

Submission – I wish to lodge an objection to SSD-82639959, Precinct 75 Mixed Use Development.

Introduction

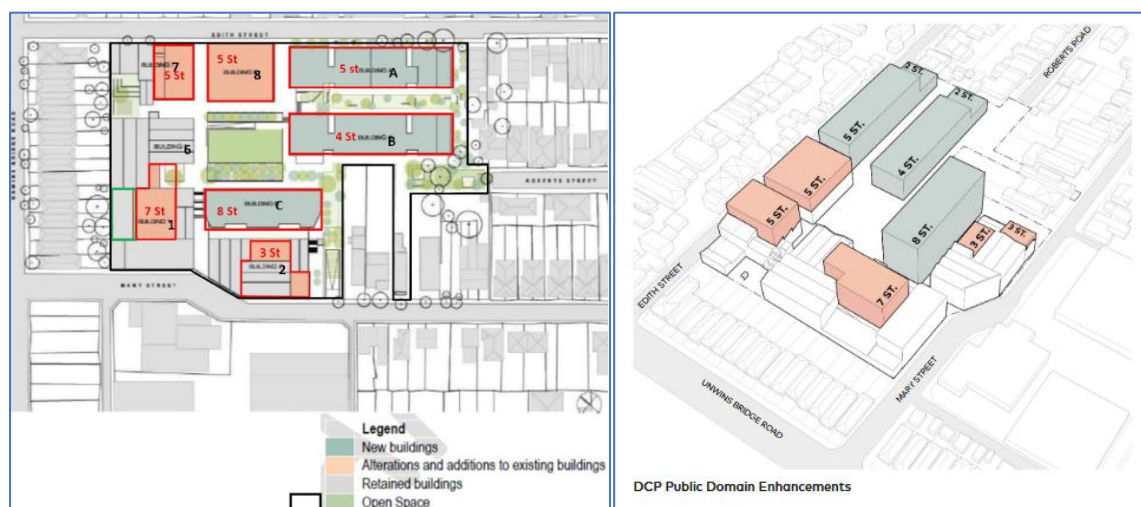
I will focus my submission on the elements of the design impacting residents living along Unwins Bridge Road.

SSD-82639959 seeks to amend/replace DA2021/0799 and DA2021/0800 to:

- Increase total gross floor area map under Clause 4.3 IWLEP by 4,842m², increase residential floorspace and decrease non-residential floorspace.
- Increase the number of build-to-rent dwellings from 206 to 471.
- Amend floorspace ratio map under Clause 4.4 IWLEP 2022 from FSR from 2.15:1 to 2.42:1
- Increase max building height from 29m to 36m (my estimate) (10 storeys).
- Amend the wording of site-specific clause 6.27 IWLEP 2022 to facilitate the proposal by removing requirement for residential floorspace to be less than 50%.

Word of Caution: In SSD-82639959, Building 1 has been renamed Building 6, thus losing its association with the current Development Control Plan (DCP) and the approved DA2021/0800. For clarity, in my submission I will continue to refer to Building 1 as the building identified in DCP 9.48, this includes the collection of buildings along Mary Street and the connected buildings that extend to the Unwins Bridge Road property boundary wall. Please refer to Figure 1 below.

Figure 1 – Extract from current DCP 9.48 – Site Layout



When comparing **Figure 2** North-West Unwins Bridge Road Elevation DA2021/0800 to **Figure 3** North-West Unwins Bride Road Elevation SSD-82639959, as well a paying attention to plans and documentation provided in SSD-82639959, please take note of what is missing and what has been altered.

- There are no accurate 3D CAD Models, photorealistic rendered isometric views, or physical scale models to provide site context. They would have assisted members of the community who have difficulty interpreting 2D drawings or simply do not have time to wade through hundreds of pages of 2D drawings and specifications. Failure to provide these simple aids means some members of the community have been silenced.
- In **Figure 3**, the Unwins Bridge Road Elevations do not clearly show our homes in the foreground; in the earlier drawings associated with DA2021/0800, refer **Figure 2**, our homes were depicted as dotted lines enabling the reviewer to quickly judge the height, scale and impact of the development by comparing it against the yardstick of their own home or known landmark. **Figure 3**, Unwins Bridge Road Elevation, leads the reader to assume the new 10 storey building has no impact on the surrounding neighbourhood. Note how Building 6 is increasing in height to merge with Building 1. The megastructure will dominate the surrounding neighbourhood, there is no transition in scale. As shown in Figure 2, Under the current LEP, Building 6 has a height restriction of 17metres.
- In Development Control Plan 9.48, the controls on Building 1 are clearly specified. The controls were referred to and discussed in Land and Environment Court proceedings. The Building 1 footprint is recorded on previous plans, site maps and the Legend in the DCP. Everyone associated with this development refers to Building 1 as the structure extending from Mary Street along the Unwins Bridge road boundary, and cutting in behind Building 6. It has a height limit of 7 storeys. Under SSD-82639959 the bulk of Building 1 is now miraculously renamed and referred to as Building 6. This will only confuse everyone. I formerly request that the submitted plans be corrected for clarity. Is this an attempt to circumvent the controls on Building 1. I'm quite disturbed by this change. Any new person reading the proposal for the first time, including staff at the Department of Planning, Housing and Infrastructure, would now assume controls on Building 1 only refer to the small section remaining and not the full north-west façade along Unwins Bridge Road. Again, I draw your attention to **Figure 2**, Building 1 is the tallest building in this Elevation, located towards the centre and extends to Mary Street and the Unwins Bridge Road property boundary wall. When viewed in plan view it has a very large footprint, the podium is not visible behind the boundary wall.

Figure 2 - Drawing DA-30-02 North-West Elevations from the approved DA2021/0800 – LEP height limits in dotted blue lines.

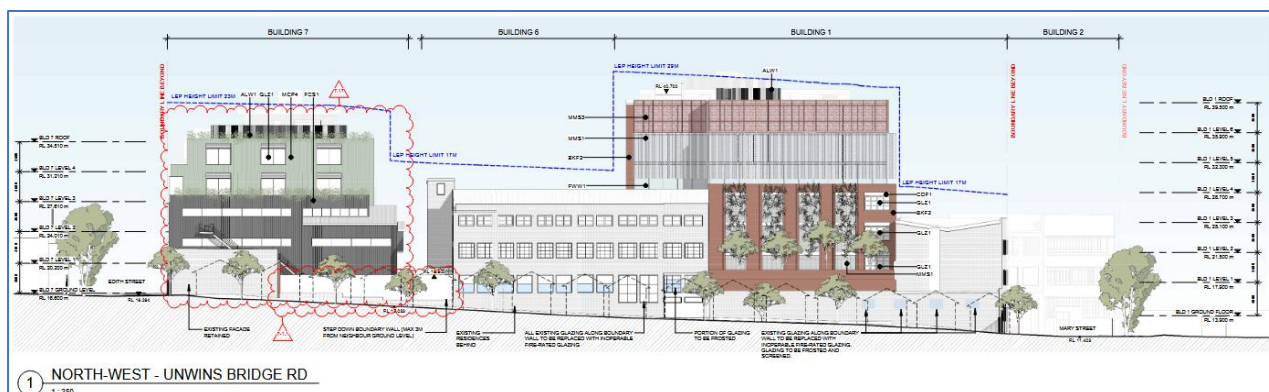
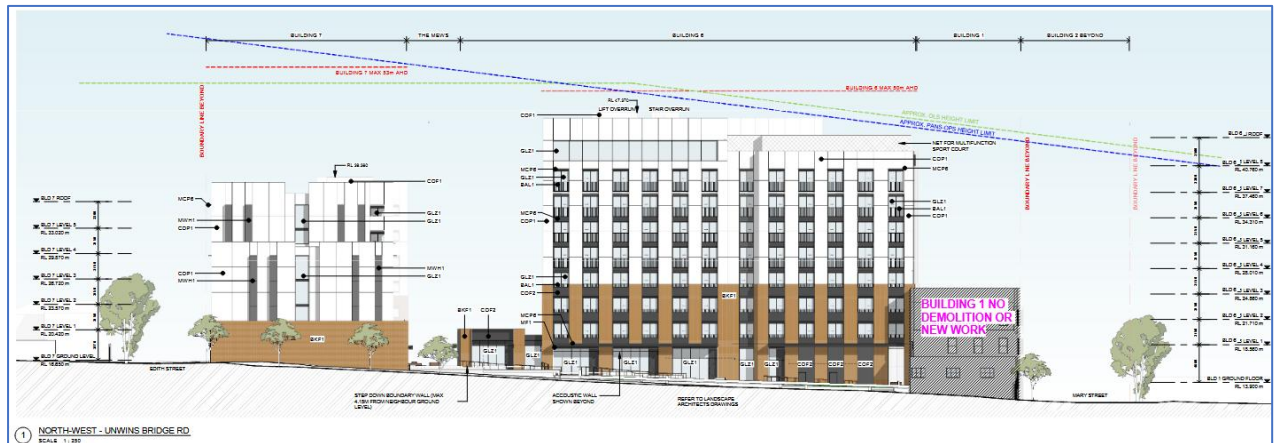


Figure 3 – Drawing DA-30-02 North-West Elevations Rev 8, SSD-82639959, Proposed Design - Building 1 at the centre, renamed Building 6



Background

The development is located within the newly created precinct 48. It is zoned B4 Mixed Use and will contain both Commercial/Light Industrial buildings and residential buildings. It is surrounded on four sides by precinct 31 (our neighbourhood) zoned R2 Low Density Residential. All homes along Unwins Bridge Road between Edith and Mary Street are original single storey worker cottages. Most of the commercial/light industrial buildings are located along the Unwins Bridge Road property boundary. SSD-82639959 proposes to convert the commercial/light industrial buildings to residential towers.

From our perspective the main issues continue to be:

- Development Scale – height, bulk, massing, over shadowing, overlooking, overbearing effects, no transition in scale.
- Loss of Residential Amenity – loss of visual and acoustic privacy, loss of on-street parking spaces, traffic congestion, overcrowding. Residents living in the residential towers will have unrestricted views into our backyards and homes. The existing controls of DCP 9.48 and the related design features have been completely ignored in SSD-82639959. Count the number of unscreened windows.
- Site Context – development is surrounded on four sides by neighbourhood zoned R2 low density residential.
- Loss of Neighbourhood Character – residential towers will dominate the skyline and streetscape.
- Inadequate infrastructure to support the Development – restricted access into and out of the site, narrow roads and footpaths, limited on-street parking spaces. Inadequate on-site parking, with the number of build to rent dwellings set to double, add in their visitors, and the patrons & staff of the commercial businesses on site.

Specific Objections

After reviewing the changes in the amended plans, it is our opinion that the proposed design changes completely ignore the objectives and strategic intent of DCP 9.48. They also ignore the conditions of consent for the Main Works DA specified in Annexure B. Quoting from the ruling, *'The Commissioner has outlined in detail the concerns expressed by residents and how these have been dealt with in the proposals and in the conditions of consent'*.

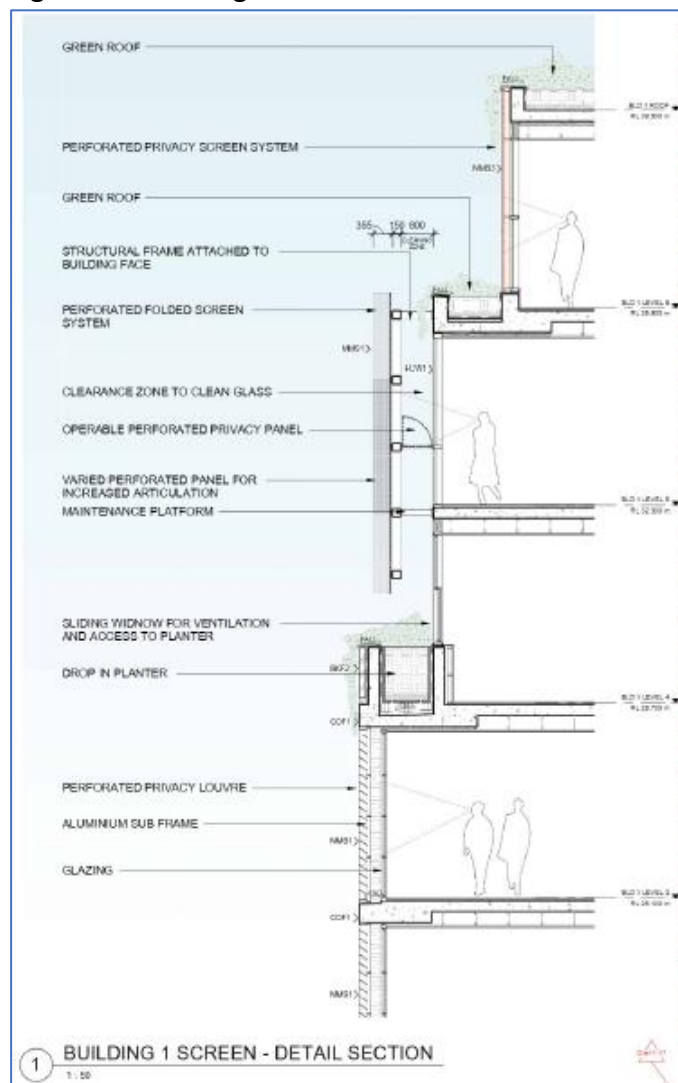
The DCP and conditions of consent in the Annexures were developed with input from Developers, Council, Land and Environment Court and the local community to ensure the development is appropriate to its surrounding area. This is the way it should be.

Under SSD-82639959 we have moved away from the concept of design excellence that provides high quality built form that responds to the existing and future context, using principles drawn from an analysis of the site and its context. The design changes are a retrograde step and exacerbate the problems already well documented. It would be a slap in the face for everyone involved to this point if we downgraded to the SSD-82639959 design and disregarded the DCP and conditions of consent in Annexures A & B.

Examples of retrograde steps when comparing the design changes in SSD-82639959 to DA2021/0800:

1. With reference to Building 1, removal of vertical garden, planter boxes at levels 4 and 6, and the green roof features that offered full visual privacy, ameliorated the view, was aesthetically pleasing, softened the masonry façade, reduced the impact of scale, bulk, massing, and overbearing effects on neighbouring properties. Reduced reflection from the glazing. Provided cooling effects to the North-West facing façade. **Refer Figure 4 below and Figure 2 above.**

Figure 4 – Building 1 Screen - Detail Section from DA2021/0800



2. Removal of the perforated angled louvre screens from the windows on Building 1 that were specially designed to offer visual privacy for Unwins Bridge Road residents, prevented overlooking, provided shading to occupants, acted as a trellis for the vertical garden. Combined with the vertical garden above, provided additional cooling effects for occupants. Refer **Figure 2 & 4** (Detail) above

Quoting from Land & Environment proceedings

*The experts noted that the new components of Building 1 are to be setback a minimum of 10.3m. The experts requested that it be made clear that the privacy louvres and screens at Levels 1 to 3 of Building 1 **should be angled upwards to prevent overlooking** into the adjacent Unwins Bridge Road properties. This is addressed at Condition 2(j) of the proposed conditions for the Main Works DA. The experts agreed that the setback coupled with the detailed screening solution will prevent sight lines towards the rear yards and windows of the Unwins Bridge Road properties (Drawing DA-40-02 Rev B). Perforated screening on the upper levels of Building 1 as shown on Drawing DA40-02 Rev B, as amended by proposed Condition 2(e), would limit overlooking into the adjacent Unwins Bridge Road properties (Ex 18 par 2.1).*

3. Removal of the perforated folded screen system from the top floors of many of the buildings on site, this design feature offered shading, cooling, privacy for residents of Unwins Bridge Road and the occupants in the commercial buildings, reduced reflection from glazing and dampened the glow of internal lighting at night. It makes the façade interesting and visually appealing. Refer **Figure 2 & Figure 4** (Detail) above.

Design excellence

Folded perforated screens on building facades control sunlight, improve energy efficiency by reducing heat gain and allowing ventilation, and enhance privacy while providing a connection to the outside. They also add depth and texture, transforming functional elements into works of art and creating a distinctive architectural style. The folding adds another dimension, providing increased depth and potentially directing light or air in specific ways.

4. Removal of setback on levels 4 and 6 of Building 1, an interesting high quality built form design feature that offered visual privacy, provided transition in scale, prevented overlooking and reduced the overbearing effects. Refer **Figure 4** (Detail) above.
5. The increase in height of Building 1 and 6, and other buildings on-site have only magnified the well documented issues of height, bulk, massing, over shadowing, overlooking, overbearing effects, loss of residential amenity, loss of visual and acoustic privacy. Under the current LEP, the height limit on Building 6 is 17 metres. For comparison, please refer **Figure 2** and **Figure 3** above.
6. Airport Operations, from my review of the site drawings, in particular the Elevations, building heights and AHD levels (appearing as dotted red lines), it is my observation that the new building heights appear to exceed the **45m** (AHD) limit mentioned in extract from the Land & Environment Court Judgement (see below). In SSD-82639959, the top of the plant on Building C is shown as 50m (AHD) and Building 1 (aka 6) and Building 8 are not far off 50m (AHD). Please refer **Figure 3**.

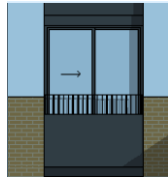
Extract from Land & Environment Court Judgement – 14/03/23

Point 116, Clause 6.6 and airspace operations: I note the advice of Council that an authorised person of the Civil Aviation Safety Authority has advised no objection to the

development to a maximum height of **45m** Australian Height Datum (AHD), and that the tallest building on the Site, Building C, is 41.6m AHD (ROS par 46-47)

7. In SSD-82639959, the glazing on Building 1 (aka 6) has been changed from fixed to operable. The windows now appear to be sliding doors with open balconies.

Figure 5 Balcony Details from Unwins Bridge Road Elevation



The problems introduced by these design changes are quite obvious:

Increased noise – from the open doors & windows of the apartments. Eg Amplified music.

Loss of privacy – direct sight lines into our properties, no louvered screens, vertical gardens or screening trees.

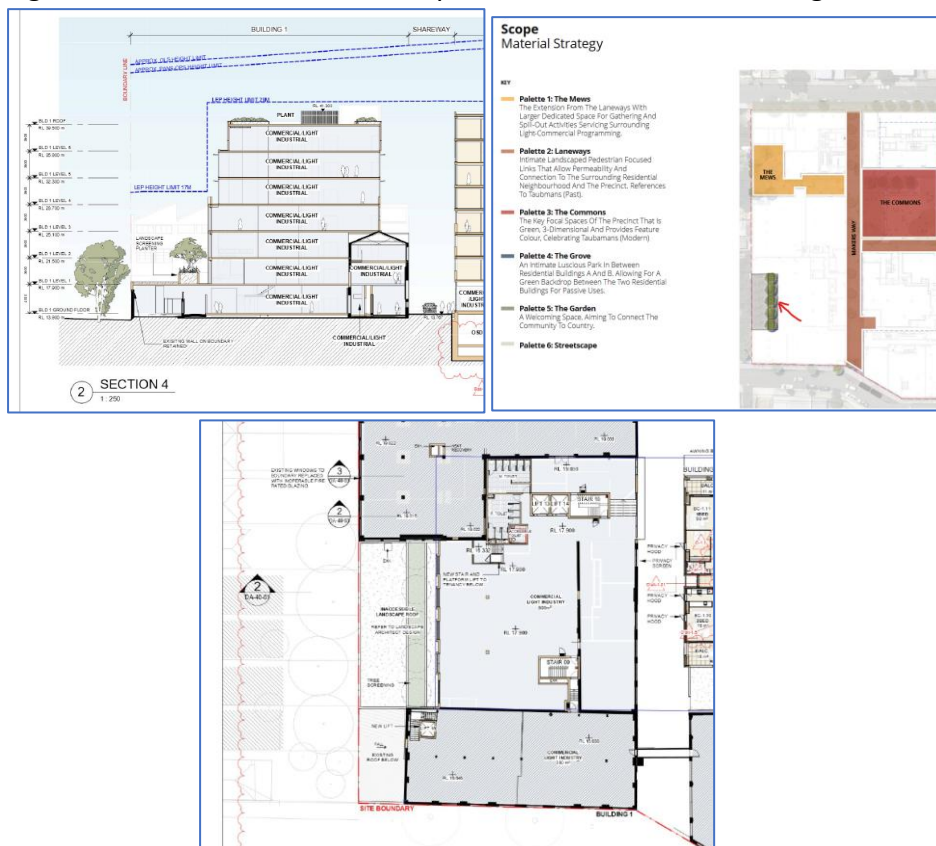
Aircraft noise intrusion into apartments from open sliding doors/windows, making it harder to achieve the 50 dB(A) indoor targets.

Reduced efficiency of the apartment air-conditioning system with the windows and doors open.

Occupants living in apartments on the north-west façade exposed to the harsh summer sun.

8. Under SSD-82639959 the row of large screening trees along the level 1 podium of Building 1 has been removed. This clever design feature provided additional privacy screening, green views and vista for Unwins Bridge Road residents. Refer **Figure 6**. Because of the podium height RL 17, the screening is much more effective.

Figure 6 - Screen shots of Level 1 podium with row of screening trees from DA2021/0800



9. Under SSD-82639959 the roof access has been changed from non-trafficable to trafficable and includes a multi-function sport court (refer magnified view) and outdoor amenity.

Magnified view of roof from Figure 3



I can make out umbrellas and chairs. The previous developer added the 'non-accessible' conditions to the roof to prevent the noise from rooftop activity disturbing residents living along Unwins Bridge Road, especially at night. Eg block parties, amplified music, raised voices, social gatherings. **Refer Figure 7 & 8**

Figure 7 – Roof – from DA2021/0800

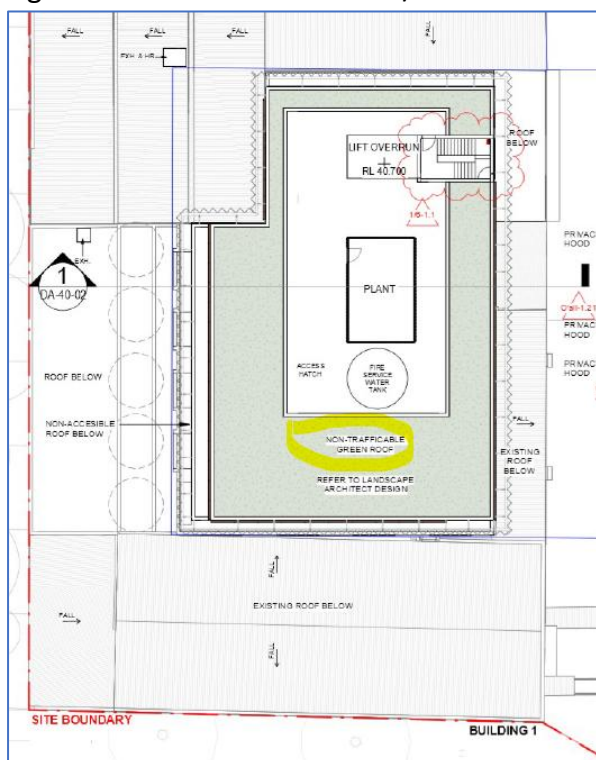
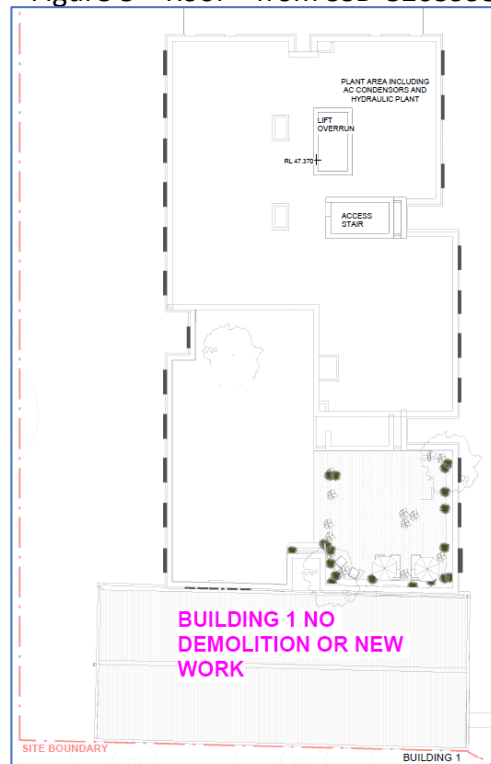
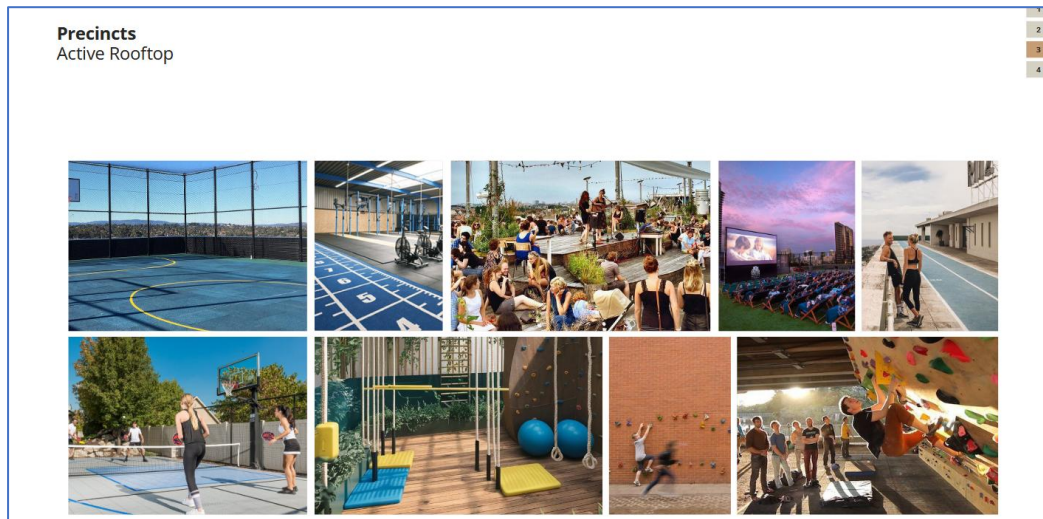


Figure 8 – Roof – from SSD-82639959



The Landscape DA Package document promotes an Active Rooftop, this confirms the roof will be accessible. The brochure depicts an open sports court, stage with amplified music & outdoor cinema. An active Rooftop is the last thing the resident of St Peters want as we try to sleep at night. This will become a source of community friction. I doubt the Active Rooftop has been factored into the acoustic assessment of the site. **Refer Figure 9**

Figure 9 – Active Rooftop



10. Under SSD-82639959, proposed demolition of Building 6 instead of adaptive reuse, loss of an historical building that ties the site to its industrial past. It was a perfect place to house the artist studios. Although built on the property boundary, the positioning and height of the windows in Building 6, provides visual privacy and prevents occupants from overlooking into neighbouring properties along Unwins Bridge Road, **Refer Figure 10 below**. As for acoustic privacy, Annexure B of the court ruling (see below) requires, *‘Existing windows to the boundary to be replaced with inoperable fire rated glazing’*. As stated in point 5 above, the proposed new Building 6 megastructure actually intensifies the overlooking & acoustic privacy problems for residents.

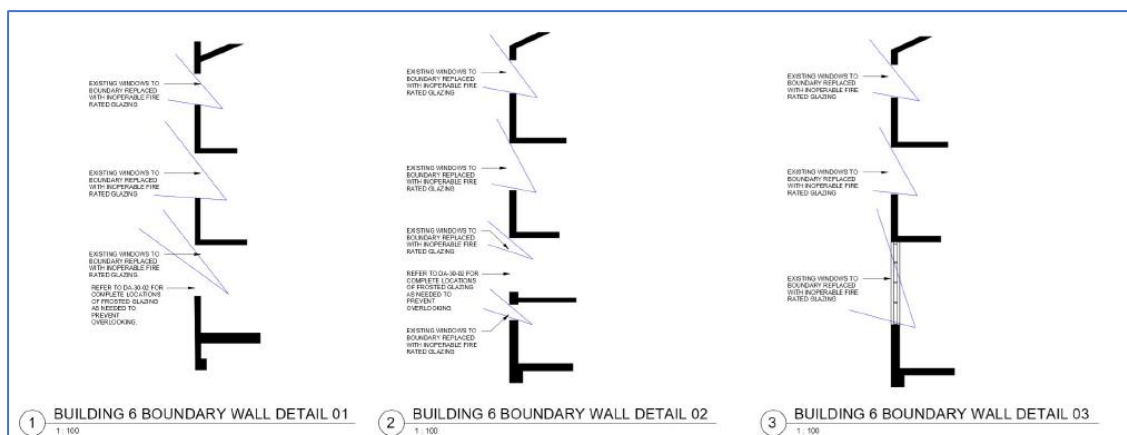
Quoting from the Design concept report by Tonkin Zulaikha Greer

3.4 BUILDINGS TO BE RETAINED

A large proportion of the existing industrial buildings on site should be retained. These buildings are nominated for retention in order to maintain the site as a precinct for local creative industries.

Moreover, buildings to be retained are of robust construction with strong architectural and aesthetic qualities. This will ensure that the site not only maintains its unique industrial character, but is also suitable for ongoing use, adaptive reuse and upgrading

Figure 10 – Building 6 sight lines on boundary wall and window specifications, DA2021/0800



11. SSD-82639959 proposes to remove the requirement for residential floorspace to be less than 50%. IWLEP 2022 6.27 on the other hand requires the developer to preserve employable land. The SSD also backtracks on the original design concept

Quoting from the Design concept report by Tonkin Zulaikha Greer

3.14 COMMERCIAL FLOOR SPACE TO BE RETAINED

RETENTION OF THE CREATIVE INDUSTRIES

The site is currently occupied by a range of light industrial and creative industry tenancies, including photography and recording studios, fashion and textile production, artisan wood workers, coffee roasters, micro brewers, etc.

This rich palette of creatives are the lifeblood of the site. The retention of buildings occupied by these parties is a key driver of the proposal, recognising that they are integral to its operation, both current and future, as a productive creative precinct.

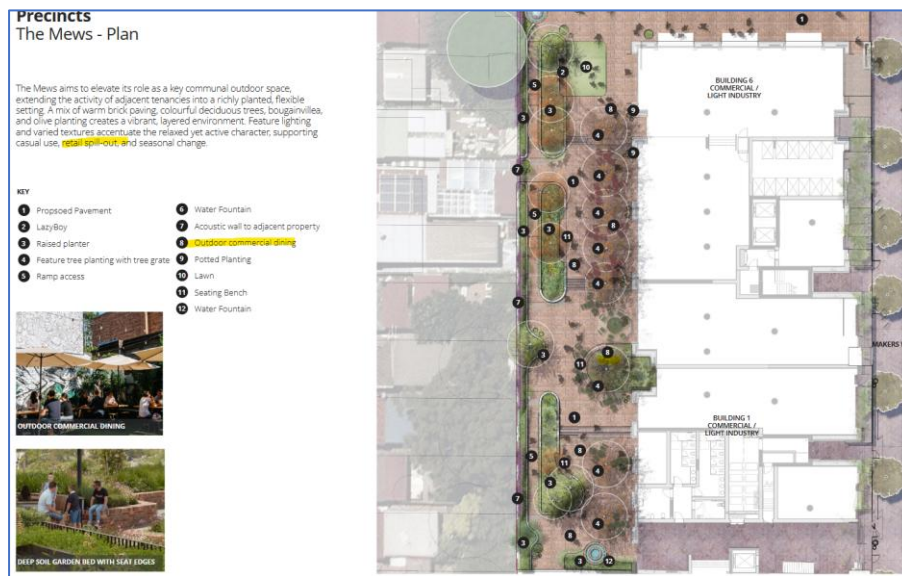
12. SSD-82639959 proposes to demolish Building 1 and Building 6 and as a result create a commercial outdoor corridor area known as The Mews. This design change tells me that the designers haven't read the DCP and haven't analysed the site and its context. Whereas under DA2021/0800, the outdoor commercial businesses were positioned near the centre of the site and along Makers Way to minimise the impact on neighbours, here we have a design that positions the commercial outdoor dining areas and shop fronts right next to the residential properties along Unwins Bridge Road. **Refer Figure 11 below.** Discussions in the Land and Environment Court raised problems associated with outdoor dining and the need for acoustic assessment.

Quoting from Land & Environment proceedings

62. The noise experts indicated that examination of noise from the operation of commercial tenancies (Section 6.2 of the Noise and Vibration Impact Assessment, version dated 22/11/2022) assumed that tenancies traded with all doors and windows closed and did not make use of any outdoor area. The planning experts gave advice that there would be inoperable windows facing the Unwins Bridge Road properties. The acoustic assessment concluded that the site was capable of accommodating commercial use while still complying with the EPA Noise Policy for Industry (Ex 17 p 2).
63. The noise experts noted that while many commercial uses (eg offices) can be conducted without noise impact on nearby development, but a tenancy that proposes outdoor dining, outdoor music (other than background music) or industrial activities has a risk that an excessive noise impact could occur. A consent condition was recommended by the acoustic experts to ensure relevant future uses were subject to new applications and approvals and were required to meet established noise standards, and address cumulative effects (Ex 17 p 2 – see proposed Condition 21A and 21B). The noise emissions from the proposed mechanical plant would need to comply with target levels, with Condition 21 confirming performance requirements in terms of operational industrial noise (Ex 17 p 2). The planning experts also pointed to Conditions 21, 22, 23 and 24 which impose noise limitations and compliance measures on future uses within the site. These experts noted

that the single ownership and management aspects provided more scope for tenant management by the owner and operator and thus a ready mechanism for complaint management.

Figure 11 from SSD Landscape DA Package



13. Under DA2021/0800, the section of Building 1 on Mary Street had its windows removed, the Land & Environment Court in Annexure B requires, 'the existing ground floor windows within Building 1 on the boundary with the Unwins Bridge Road properties are to be replaced with fire rated frosted glazing'. The notation was been added to the drawing.
- Under SSD-82639959 on this section of Building 1, the windows are being retained and there is a notation added to the drawing 'Building 1 No Demolition or rework'. **This is incorrect**, Annexure B still requires the ground floor windows on the boundary to be replaced with fire rated frosted glazing. Refer Figures 12 & 13 below

Figure 12



Figure 13



14. The Australian Noise Exposure Forecast 2033 map for the Marrickville LGA indicates the development site will be within the 25 – 30 ANEF noise contour band in the coming years. The SSD seeks to increase the number of residents on site by:

- Removing requirement for residential floorspace to be less than 50%.
- Increasing the number of build-to-rent dwellings from 206 to 471.

Residents living in the 10-storey residential apartment towers and other apartment buildings on site will be subjected to severe levels of noise. Referring to Australian Standard 2021 – 2015, Acoustics – Australian noise intrusion – Building siting and construction, Table 2.1 Building Site Acceptability Based on ANEF (see below), it advises that it is unacceptable to build homes and units in zones greater than 25 ANEF.

AS 2021:2015

12

TABLE 2.1
BUILDING SITE ACCEPTABILITY BASED ON ANEF ZONES
(To be used in conjunction with Table 3.3)

Building type	ANEF zone of site		
	Acceptable	Conditionally acceptable	Unacceptable
Homes, home units, flats, care-take parks	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hotel, motel, hostel	Less than 25 ANEF	25 to 30 ANEF	Greater than 30 ANEF
School, university	Less than 20 ANEF (Note 1)	20 to 25 ANEF (Note 2)	Greater than 25 ANEF
Hospital, nursing home	Less than 20 ANEF (Note 1)	20 to 25 ANEF	Greater than 25 ANEF
Public building	Less than 20 ANEF (Note 1)	20 to 30 ANEF	Greater than 30 ANEF
Commercial building	Less than 25 ANEF	25 to 35 ANEF	Greater than 35 ANEF
Light industrial	Less than 30 ANEF	30 to 40 ANEF	Greater than 40 ANEF
Other industrial	Acceptable in all ANEF zones		

NOTES:

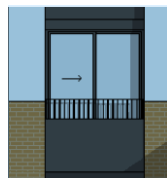
Table 3.3 of the same procedure suggests an Indoor Design Sound Levels target of 50 – 55 dB (A) for homes and home units. Residents will have to rely on mechanical ventilation.

INDOOR DESIGN SOUND LEVELS* FOR DETERMINATION OF AIRCRAFT NOISE REDUCTION	
Building type and activity	Indoor design sound level*, dB(A)
Homes, home units, flats, care-take parks	50
Other building types	55
Bathrooms, toilets, laundries	60
Hotels, motels, hostels	55
Relaxing, sleeping	70
Social activities	75
Schools, universities	50
Literature, study areas	55
Teaching areas, assembly areas (see Note 3)	75
Workshops, garages	75
Hospitals, nursing homes	50
Wards, theatres, treatment and consulting rooms	60
Laboratories	75
Service areas	50
Public buildings	50
Churches, religious activities	60
Theatres, cinemas, recording studios (see Note 4)	80
Court houses, libraries, galleries	50
Commercial buildings, offices and shops	55
Private offices, conference rooms	60
Drafting, open offices	70
Typing, data processing	75
Shops, supermarkets, showrooms	75
Industrial	75
Inspection, analysis, precision work	80
Light machinery, assembly, bench work	80

* dB re 10⁻¹² W/m² (sound pressure level) and dB re 10⁻¹² W/m² (sound power level)

* These indoor design sound levels are not intended to be used for measurement of adequacy of construction. For measurement of the adequacy of construction against aircraft noise intrusion see Appendix D.

Under DA2021/0800, the windows on the commercial premises of Building 1 & Building 6 were not operable. In Figure 3, and magnified screenshot below, SSD-82639959 indicates the balcony doors are operable, allowing aircraft noise permeate the apartment.



- Under DA2021/0800 Building 1 has a setback of **10.325m** from the boundary, under SSD-82639959 Building 1 (aka 6) has a setback of **12m** from the boundary. The proposal to demolish Building 1 and Building 6 is all smoke and mirrors. The design under DA2021/0800 is architecturally superior for the reasons stated in points 1 to 14 above. The podium of Building 1 has a cement slab roof ensuring all commercial activity and noise on the ground floor is contained. The façade rising above the boundary wall is setback 10.325m and all the windows are screened for privacy and not operable, thus ensuring acoustic privacy. In addition, the roof is not accessible and the maximum height is 29m.

Considerations/Controls that restrict this develop

- a. DCP 9.48 Strategic Content
- b. Land and Environment court judgement Annexures A & B conditions of consent
- c. IWLEP 2022 4.4 Floorspace ratio
- d. IWLEP 2022 6.27 Ensure on-going provision of employment and service opportunities on subject land
- e. IWLEP 2022 6.8 Development in areas subject to aircraft noise
- f. Airport Operations height restrictions

Extract from Land & Environment Court Ruling – 14/03/23

Point 116, Clause 6.6 and airspace operations: I note the advice of Council that an authorised person of the Civil Aviation Safety Authority has advised no objection to the development to a maximum height of 45m Australian Height Datum (AHD), and that the tallest building on the Site, Building C, is 41.6m AHD (ROS par 46-47)

- g. Aircraft Noise, Australian Noise Exposure Forecast 2033 map for the Marrickville LGA indicates the site will be within the 25 – 30 ANEF noise contour band in the coming years. According to Table 2.1 (Building Site Acceptability Based on ANEF Zones in AS 2021—2015) building homes and units on the site is unacceptable.

Thank you for taking the time to read my submission