residential component.
- The ground floor plan is too deep for provision of good natural light and ventilation to the parts of the internalised industrial and creative spaces. It is likely that large penetrations for lighting and ventilation would be required through the first floor slab into the residential level, thereby creating a range of probable compliance and amenity tensions between the two uses.
- As a consequence of these issues, the Panel is concerned that the allowable maximum FSR allocated to the site will be difficult to achieve successfully within the proposed envelope controls, and particularly the proposed maximum height. Additional height should be investigated in parts of this large site where there are acceptable impacts on existing residential neighbourhoods. For instance within the north-western portion the site (opposite the park), where the scale of the urban setting could accommodate this (excluding retained heritage buildings).
- The Panel acknowledges that site specific DCPs generally do not include a requirement for detailed internal floor plans. In this specific case however, the Panel found that the lack of information in relation to planning constraints arising from intended uses within the non-residential ground floor plan results in a significant lack of certainty as to how the residential development above would integrate successfully with the intended light industrial uses in the ground floor below.
- In summary, the Panel considers that the Draft DCP envelopes adopted from the proponents urban design report and planning proposal have a range of issues as described in this report, and Council should avoid overly prescriptive envelopes within the DCP to allow for possible improved configurations. The DCP should provide a high-level framework allowing more planning flexibility so that compliance with the NSW ADG primary controls (such as building depths, solar access, natural cross ventilation, maximum south facing apartments, deep soil and communal open space criteria) can be achieved during the DA stage.
- Furthermore, the DCP needs to describe the overall project objectives and vision for the precinct, as this was not available to the Panel in the documentation provided for the meeting.