



Internal Ref: EXTERNAL/2024/0006

10 October 2024

Department of Planning, Housing and Infrastructure  
Locked Bag 5022  
Parramatta NSW 2124

**ATTENTION: Justin Keen**

Dear Mr Keen

**Inner West Council Response: SSD-68298726 – Rozelle Village, mixed use development with affordable housing.**

Property: 138-152 and 154-156 Victoria Road; 697 Darling, 699 Darling Street and 1 Waterloo Street, 3 to 7 Waterloo Street, ROZELLE NSW 2039

Thank you for the opportunity to comment on the proposed Rozelle Village State Significant Development Application (SSDA). Council has reviewed the submitted SSDA proposal, including the Environmental Impact Statement (EIS) and Industry Specific SEARs.

In addition to the preliminary objection submitted on 3 October 2024, this is a more comprehensive submission in relation to the proposed development and the issues that there are concerns about are summarised as follows:

- Non-Compliance with the Leichhardt Local Environmental Plan 2000 – Part 3 Amended controls on specific sites
- The justification of the significant departure from the FSR development standard for residential development not well founded.
- Non-Compliance with Clause 20 of State Environmental Planning Policy (Housing) 2021
- Adverse Traffic generation and impacts to Waterloo Street
- Compliance with SEPP 65 and Apartment Design Guide
- Inadequate information to the Provision of affordable housing .
- Non-Compliance with the Leichhardt Development Control Plan – Site Specific DCP
- Unresolved Planning Agreement
- Inadequate Notification of properties

Each of these matters is addressed in detail in the following sections.



## 1. Non-Compliance with the Leichhardt Local Environmental Plan 2000 – Part 3 Amended controls on specific sites

The following comments are made in relation to compliance with Part 3 Amended controls on specific sites of Leichhardt LEP 2000 which specifically applies to the Balmain Leagues Club Precinct site:

*(2) Despite any other provision of this Plan (except clause 19 (6) and (7) or a provision of this Part), consent may be granted for mixed use development on the site, but only if, in the opinion of the Council, the following objectives are met—*

*(b) the development contributes to the vibrancy and prosperity of the Rozelle Commercial Centre with an active street life while maintaining residential amenity*

**Comment:** The increase of four (4) additional storeys, additional dwelling and additional car parking/traffic generation is considered to be contrary to this objective in the following ways:

- Impact in relation to Solar Access to the properties on Waterloo Street and Cambridge Street (Private open space) – The shadow diagrams indicate that the proposed additional 4 storeys will result in significant increase of overshadowing at 9am, 10am and 11am. The level of impact depicted in the shadow diagrams is unclear as it appears that the existing fence (side and rear fencing) impacts have not been included in the impacts and therefore the depicted overshadowing impacts in the diagrams require updating to depict of the actual impacts to the private open spaces of the properties at Waterloo and Cambridge Streets. Therefore, it has not been demonstrated that the affected Waterloo Street and Cambridge Street properties will retain an appropriate amount of solar access to their private open spaces.
- Impact in relation to Solar Access to the properties on Waterloo Street and Cambridge Street (Glazing) – The shadow diagrams indicates that the proposed additional of 4 storeys will potentially result in increase of overshadowing at 9am, 10am and 11am to the glazing of a number of properties located on Waterloo Street and Cambridge Street. Shadow diagrams in elevation have not been provided and therefore the proposal has not demonstrated that the additional 4 storeys will retain an appropriate amount of solar access to the glazing of the affected Waterloo Street and Cambridge Street properties.

*(c) the development is well designed with articulated height and massing providing a high quality transition to the existing streetscape,*

**Comment:** The increase of four additional storeys, additional units and additional car parking/traffic generation is considered to be contrary to this objective in the following ways:

- The 12 storeys permitted under the LEP is already the maximum height for an acceptable streetscape

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It should be noted that the current height and FSR controls that applies to the subject site is already higher than the properties in the locality as the result of a planning proposal that resulted in amendments in the Leichhardt LEP 2000 which was also subject to a VPA that included the delivery of infrastructure to Rozelle.

There have not been any recent developments in the locality that would be similar or exceed the 12 storey scale and a development which comprises 16 storey forms will be significantly out of character with the height of structures in this locality.



3D image showing previous approval under MOD/2022/0447



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- Impact in relation to Solar Access to the properties on Waterloo Street and Cambridge (Glazing) – The shadow diagrams indicates that the proposed additional of 4 stories will potential result in increase of overshadowing at 9am, 10am and 11am to the glazing of a number of properties located on Waterloo Street and Cambridge Street. Shadow diagrams in elevation had not been provided and therefore the proposal had not demonstrated that the additional 4 stories will retain an appropriate amount of solar access to the glazing of the affected Waterloo Street and Cambridge Street properties.

*(d) the traffic generated by the development does not have an unacceptable impact on pedestrian or motor vehicle traffic on Darling Street, Waterloo Street and Victoria Road, Rozelle,*

**Comment:** Discussed in more detail in section 4 in the submission, the increase in traffic generation will result in an unacceptable queuing on Waterloo Street during peak time which will have a flow-on effect to Darling Street and Victoria Road.

(4) A consent under subclause (2) must not be granted if the development will result in any of the following—

- (e) the floor space ratio for all residential development on the site exceeds 1.9:1,

**Comment:** A floor space ratio of 1.9:1 applies to the site to ensure the mixed-use development is not dominated by the residential component. It should be noted that the original development application (D/2018/219) approved a 33.6% variation to 4(e) on the basis of the following:

- *conveys to shoppers and residents that this is an important specialist retailing, service and entertainment location with a built form that maintains a high level of public amenity;*
- *provides appropriate separation of the different functions within the development and provides appropriate residential amenity;*
- *provides development at a scale and form that is envisaged by the recently adopted site-specific DCP relating to the site to provide a multi-layered development, having active low-rise development on Waterloo Street of no more than three storeys, and well-spaced towers that are positioned on Victoria Road;*

While it is acknowledged the Housing SEPP provides incentives to provide affordable housing through 'up-lifts' to FSR, there are no provisions in the SEPP that suggest the 30% uplift is applied to applications to developments that already breach the FSR development standard. As noted, the originally approved development had a 33.6% variation.

The proposed residential FSR for this application is 3.7:1 which represents a 95% variation to the maximum 1.9:1 residential FSR. The Clause 40 exception is not considered to be well ground and is discussed in more detail below.

Further to the above, it is unclear how the gross floor area figure has been calculated. The GFA diagrams provided, appear to excluded certain areas from GFA that should not



be excluded as the definition of Gross Floor Area under Leichhardt LEP 2000 does not provides exclusion only to basement car parking and voids, i.e: **Gross floor area means the total area of a building's floorplates, measured between the outer edges of the outside walls or the centre line of any party wall, and includes mezzanines, attics, internal car parking spaces, garages, lofts and studios. It does not include projections outside the external walls of the building, paved areas, voids or basements used for car parking, where the car parking area does not protrude more than 1 metre above ground level.**

Clarification is also sought as to why the following areas are excluded from GFA calculations:

- The room directly to the south of the lifts serving Core A.
- As only voids are excluded from the GFA calculations, the lowest level of the area associated with lifts and stairs should be included in the GFA calculations.

Therefore the proposal is also likely to result a greater variation to the residential FSR development than outlined in the EIS and Clause 40 exception.

## **2. The justification of the significant departure from the FSR development standard for residential development not well founded.**

The Clause 40 exception submitted relies on the following reasons for justification which are considered to be not well-founded as follows:

- a. The proposal is aligned with the NSW Government's strategic direction to deliver more residential floor space, specifically housing. Affordable housing units will make up 15% of the total gross floor area (GFA) of the building, resulting in 59 affordable housing units. The provision of additional floor space will enable the delivery of affordable housing, which will contribute to achieving the State objectives of encouraging more housing. –*

A floor space ratio of 1.9:1 applies to the site to ensure the mixed-use development is not dominated by the residential component. It should be noted that the original development application (D/2018/219) already approved a 33.6% variation. While it is acknowledged the Housing SEPP provides incentives to provide affordable housing by provide up-lifts to floor space ratio, there are no provisions in the SEPP that suggest the 30% uplift is applied to applications that already significantly breaches the FSR development standard.

It should be noted that Part 3 (4) of Leichhardt LEP 2000 entails an overall FSR as well setting a FSR for each of the components to ensure that the residential component does not dominate the mixed-use development.

Further increasing the number of apartments and increasing the Floor Space Ratio to 3.7:1 will mean 73% of the gross floor area will be for residential purposes is a significant departure to the FSR development standard which originally sets the residential floor area to be 51.5% of the total floor area. As the subject site is located within a Business zone, a mixed-used development that is so heavily 'skewed' towards a residential development would be inconsistent with the objectives under Part 5 (20)(e) (b) - *to reinforce and enhance the role, function and identity of established business centres by encouraging appropriate development*

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and to ensure that surrounding development does not detract from the function of these centres,

- b. Precedent has already been established to vary this development standard on this land. A previous consent for a mixed-use development currently exists over the site. The Inner West Council (**the Council**) and Sydney Eastern City Planning Panel have supported a variation to this clause of the LLEP previously. Specifically, the Council's Assessment Report for DA/2018/219 states: "...the Panel can be satisfied that compliance with the standard is unnecessary in the circumstance of the case and that there are sufficient environmental planning grounds to support the variation. The proposed development will be in the public interest because strict application would hinder the attainment of the objectives of the EP&A Act and the proposed development achieves the underlying objectives of the standards, notwithstanding the non-compliance."

It is noted the Sydney Eastern Central Planning Panel (SECPP) had only considered a smaller variation (i.e. 33.6% variation) to be satisfactory in the original development application (and there were no changes to the residential FSR in the subsequent modification application). The current proposal proposes a Residential FSR of 3.7:1 which is a 95% variation to the residential FSR requirement of 1.9:1 which is a far more significant departure than the FSR originally approved. It is not considered that a such departure (which almost doubles the residential FSR required) should be supported because a previous application had approved a much smaller breach. As discussed in other sections of the submission, the increase in residential development is likely to result in adverse impacts to the surrounding properties in relation to solar access, parking and traffic generation and therefore the exception is not well-founded.

*The proposal is aligned with the objectives of the 'Balmain Leagues Club' site outlined in Part 3, Schedule 1 of the LLEP specifically Objective (b), which reads "contributes to the vibrancy and prosperity of the Rozelle Commercial Centre with an active street life while maintaining residential amenity." The SSDA delivers an appropriate mix of uses, which is aligned with the demands and needs of the local community. The development will contribute to the vibrancy and prosperity of the Rozelle commercial centre and strikes the right balance between non-residential and residential land uses despite not strictly complying with the development standard.*

As mentioned in an earlier section of the submission, the proposal will result in significant additional overshadowing that could affect both the private open spaces and glazing of the affected properties located on Waterloo Street and Cambridge Street. The shadow diagrams provided do not appear to accurately depict the existing impacts and does not accurately demonstrate that residential amenity is retained to these affected properties.

In conclusion, it is not considered that the applicant has not provided adequate justification to demonstrate that the compliance with the development standard is unreasonable or unnecessary in the circumstances, nor there are sufficient environmental planning grounds to justify the contravention of the development standard.



### 3. Non-Compliance with Clause 20 of State Environmental Planning Policy (Housing) 2021

Under Clause 20 of State Environmental Planning Policy (Housing) 2021, The following design requirements must be met in order for a development to be granted consent:

*(3) Development consent must not be granted to development under this division unless the consent authority has considered whether the design of the residential development is compatible with—*

*(a) the desirable elements of the character of the local area, or*

*(b) for precincts undergoing transition—the desired future character of the precinct*

**Comment:** In this regard it is considered that a 16 storey building form is not a building form that is considered to be consistent with the existing or desired future height where it was established through the creation of Leichhardt LEP 2000 and Leichhardt DCP 2013 that a maximum of 12 storeys is the appropriate maximum form for the subject site.

As the subject site is located at a prominent corner where the proposed development will be clearly visible and there are no recent development or any future developments that would be similar to the heights of the proposed 16 storey form, and this 16 storey form will result in significant reduction of the availability of solar access to the plaza area, the proposal will not be a form that satisfies Clause 20(3)(a) and Clause 20(3)(b) of State Environmental Planning Policy (Housing) 2021.

### 4. Adverse Traffic generation and impacts to Waterloo Street

The Transport Impact Assessment, prepared by JMT consulting (date 21 June 2024), considers the following transport and traffic items in assessing the new development application:

- the new application proposes an additional 75 apartments in comparison to the current approval. it proposes no change to the non-residential approved uses;
- the study notes that these additional apartments are anticipated to generate 13 additional movements during the peak hour;
- that study also suggests that, even with additional the traffic, Waterloo Street will continue to remain below 3,000 movements per day. No specific daily traffic volume is enumerated however the graph shown in Figure 24 indicates that the daily volume on Waterloo Street will only be marginally below 3,000 movements per day;
- The access and egress provisions align with those from the previously approved application; however, it is also noted that this approval was based on circumstances prior to the opening of WestConnex/Iron Cove Link and preparation of Council's draft Rozelle Public Domain Plan;
- Since the previous approval traffic volumes on Victoria Road, in the vicinity of the site, have dropped by 50%, meaning that the traffic function of the road has significantly reduced;
- Additionally, the draft Rozelle Public Domain Master Plan highlights the need for improved permeability and amenity throughout the adjacent area, including potential for Waterloo Street to be converted to a shared zone.



### *Changes in circumstances since the previous approval*

In considering the new application it is important to note that the current approval was subject to extensive consultation with the Local Community including both residents and business owners. Additionally, since the time of that approval WestConnex has been completed (including the opening of the Iron Cove Link).

While the opening of the Iron Cove Link initially resulted in significant congestion and delays around Rozelle interchange, including on Victoria Road, the traffic volumes in the section of Victoria Road immediately adjacent to the site have decreased by approximately 50%, as verified by traffic counts in Victoria Road.

This reduction in traffic and potential change in the nature of Victoria Road, provides an opportunity to reconsider access arrangements for the site, specifically noting opportunities to reduce projected traffic impact on Waterloo Street to acceptable levels for the community. Such an initiative is further supported by the draft Rozelle Public Domain Master Plan which, in response to the residential nature and fabric of Waterloo Street, as well as its proximity to Rozelle Village, proposes that, the amenity and safety of Waterloo Street be significantly enhanced through street scape improvements and conversion to a Shared Zone.

### *Vehicular Access on Waterloo Street*

The report outlines that the traffic generation confirms to the environmental capacity of 3,000 vehicles per day, which is considered at its limit of a local road capacity. Waterloo Street is surrounded by a mix of commercial and terrace style residential homes, and is also a bicycle route. Daily traffic volumes exceeding 2,000 vehicles on this road would have an immediate impact to residential amenity. These are based on the former RTA research relating to safety (cross-ability, visibility, pedestrian delay) and amenity (noise and air quality). These standards were developed to assist practitioners to ensure a level of safety and amenity was maintained. Further to this Transport for NSW's guidelines do not permit the implementation of a Shared Zone on roads with high traffic volumes.

Having noted that the traffic volumes of Victoria Road has approximately halved, Council strongly recommends consideration to the reallocating vehicular access to and from Victoria Road to minimise impact to Waterloo Street, which under the previous approvals would have been over capacity for a local road. It is noted that the site provides vehicular access Victoria Road for residential egress after 8pm, which would provide opportunities for public domain improvements in Waterloo Street such as a Shared Zone.

This application provides an opportunity to review the development in response to the changed circumstances since the previous approval, including reduced traffic volumes on Victoria Road and proposals in the draft Rozelle Village Public Domain Master Plan. It is recommended that the following changes to be made/additional additional information to be provided to address key concerns:

- a. In accordance with the Council's draft Rozelle Public Domain Master Plan, Waterloo Street (or part thereof) should be converted to a Category 1 Shared Zone at the applicant's expense, including the removal of existing kerbs, different surface treatment, opportunities for landscaping and street furniture. The Shared Zone would also provide an opportunity to visually link to the new development's ground floor permeability, while significantly enhancing amenity and safety for Waterloo Street residents; These measures will help reduce the current rat running experienced in Waterloo Street and assist in lowering vehicle speeds.





- b. The development's Waterloo Street access as a minimum should be restricted to residential ingress only (prohibiting residential egress). This would reduce projected traffic volumes on Waterloo Street to the more acceptable level of approximately 2,100 vehicles per day. This restriction should be readily achievable without significant alteration to the car park design, as there is an evening egress arrangement to Victoria Road under the existing approval after 8pm. The reduced traffic volumes on Victoria Road offers additional capacity to readily accommodate the new movements;
- c. Waterloo Street (between the sites residential ingress and Moodie Street) should be converted to a shared zone (Category 1) and the section between Darling Street and the residential egress should receive traffic calming and streetscape enhancements.
- d. To minimise the likelihood of rat running through the adjacent residential area (Moodie, Cambridge, Oxford, Park and Manning Streets) by vehicles using the Victoria Road egress, pre- and post- commencement traffic studies should be undertaken to determine the traffic impacts on Waterloo Street as a result of the development and confirm whether any additional traffic calming measures may be required. Such measures should be at the expense of the applicant, noting that this is a condition of the existing approval. The review should include examination of parking conditions to determine whether a resident parking scheme should be introduced to manage kerbside parking demand which may generated by the development;
- e. Under Council's parking policy, it should be noted that businesses, residents and tenants to the new development will not be eligible to participate in Council's resident parking scheme for residential, visitor or business permits. This is to be included in the GTP and
- f. It is considered that the proposed Green Travel Plan will assist in achieving mode shift away from private car dependency, however additional details should be provided regarding how the targeted 19% mode shift away from private car use (e.g. the current 45% to the targeted 30%) will be achieved;
- g. The removal of 2 car wash bays is not supported and should be reinstated. Consideration should also be given to the provision of onsite electric vehicle charging opportunities for both residential and non-residential uses.

#### **5. Compliance with SEPP 65 and Apartment Design Guide**

There are a number of items in the Apartment Design Guide that the proposal does not comply with or require additional information to clarify (see Annexure A). It should be noted that this proposal will be reviewed by Council's Architectural Excellence and Design Review Panel on 15 October 2024 and a copy of the report of the review panel will be sent to the Department once these minutes are finalised.

#### **6. Inadequate information to the Provision of affordable housing**

The proposal seeks the benefit of additional 'uplift' for the provision of affordable housing. Further clarity is sought on the following in regards to its provision::

##### *Exemptions*

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- The access report states that there are spaces deemed exempt from accessibility due to a view they are not appropriate for people with disability. This is a building code approach and while some safety and cost issues can be supported it is not an approach that should go unquestioned and without a justifiable case presented. As an example there are data/control rooms proposed to be exempt however there is no commentary on why this is necessary and the extent of staff that may reasonably require access to such workplaces

## *Housing units*

- 15% of units are to be affordable. It is not stated if any will be Livable Design units or adaptable and it would be good to understand these details more clearly. Best practice would have such units reflect the full range of size, position, amenity, and cost distributed throughout the development
- A policy observation (outside the scope of the DA) here concerns if disability support workers fall within the profession targets eligible to access affordable housing. Including them (in the policy) would ensure consistent supply of workers and ease cost to them and people with disability in finding essential supports. A down the line impact if people are unable to access support workers in the local area with predictability and continuity is they may need to consider relocating to where support workers can afford to live. This is not consistent with our vision for the area or its diversity
- The access report confirms there are 24 adaptable units and indicates design changes needed to prevent excessive costs to achieve post adapted status and a minimum level of accessibility. At present all the units are in preadapted configuration, this is usual practice however poses additional cost onto an occupant who requires the accessibility. In some instance (1 bed unit) the post adaption may be less convenient i.e. no direct access to bathroom from bedroom
- Features including kitchen fit out and access to balcony are not specified. Kitchen specs can be addressed later however achieving balcony access requires confirmation early in design (as it can require alternate drainage design, height of rail, level door alignment etc)

## *Parking*

- The provision of visitor parking is needed. Many older people and people with disability are reliant on family, friends, and support workers to ensure social connection, assistance, health and wellbeing
- Having convenient and easy to access pick up/drop off zones to aid support workers, delivery people as well as ride sharing/hailing services such as Uber. It may also help for emergency services including those attempting to find and assist residents needing care.

## **7. Non-Compliance with the Leichhardt Development Control Plan – Site Specific DCP**

The Leichhardt DCP 2000 includes a section which is a site specific DCP to the Rozelle Village site. While it is noted that a SSDA does not 'technically' assess DCPs as part of its assessment process, consideration should be given to the controls within the DCP as the compliance with the controls of the DCP is a strong indicator on where the relevant objectives had been achieved under Leichhardt Local Environmental Plan 2000 – Part 3 Amended controls on specific sites.

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Council has identified the following key non-compliance with the site specific DCP, which are worthy of further consideration:

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

Section	Provisions	Compliance
Site Specific Controls – Balmain Leagues Club Precinct		
D1.3 Character Statement	<ul style="list-style-type: none"> <li>• The Precinct is an anomaly within an otherwise fine-grain and vibrant neighbourhood. The presentation of the existing buildings and structures does not contribute positively to the Victoria Road and Waterloo Street streetscapes.</li> <li>• A portion of the Precinct along Darling Street and Waterloo Street is within a Heritage Conservation Area (HCA). Architectural and landscape character of development is to enhance the Precinct's appearance by using articulation, materials, finishes, and species that are sympathetic to the HCA and the heritage items nearby.</li> <li>• Revitalisation and redevelopment of the site with a sensitive built form response and a high-quality architectural and urban design outcome is a key objective for the Precinct.</li> <li>• Key aspects of new development are to include:               <ul style="list-style-type: none"> <li>- Re-establishment of the Balmain Leagues Club</li> <li>- Victoria Road will provide a street wall of appropriate height that contributes to the desired future character identified for the Victoria Road Sub Area in Part C of Leichhardt DCP 2013 (which applies to land adjoining the Precinct).</li> <li>- A new plaza to be provided to benefit the local community, future residents, the Club, and businesses.</li> <li>- A sensitive urban design response and relationship with the fine grained houses along Waterloo Street.</li> <li>- Darling Street interface will be designed to integrate an '<i>open to the sky</i>' pedestrian link which will visually and physically connect Darling Street with the future plaza, as well as Club uses within the podium of the tower building.</li> <li>- Improve the interface with the Right of Way (legally described as Lot 1 DP 1063965 and Lots A-E DP 25838) adjacent to the southeast boundary of the Precinct. A new '<i>open to the sky</i>' pedestrian link, with active uses along its length, will be provided along the southeast boundary of the Precinct.</li> <li>- High quality, culturally relevant and engaging public artworks will be provided within the Precinct.</li> <li>- The indicative design principles for the Precinct are shown in the diagram below:</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• That portion of the Precinct within the HCA is identified in <b>Figure 11</b> below.</li> <li>• The proposed 16 storey form fronting Victoria Road is not considered to be an appropriate height or built form as its height will be significant greater than any developments within the vicinity of the development and will be far greater in height than any future developments that is expected in this locality.</li> </ul>

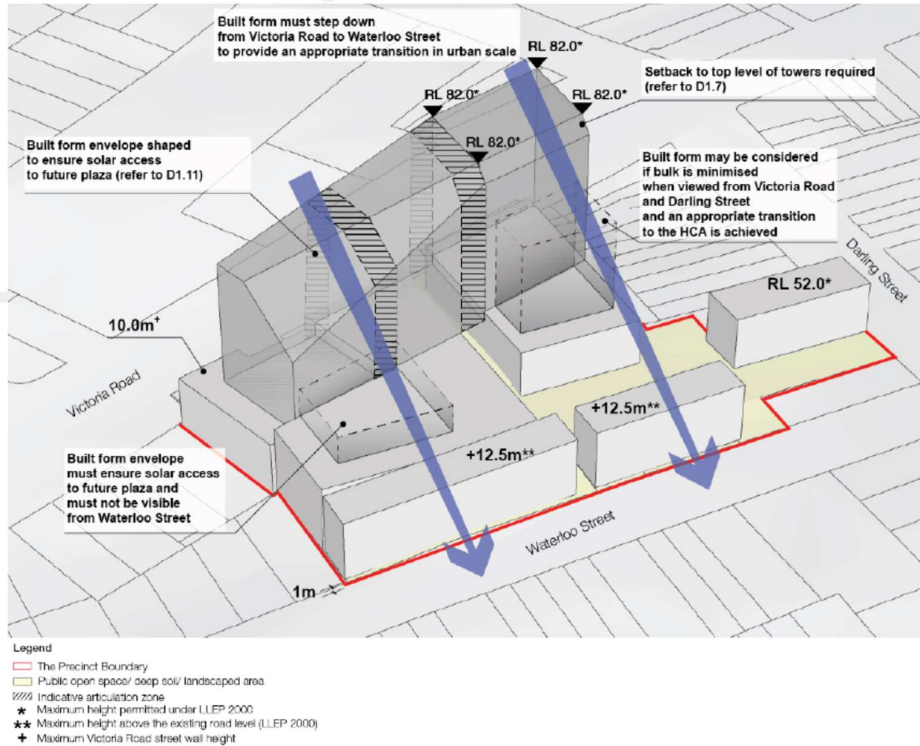
Section	Provisions	Compliance
<p>D1.4 General objectives</p>	<ul style="list-style-type: none"> <li>• O1. To ensure the long term viability of Balmain Leagues Club on the site, for the benefit of the local community.</li> <li>• O2. To achieve high quality urban design for the Precinct and integration of the Precinct with the surrounding areas.</li> <li>• O3. To enable the redevelopment of the Balmain Leagues Club Precinct as a consolidated parcel.</li> <li>• O4. To achieve design excellence which provides high quality built form that responds to the existing and future context.</li> <li>• O5. To minimise the impact to the surrounding HCA and heritage items.</li> <li>• O6. To locate tower forms along Victoria Road and provide transition in scale to the surrounding low scale areas.</li> <li>• O7. To provide low scale and density buildings along Waterloo Street.</li> <li>• O8. To improve the Victoria Road and Waterloo Street streetscapes and to enhance the existing streetscape along Darling Street.</li> <li>• O9. To improve the pedestrian environment, connectivity and activity within the Precinct and along surrounding road and retail street frontages.</li> <li>• O10. To provide a publicly accessible plaza and network of laneways in the Precinct with maximised amenity.</li> <li>• O11. To promote development that links to and contributes to the ongoing vibrancy and viability of the Rozelle Commercial Centre.</li> <li>• O12. To promote housing diversity through a mix of dwelling types.</li> <li>• O13. To promote affordable housing within the precinct.</li> <li>• O14. To achieve high quality residential amenity.</li> <li>• O15. To promote high quality landscaping, public art, signage, and ecologically sustainable development.</li> </ul>	<ul style="list-style-type: none"> <li>• The proposed 16 storey form fronting Victoria road is not considered to be consistent with Objectives O2, O4, O5, O6 and O8 as it is a form that is far greater in height than any existing or expected future development in the locality and the provision of affordable housing does not override the importance of meeting these objectives.</li> <li>• Given the significant changes to the proposed development and a new project owner, it is important to ensure the proposal includes information/evidence that ensure the long term viability of Balmain Leagues Club on this site. Without additional information provided in this regard, it is unclear of whether this main objective that the planning proposal was based on, will be achieved.</li> <li>• This proposal had been referred to Council's Architectural Excellence and Review Panel on 15 October 2024 and once the report had been finalised, a copy will be to the department.</li> </ul>
<p>D1.5 Built form, height, and density</p>	<ul style="list-style-type: none"> <li>• C1. The maximum building height (including plantrooms and lift overruns) shall be consistent with that shown in Figure 5 to minimise visual impacts, building scale and overshadowing issues. The Reduced Level (RLs) identified in Figure 5 are relative to the Australian Height Datum (AHD).</li> <li>• C2. All roof structures, such as plant and lift overruns, shall be integrated into the design of the development. They are not to exceed the building heights contained within LLEP 2000 and are to be fully screened when viewed from street.</li> <li>• C3. Lift overruns on the top of buildings are permitted if: <ul style="list-style-type: none"> <li>- within the maximum allowable height of RL 82.0</li> <li>- are smaller or equal to 24m<sup>2</sup> in plan dimension if located at podium level</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• While it is noted that an increase in height is allowed under the provisions of SEPP (Housing) 2021, it is noted that the building envelopes were set out in the DCP to minimise visual impacts, building scale and overshadowing issues. The proposal in its current will result in a building scale that far exceeds the building scale that is currently existing or expected in the locality, does not minimise visual impacts and creates additional overshadowing of the surrounding residential properties.</li> <li>• The proposed plaza will not retain two hours sunlight at the winter solstice that is required.</li> </ul>

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Section	Provisions	Compliance
	<ul style="list-style-type: none"> <li>• C4. Provide a higher built form fronting Victoria Road and a low scale built form along Waterloo Street and Darling Street to reflect the existing low scale and fine grain character of the streetscapes.</li> <li>• C5. Lower podium level buildings are to be placed around the perimeter of the Precinct to form a street edge.</li> <li>• C6. The tower built form along Victoria Road is to step down from southeast (highest) to northwest (lowest) to provide a height transition to the low scale properties to the northwest of the Precinct and protect solar access to the proposed plaza at the centre of the Precinct. Refer to Figure 5.</li> <li>• C7. A two storey (10m maximum height) street wall is to be provided along Victoria Road which is to be defined by appropriate architectural treatments and materials. Building forms (i.e. towers) above the street wall height shall be setback from the line of the building below a minimum of 3m.</li> <li>• C8. Provide effective built form and façade articulation to break up the overall podium and tower building envelopes along Victoria Road.</li> <li>• C9. The building forms along Waterloo Street should be vertically articulated to reflect the pattern of residential lot development and step with the topography. Design the Waterloo Street frontage as a transition between the existing residential streetscape and the new mixed-use development.</li> <li>• C10. Development within the HCA shall be restricted to a maximum height of RL 52.0 AHD and be consistent with adjoining properties with respect to height and scale.</li> <li>• C11. The maximum floor space ratio may not necessarily be able to be achieved if adverse visual, acoustic, privacy, amenity and overshadowing impacts occur to neighbouring properties and/or impact the development within the Precinct.</li> <li>• C12. The building envelopes in Figure 5 define the preferred built form outcome for the Precinct, whilst permitting architectural innovation within the building envelopes.</li> <li>• C13. The building envelopes illustrated in this section allow for some flexibility in the detailed architectural design of buildings. This development control is intended to promote highly articulated buildings with generous balconies, recesses, and steps in facades to avoid a sense of excessive bulk, especially along Victoria Road and when viewed from Darling and Waterloo Streets.</li> <li>• C14. Alternative building envelopes will only be permitted if the proposal can demonstrate a higher quality outcome can be achieved with regard to:             <ul style="list-style-type: none"> <li>- response to the surrounding context</li> <li>- built form and scale transition across the Precinct</li> <li>- impacts to the HCA and heritage items</li> </ul> </li> </ul>	

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Section	Provisions	Compliance
	<ul style="list-style-type: none"> <li>- amenity to the surrounding properties and within the Precinct</li> <li>- amenity to the future plaza</li> <li>- the Precinct's permeability and connectivity</li> </ul>	



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

<p>D1.6 Land use</p>	<ul style="list-style-type: none"> <li>• C1. Provide a range of land uses to promote the development of a vibrant Rozelle Commercial Centre that meets the needs of the local community. The range of uses shall include: <ul style="list-style-type: none"> <li>- Balmain Leagues Club</li> <li>- public plaza and other publicly accessible spaces</li> <li>- commercial</li> <li>- retail, including <ul style="list-style-type: none"> <li>o a supermarket</li> <li>o limited speciality retail focused on food and beverage retail that does not detract from the surrounding Rozelle Commercial Centre</li> </ul> </li> <li>- residential</li> <li>- car parking</li> </ul> </li> <li>• C2. Any development application must demonstrate that the gross floor area provided for Club use will be occupied by the Balmain Leagues Club (or its successor) for its long term viable usage. This may be in the form of a report confirming that the proposed Club is of a size that will service the needs of the Balmain Leagues Club (or its successor) and the community, or an indicative contract with the Balmain Leagues Club (or its successor).</li> </ul>	<ul style="list-style-type: none"> <li>• As the project owner has changed for this proposal, there are no evidence from the EIS provided that indicates that the club use will service the Balmain Leagues Club and additional information in this regard should be provided with this application.</li> </ul>
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# INNER WEST

Section	Provisions	Compliance
	<ul style="list-style-type: none"> <li>• C3. Locate smaller scale retail units, in particular cafes and restaurants, around the future plaza, the Club, laneways and Darling Street to promote activity.</li> <li>• C4. Encourage greater surveillance along Waterloo Street by providing individual entryways to residential dwellings.</li> <li>• C5. The development shall be well integrated with Darling Street and maximise the activation of the corner where the proposed pedestrian link meets Darling Street.</li> <li>• C6. A variety of dwelling types shall be provided within the Precinct including apartments (ranging from studios to 3 and more bedroom units) within the tower buildings and terrace type dwellings along Waterloo Street.</li> <li>• C7. The development shall comply with Council's requirements for Diverse Housing and Adaptable Housing (refer Part 4 Clause 19 of LLEP 2000).</li> <li>• C8. Dwellings of different sizes and tenures should be well integrated within the development.</li> </ul>	
D1.12 Solar access	<ul style="list-style-type: none"> <li>• C1. The surrounding residential properties along Waterloo Street are to receive a minimum three hours of direct sunlight to 50% of windows to principal living areas and 50% of principal open space between 9am and 3pm at the winter solstice. Where properties receive less solar access than specified above, there should be no further reduction.</li> <li>• C2. Shadow diagrams shall be prepared to establish if there is any additional overshadowing of the Darling Street footpaths beyond that generated by the current buildings, and wherever possible additional overshadowing is to be limited through design measures.</li> <li>• C3. The minimum requirements of solar access to the plaza between 12:30pm and 2pm in mid-winter are: <ul style="list-style-type: none"> <li>- 35% of the plaza area shall receive solar access at 12:30pm</li> <li>- 50% of the plaza area shall receive solar access at 1pm</li> <li>- 65% of the plaza area shall receive solar access at 2pm</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• It must be noted that the proposal in its current form does not achieve the required solar access requirements for the Plaza and this is a direct result of the proposed 16 storey forms.</li> <li>• The proposed solar access levels – 9.6% at 12:30pm, 26.7% at 1pm and 51.6% at 2pm is not considered to be acceptable.</li> </ul>
D1.20 Waste management	<ul style="list-style-type: none"> <li>• C1. The collection of all residential and commercial waste, recycling and bulky waste is to occur on-site.</li> <li>• C2. Residential and commercial waste areas are to be separated (these areas should not be accessible to one another).</li> <li>• C3. Waste and recycling must be managed, stored, and presented within acoustically treated areas to minimise the noise of collection.</li> <li>• C4. A Site Waste Minimisation and Management Plan (SWMMP) addressing the demolition and construction phases is to be submitted with a development application. The SWMMP is to provide details of the following:</li> </ul>	<p><i>Waste Management (residential)</i></p> <p>The Resource Recovery Planning team has the following queries about the submitted Architectural Plans and Residential Operational Waste Management Plan (OWMP).</p> <ol style="list-style-type: none"> <li>1. The updated OWMP indicates use of chutes for recycling, with provisions for disposing of cardboard in a 240L MGB on each floor. Despite the inclusion of a management plan and the Leichhardt DCP (2000) authorising them for Balmain Leagues Precinct, Council strongly discourages the use of chutes for</li> </ol>

Section	Provisions	Compliance										
	<ul style="list-style-type: none"> <li>- the volume and type of waste and recyclable materials that will be generated at each stage of demolition and construction</li> <li>- the storage and disposal, and reuse where possible, of materials</li> <li>- full disclosure of any asbestos-contaminated material found on site, and details of how it will be managed in accordance with the guidelines for asbestos work published by Safework NSW</li> </ul> <ul style="list-style-type: none"> <li>• C5. A Resource Recovery and Waste Management Plan (RWMP) addressing ongoing waste and resource recovery for both residential, retail and commercial components of the development is to be submitted. The RWMP is to include details of the following:               <ul style="list-style-type: none"> <li>- types and estimated quantities of the predicted waste streams</li> <li>- size and location of recycling and waste storage areas, including bulky waste</li> <li>- routes of access and transfer from source to storage areas for all users</li> <li>- routes of transfer from storage areas to collection point</li> <li>- access route for waste and recycling collection vehicle</li> <li>- 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</li> </ul> </li> </ul> <p><b>Residential Waste Controls</b></p> <ul style="list-style-type: none"> <li>• C6. The residential component of the development must be designed to accommodate standard Council waste and recycling services and collection vehicles.</li> </ul> <table border="1" data-bbox="415 1266 914 1398"> <thead> <tr> <th colspan="2">Truck Dimensions (approx.)</th> </tr> </thead> <tbody> <tr> <td>Length</td> <td>9.5 metres</td> </tr> <tr> <td>Width</td> <td>2.6 metres</td> </tr> <tr> <td>Height</td> <td>4.5 metres (operational)</td> </tr> <tr> <td>Mass</td> <td>23,000 kg</td> </tr> </tbody> </table> <ul style="list-style-type: none"> <li>• C7. Waste and recycling storage areas are to be provided within the premises in reasonable proximity to the vehicle entrance, and no lower than one level below street level.</li> <li>• C8. Truck access must be designed to comply with Australian Standard AS 2890.2 Parking Facilities – Off-Street Commercial Vehicle Facilities.</li> <li>• C9. Access to garbage and recycling disposal points is to be provided on each residential level, either in the form of inlet hoppers, or bin storage cupboards/rooms. For residential buildings with a rise of four storeys or more, a waste chute is advisable.</li> <li>• C10. Cupboards/space is to be provided within each residential unit with the capacity to store up to two day's generation of garbage, food waste and recycling.</li> </ul>	Truck Dimensions (approx.)		Length	9.5 metres	Width	2.6 metres	Height	4.5 metres (operational)	Mass	23,000 kg	<p>recycling. Recycling chutes experience a high frequency of blockages due to incorrect useage, even with management plans in place. Should the project proceed with dual chutes, we recommend having the additional comingled recycling MGB be as close as possible to the chutes to encourage correct use of chutes.</p> <p>2. In 2023, Inner West Council introduced FOGO for all residential properties. The OWMP mentions use of 660L FOGO bins on page 13, but with no mention regarding how they are to be used and accessed by residents. Inner West Council does not provide 660L FOGO bins and will not be providing them in the future due to their WHS concerns regarding weight and handling.</p> <p>Please indicate how residents in each core will access FOGO bins. This could be by providing any of the following solutions:</p> <ul style="list-style-type: none"> <li>• Additional space in the bin storage rooms at each core for FOGO bins, provided adequate safety measures are installed to prevent residents going near chute output.</li> <li>• An additional room at ground level or basement level for FOGO bins.</li> <li>• Request smaller 120L bins to be provided on each floor for residents to use and be dispensed into 240L bins in the basement by caretakers.</li> </ul> <p>3. Clarification is required in regards to whether the pallet hoist located behind the HRV parking spot is manoeuvrable? Council's HRV collection vehicles are rear loaders and truck rears will need to be accessible without obstruction. Some of our booked clean-up vehicles have a hoist on the rear to safely transfer materials onto the truck so we will need a lack of obstruction to ensure collections.</p> <p>4. The bulky waste storage room adjacent to the loading dock in the architectural plans indicates a size of 36m<sup>2</sup>. While the Leichhardt DCP 2000 suggests that there is to be a minimum of 8m<sup>2</sup> for every 50 residents, this is an outdated guide. Our Designing and Building Guidelines on our website provide updated guidelines for bulky waste storage areas based on updated research and current waste generation rates. Subsequently, we stipulate that buildings of 21 to 40 units are to allocate a minimum of 12 square metres, and for every 10 units over 40, an extra 2 square metres must be allocated. Under these guidelines, the bulky waste storage area should be roughly 52m<sup>2</sup>.</p>
Truck Dimensions (approx.)												
Length	9.5 metres											
Width	2.6 metres											
Height	4.5 metres (operational)											
Mass	23,000 kg											



Section	Provisions	Compliance
	<ul style="list-style-type: none"> <li>• C11. A dedicated space (room or caged area) is to be provided within or in close proximity to the bin storage area for the interim storage and management of Council-collected bulky waste and mattresses. A minimum of 8m<sup>2</sup> is to be provided for every 50 residences.</li> <li>• C12. Additional communal space is to be provided for the separate recovery of materials including (but not limited to) textiles, hazardous, e-waste, polystyrene, materials under product stewardship schemes and problem wastes. A minimum of 1m<sup>2</sup> is to be provided for every 50 residences.</li> <li>• C13. A dedicated space is to be allocated for communal composting or worm-farming for residents or design for source separation, collection, and processing of food organics.</li> </ul> <p><b>Non-Residential Waste Controls</b></p> <ul style="list-style-type: none"> <li>• C14. On-site composting via small scale composting system (such as anaerobic digestion system, dehydrator, composting) to avoid food waste entering the waste stream or design for source separation, collection, and processing of food organics.</li> <li>• C15. Arrange collection points to minimise the need for truck access and movement of trucks through the site.</li> <li>• C16. A minimum of 4m<sup>2</sup> of dedicated space is to be provided for every 500m<sup>2</sup> of retail, or every 2,000m<sup>2</sup> of office space for the interim storage of bulky or fit-out waste, paper, cardboard packaging, batteries, equipment containing printed circuit boards, computers, televisions, fluorescent tubes or other recyclable resources from the waste stream.</li> <li>• C17. Space must be provided on-site in reasonable proximity to retail or commercial premises to store re-usable commercial items such as crates, pallets, kegs, and polystyrene packaging.</li> <li>• C18. Secure space is to be allocated for the separate storage of liquid wastes, including commercial cleaning products, chemicals, paints, solvents, motor and cooking oils.</li> <li>• C19. A Litter Management Plan for the Precinct's open spaces and surrounding streets is to be submitted.</li> <li>• C20. The Precinct is likely to produce very large quantities of containers that are eligible for refund as part of the Container Deposit Scheme. Allocation of space for a publicly accessible Return and Earn take-back point (e.g. a reverse vending machine) is encouraged.</li> </ul>	<p>Additionally, the OWMP states on page 15 that residents are to coordinate with building management the transportation and disposal of bulky waste. As the plans indicate that the bulky waste room is only easily accessible for Core C, please clarify whether this means that building management will arrange transportation of bulky waste from units to the designated storage area on behalf of the residents upon request.</p> <p>5. Regarding bulky waste and other clean-up collections, Council's Resource Recovery Operations Team would prefer a temporary space at the rear of the trucks that is free of obstructions. When moving larger items such as couches and fridges, the support beams in the marked waste collection area pose a potential handling issue. If possible, we would benefit from being able to utilise the space behind the trucks on clean-up collection days for bulky items to be placed before collection.</p> <p>6. The collection plan for general waste and recycling suggests a temporary waste collection area adjacent to the residential recycling room. This area appears to be potentially insufficient for the number of bins that may be collected on any given day. In the Inner West LGA, it is possible for the collection of recycling and garbage to occur on the same day, or on the same day as booked clean-ups.</p> <p>We recommend considering utilising the marked Resi Recycling Room on the lower ground floor for the storage of any full MGBs from the bin chute dispensing rooms until their designated collection day. We recommend this room to have a roller door so our collection crews can open and access all bins with little obstruction. With the bins in each dispensing room and any full bin in this Bin Holding Room, there appears to be ample space in the marked Resi General Waste Room on the lower ground floor for any extra bins not in use.</p> <p><i>Waste management (non-residential)</i></p> <p>The Resource Recovery Planning team has the following queries about the submitted Architectural Plans and Commercial Operational Waste Management Plan (OWMP).</p> <p>1. Additional information to confirm that the loading dock is confirmed to have adequate space for the supermarket waste collections, allowing for multiple types of collection, particularly with height requirements for different kinds of trucks. Examples of considerations can include a specialised front</p>

Section	Provisions	Compliance
		<p>loader truck, mini “Roll On Roll Off” bins, or smaller haulage trucks.</p> <p>2. The commercial section of the OWMP indicates that 1100L bins will be shared between the commercial tenancies, including retail, restaurants, and the club. Private waste collection contracts are handled by individual businesses due to differing needs and as a result shared bins are not practical. Should this commercial waste space proceed as currently designed, we recommend considering how waste contracts will be managed between businesses.</p>
<p>D1.21 Design Excellence</p>	<ul style="list-style-type: none"> <li>• C1. Design excellence is to be achieved to ensure a high quality outcome for the Precinct.</li> <li>• 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.</li> <li>• C3. The following criteria shall be considered to determine whether design excellence is achieved: <ul style="list-style-type: none"> <li>- excellence of architectural design, including internal layout, façade treatment, architectural detailing, roof features and spaces between buildings</li> <li>- the proposed uses and use mix</li> <li>- heritage conservation and restoration</li> <li>- streetscape character and site context</li> <li>- the location of any tower/s proposed, having regard to the need to achieve an acceptable relationship with other buildings on the same site or on neighbouring sites in terms of separation, setbacks, amenity and urban form</li> <li>- the bulk, massing and modulation of buildings</li> <li>- street frontage heights</li> <li>- environmental outcomes, such as sustainable design</li> <li>- overshadowing and solar access, visual and acoustic privacy, wind and reflectivity</li> <li>- noise and air pollution attenuation, especially along Victoria Road</li> <li>- the achievement of the principles of Ecological Sustainable Development</li> <li>- pedestrian, cycle, vehicular and service access and circulation requirements, including the permeability of any pedestrian network</li> <li>- the impact on, and any proposed improvements to the public domain</li> <li>- achieving appropriate interfaces at ground level between the building and the public domain</li> <li>- excellence and integration of landscape design</li> <li>- high quality finishes and materials</li> </ul> </li> </ul>	<p>This proposal had been referred to Council’s Architectural Excellence and Review Panel on 15 October 2024 and once the report had been finalised, a copy will be to the department.</p>

Section	Provisions	Compliance
	- public art excellence	

## 8. Unresolved Planning Agreement

A new Planning agreement will need to be negotiated in relation to the proposed development. This is currently in discussion with Council's Property Team.

Given the importance of the matters within the VPA for the broader community, it is integral that the negotiation of a suitable VPA between Council and the applicant is finalised prior to the determination of the application. This will ensure that the proposed development facilitates an outcome supportive of local infrastructure and amenity. Any updates on these negotiations may be provided to DPHI by Council, upon request.

## 9. Inadequate Notification of properties

It is noted that the number of properties notified in this application is significantly less than the previous applications . The notification of previous applications was at 'discretion' to ensure that the community were fully informed of any proposal. Given the extent of historical community interest in this site, it is recommended that DPHI notify a greater area and we can provide previous application details as required for this purpose.

If you need any further information in relation to the above response, please contact Council's Assessment Planner Eric Wong on 02 9392 5529 or email [Eric.Wong@innerwest.nsw.gov.au](mailto:Eric.Wong@innerwest.nsw.gov.au).

Yours faithfully,

Martin Amy



Martin Amy

**Manager Development Assessment**

## Annexure A: State Environmental Planning Policy No 65—Design Quality of Residential Flat Development

<b>Key issues identified:</b>	<ol style="list-style-type: none"> <li>1. Solar access to common public open spaces</li> <li>2. Natural cross ventilation</li> <li>3. Insufficient information to assess deep soil and visual privacy.</li> <li>4. Apartment size and layout does not meet minimum dimension/depth.</li> <li>5. Balconies do not meet minimum depth.</li> </ol>	
<b>Part 2 – Developing the Controls</b>		
<b>ADG Standards</b>	<b>Design Criteria</b>	<b>Proposal</b>
2F Building Separation	<i>Up to four storeys (approximately 12m)</i>	
	12m between habitable rooms/balconies	The proposed development is not abutting any residential building on Victoria Road and Darling Street. The proposal is across the road from residential buildings on the western side of Waterloo Street. In this regard, the proposal meets these standards of this part of the ADG.
	9m between habitable and non-habitable rooms	
	6m between non-habitable rooms	
	<i>Five to eight storeys (approximately 25m)</i>	
	18m between habitable rooms/balconies	The proposed development is not abutting any residential building on Victoria Road and Darling Street with a height of five to eight storeys high.  The proposal is across the road from residential buildings on the western side of Waterloo Street.  In this regard, the proposal meets these standards of this part of the ADG.
	12m between habitable and non-habitable rooms	
	9m between non-habitable rooms	
	<i>Nine storeys and above (over 25m)</i>	
		The proposed development is not abutting any residential building on Victoria Road and Darling Street with a height of nine storeys and above.
24m between habitable rooms/balconies	<p>The proposal is across the road from residential buildings on the western side of Waterloo Street.</p> <p>In this regard, the proposal meets these standards of this part of the ADG.</p>	

## Part 3 – Siting the Development

ADG Standards	Design Criteria	Proposal												
3D Communal and Public Open Spaces	Communal open space has a minimum area equal to 25% of the site – (1832.5sqm)	The proposal includes 3,366sqm of communal public open spaces to the Ground Floor, Level 1, Level 8, Levels 14-16.  Complies.												
	Developments achieve a minimum of 50% direct sunlight to the principal usable part of the communal open space for a minimum of 2 hours between 9 am and 3 pm on 21 June (mid winter)	Insufficient shadow diagrams were provided to enable an assessment of the communal public open spaces to the levels indicated above.  However, it is unlikely that the Ground Floor and Level 1 communal public open spaces will get a minimum 2hrs solar access from 9am to 3pm in mid-winter, with these open spaces likely to be overshadowed by Towers A and B.  More information should be requested for a thorough interrogation of the data.												
3E Deep Soil	7% of site area to be provided as deep soil zone, with minimum dimension of 6m  (513.1sqm)	The submitted plans demonstrate that deep soil planting are proposed on Basement Levels 1 to 3. Questions are raised as to how deep soil planting will allow successful establishment of vegetation on these levels when these are subterranean levels – more info is required.  Otherwise, the deep soil demonstrate on the Lower Ground Floor and Lower Ground Mezzanine is equivalent to 745.02sqm.  More information should be requested to ensure compliance.												
3F Visual Privacy	<table border="1"> <thead> <tr> <th>Building height</th> <th>Habitable rooms and balconies</th> <th>Non-habitable rooms</th> </tr> </thead> <tbody> <tr> <td>up to 12m (4 storeys)</td> <td>6m</td> <td>3m</td> </tr> <tr> <td>up to 25m (5-8 storeys)</td> <td>9m</td> <td>4.5m</td> </tr> <tr> <td>over 25m (9+ storeys)</td> <td>12m</td> <td>6m</td> </tr> </tbody> </table>	Building height	Habitable rooms and balconies	Non-habitable rooms	up to 12m (4 storeys)	6m	3m	up to 25m (5-8 storeys)	9m	4.5m	over 25m (9+ storeys)	12m	6m	The submitted plans are inadequate to allow an assessment of the visual privacy impacts of the development in accordance with Figure 3F.2 of this part of the ADG.  More information should be sought to ensure that visual privacy each building on the subject site are appropriately addressed and assessed.
Building height	Habitable rooms and balconies	Non-habitable rooms												
up to 12m (4 storeys)	6m	3m												
up to 25m (5-8 storeys)	9m	4.5m												
over 25m (9+ storeys)	12m	6m												

Part 4 – Designing the Building		
ADG Standards	Design Criteria	Proposal
4A Solar and Daylight Access	<p><b>Objective 4A-1</b> To optimise the number of apartments receiving sunlight to habitable rooms, primary windows and private open space</p> <p><b>Design criteria</b></p> <ol style="list-style-type: none"> <li>1. Living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 2 hours direct sunlight between 9 am and 3 pm at mid winter in the Sydney Metropolitan Area and in the Newcastle and Wollongong local government areas</li> <li>2. In all other areas, living rooms and private open spaces of at least 70% of apartments in a building receive a minimum of 3 hours direct sunlight between 9 am and 3 pm at mid winter</li> <li>3. A maximum of 15% of apartments in a building receive no direct sunlight between 9 am and 3 pm at mid winter</li> </ol>	<p>The submitted Sun Eye Diagrams and Solar Schedule, Sheets 1 and 2, appear to demonstrate that the eastern and northern facing apartments for Levels 1 through to 15 have solar access from 9am to 3pm on 21 June.</p> <p>However, the Sun Eye Diagrams does not demonstrate continuous 2-hour solar access from 9am to 3pm. It shows that 9am to 10am, the apartment on Victoria Road will receive one-hour solar access.</p> <p>However, from 10am to 3pm on 21 June, the apartment tower on the north-eastern corner (Victoria Road and Darling Street corner) continuously loses solar access, and therefore the proposed development does not, and the proposed modification will not improve the solar amenities of the residents for the subject site.</p> <p>In addition, the depth of the winter gardens will prohibit solar access into the residential apartments and further information should be sought to identify just how much solar access each apartment unit will receive.</p> <p>It does not appear compliant – more information should be requested.</p>
4B Natural Ventilation	<p><b>Objective 4B-3</b> The number of apartments with natural cross ventilation maximised to create a comfortable indoor environment for residents</p> <p><b>Design criteria</b></p> <ol style="list-style-type: none"> <li>1. At least 60% of apartments are naturally cross ventilated in the first nine storeys of the building. Apartments at ten storeys or greater are deemed to be cross ventilated only if any enclosure of the balconies at these levels allows adequate natural ventilation and cannot be fully enclosed</li> <li>2. Overall depth of a cross-over or cross-through apartment does not exceed 18m, measured glass line to glass line</li> </ol>	<p>The submitted Apartment Schedule demonstrates that most of the Affordable housing units which are located on Level 2, Level 3, Level 4, and Level 5 demonstrates that 61.02% does not get natural cross ventilation.</p> <p>Further, in accordance with Figure 4B.8 of this part of the ADG, none of the apartments achieve cross ventilation as all of the apartment units are reliant on the primary hallway to cross ventilate each apartment units.</p>

## Part 4 – Designing the Building

ADG Standards	Design Criteria	Proposal										
4D Apartment Size and Layout	<p><b>Objective 4D-1</b> The layout of rooms within an apartment is functional, well organised and provides a high standard of amenity</p> <p><b>Design criteria</b></p> <ol style="list-style-type: none"> <li>1. Apartments are required to have the following minimum internal areas:</li> </ol> <table border="1" data-bbox="511 436 743 531"> <thead> <tr> <th>Apartment type</th> <th>Minimum internal area</th> </tr> </thead> <tbody> <tr> <td>Studio</td> <td>35m<sup>2</sup></td> </tr> <tr> <td>1 bedroom</td> <td>50m<sup>2</sup></td> </tr> <tr> <td>2 bedroom</td> <td>70m<sup>2</sup></td> </tr> <tr> <td>3 bedroom</td> <td>90m<sup>2</sup></td> </tr> </tbody> </table> <p>The minimum internal areas include only one bathroom. Additional bathrooms increase the minimum internal area by 5m<sup>2</sup> each</p> <p>A fourth bedroom and further additional bedrooms increase the minimum internal area by 12m<sup>2</sup> each</p> <ol style="list-style-type: none"> <li>2. Every habitable room must have a window in an external wall with a total minimum glass area of not less than 10% of the floor area of the room. Daylight and air may not be borrowed from other rooms</li> </ol>	Apartment type	Minimum internal area	Studio	35m <sup>2</sup>	1 bedroom	50m <sup>2</sup>	2 bedroom	70m <sup>2</sup>	3 bedroom	90m <sup>2</sup>	<ol style="list-style-type: none"> <li>1. The minimum internal area for the proposed apartment units appear to be compliant, however, additional bathrooms would need to be individually measured during assessment.</li> <li>2. No elevation plans have been provided to measure windows on external walls against (10%) of the floor area. Further information should be sought to ascertain compliance.</li> </ol>
Apartment type	Minimum internal area											
Studio	35m <sup>2</sup>											
1 bedroom	50m <sup>2</sup>											
2 bedroom	70m <sup>2</sup>											
3 bedroom	90m <sup>2</sup>											
4D Apartment Size and Layout	<p><b>Objective 4D-2</b> Environmental performance of the apartment is maximised</p> <p><b>Design criteria</b></p> <ol style="list-style-type: none"> <li>1. Habitable room depths are limited to a maximum 2.5 x the ceiling height</li> <li>2. In open plan layouts (where the living, dining and kitchen are combined) the maximum habitable room depth is 6m from a window</li> </ol>	<ol style="list-style-type: none"> <li>1. No section plans were provided to measure ceiling height against habitable depths.</li> <li>2. Generally, complies</li> </ol> <p>More information should be sought to allow an assessment of the rooms in accordance with this objective.</p>										
4D Apartment Size and Layout	<p><b>Objective 4D-3</b> Apartment layouts are designed to accommodate a variety of household activities and needs</p> <p><b>Design criteria</b></p> <ol style="list-style-type: none"> <li>1. Master bedrooms have a minimum area of 10m<sup>2</sup> and other bedrooms 9m<sup>2</sup> (excluding wardrobe space)</li> <li>2. Bedrooms have a minimum dimension of 3m (excluding wardrobe space)</li> <li>3. Living rooms or combined living/dining rooms have minimum width of: <ul style="list-style-type: none"> <li>• 3.6m for studio and 1 bedroom apartments</li> <li>• 4m for 2 and 3 bedroom apartments</li> </ul> </li> <li>4. The width of cross-over or cross-through apartment are at least 4m internally to avoid deep narrow apartment layouts</li> </ol>	<ol style="list-style-type: none"> <li>1. The submitted plans does not nominate a Master Bedroom.</li> <li>2. Some second, and some third rooms do not have a minimum 9sqm area excluding wardrobe space.</li> <li>3. Some second, and some third rooms do not have a minimum 3m dimension.</li> </ol> <p>More information should be sought to allow an assessment of the rooms in accordance with this objective.</p>										

## Part 4 – Designing the Building

ADG Standards	Design Criteria	Proposal															
<p>4E Private Open Space and Balconies</p>	<p><b>Objective 4E-1</b> Apartments provide appropriately sized private open space and balconies to enhance residential amenity</p> <p><b>Design criteria</b></p> <p>1. All apartments are required to have primary balconies as follows:</p> <table border="1" data-bbox="521 520 743 632"> <thead> <tr> <th>Dwelling type</th> <th>Minimum area</th> <th>Minimum depth</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>2</sup></td> <td>-</td> </tr> <tr> <td>1 bedroom apartments</td> <td>8m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>2 bedroom apartments</td> <td>10m<sup>2</sup></td> <td>2m</td> </tr> <tr> <td>3+ bedroom apartments</td> <td>12m<sup>2</sup></td> <td>2.4m</td> </tr> </tbody> </table> <p>The minimum balcony depth to be counted as contributing to the balcony area is 1m</p> <p>2. For apartments at ground level or on a podium or similar structure, a private open space is provided instead of a balcony. It must have a minimum area of 15m<sup>2</sup> and a minimum depth of 3m</p>	Dwelling type	Minimum area	Minimum depth	Studio apartments	4m <sup>2</sup>	-	1 bedroom apartments	8m <sup>2</sup>	2m	2 bedroom apartments	10m <sup>2</sup>	2m	3+ bedroom apartments	12m <sup>2</sup>	2.4m	<p>1. The measurements provided for the balconies included non-compliant depth of less than 2m for 1-bed and 2-beds and less than 2.4m depth for 3-bed units, which provided the applicant compliant balconies.</p> <p>However, if the minimum depth is applied, some of the balconies for each unit do not have compliant minimum areas.</p> <p>2. N/A</p> <p>Some balconies do not comply if minimum depth is applied. An assessment of the individual balconies need to be undertaken.</p>
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<p>4F Common Circulation and Spaces</p>	<p><b>Objective 4F-1</b> Common circulation spaces achieve good amenity and properly service the number of apartments</p> <p><b>Design criteria</b></p> <p>1. The maximum number of apartments off a circulation core on a single level is eight</p> <p>2. For buildings of 10 storeys and over, the maximum number of apartments sharing a single lift is 40</p>	<p>No more than 8 units have access to a circulation core (lifts). Complies.</p>															
<p>4G Storage</p>	<p><b>Objective 4G-1</b> Adequate, well designed storage is provided in each apartment</p> <p><b>Design criteria</b></p> <p>1. In addition to storage in kitchens, bathrooms and bedrooms, the following storage is provided:</p> <table border="1" data-bbox="521 1188 743 1299"> <thead> <tr> <th>Dwelling type</th> <th>Storage size volume</th> </tr> </thead> <tbody> <tr> <td>Studio apartments</td> <td>4m<sup>3</sup></td> </tr> <tr> <td>1 bedroom apartments</td> <td>6m<sup>3</sup></td> </tr> <tr> <td>2 bedroom apartments</td> <td>8m<sup>3</sup></td> </tr> <tr> <td>3+ bedroom apartments</td> <td>10m<sup>3</sup></td> </tr> </tbody> </table> <p>At least 50% of the required storage is to be located within the apartment</p>	Dwelling type	Storage size volume	Studio apartments	4m <sup>3</sup>	1 bedroom apartments	6m <sup>3</sup>	2 bedroom apartments	8m <sup>3</sup>	3+ bedroom apartments	10m <sup>3</sup>	<p>Storage provided in both apartments and storage facilities within basement, adjacent to residential parking.</p> <p>Complies.</p>					
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