

Submission to Preferred Project Report for Proposed  
Mixed Use Redevelopment

by Leichhardt Council



Balmain Leagues Club Precinct

This submission has been prepared  
with technical input from the following:

Leichhardt Council  
Councillors and Staff

Urban Planning  
Stuart Harding            Willana Associates P/L  
Rachel Mitchell         Willana Associates P/L

Economic Assessment  
Peter Leyshon            Leyshon Consulting P/L

Urban Design and Architecture  
Philip Thalís             Hill Thalís  
Peter Smith               Smith Tzannes  
Kerry Clare               ClareDesign

Transport and Traffic  
Ken Welsh                Leichhardt Council  
Andrew Hulse            ARUP

Montages  
John Zhang               Australian Illustration & Modelling Co. P/L

For further advice, please contact

Stuart Harding  
Director  
Willana Associates Pty Ltd  
PO Box 170  
Randwick NSW 2031

p: (02) 9399 6500  
f: (02) 9399 6555  
[www.willana.com.au](http://www.willana.com.au)

Job No: 9071af  
December 2012  
© Willana Associates Pty Ltd 2012  
ABN 93 868692799

# table of contents

<b>1</b>	<b><i>Introduction</i></b>	<b>1</b>
<b>2</b>	<b><i>The Strategic Context</i></b>	<b>4</b>
2.1	<i>Applicant's Justification</i>	4
2.2	<i>Precedent Cases</i>	12
<b>3</b>	<b><i>Traffic and Parking</i></b>	<b>16</b>
3.2	<i>Arup traffic and parking assessment</i>	18
<b>4</b>	<b><i>Retail Impacts</i></b>	<b>21</b>
<b>5</b>	<b><i>Urban Design</i></b>	<b>23</b>
5.1	<i>NSW Government's Metropolitan Strategy</i>	23
5.2	<i>The Department of Planning + Infrastructure Schedule 1 - Fundamental Issues to be Addressed</i>	25
5.3	<i>The Department of Planning + Infrastructure Schedule 2 - Other Key Issues to be Addressed</i>	26
5.4	<i>DRP Conclusion</i>	31
<b>6</b>	<b><i>Voluntary Planning Agreement</i></b>	<b>32</b>
<b>7</b>	<b><i>Conclusion</i></b>	<b>34</b>

# appendices

Appendix A – Montages prepared by Australian Illustration & Modelling Co. P/L

# 1 Introduction

This submission provides comment from Leichhardt Council to the NSW Department of Planning and Infrastructure (DoPI) on the Preferred Project Report (PPR) for major project MP11\_0015. The project is for the construction of a Mixed Use Commercial, Retail and Residential Development at the site of the former Balmain Leagues Club and adjoining lands on Victoria Road, Rozelle.

This submission should be read in-conjunction with Council's submission dated June 2012 in relation to the Environmental Assessment of the project. Matters not addressed in this current submission but raised in Council's previous submission, remain relevant concerns.

Council maintains its' position, that the proponent has not provided adequate justification for a "landmark" building at the site. In essence, the proposal remains an overdevelopment of the site. The site cannot accommodate such an intensive form of development without adverse amenity impacts on the locality.

The original Environmental Assessment (EA) report submitted by the proponent's ignored the considered hierarchy of centres as contemplated in the strategic planning framework for Sydney. Although the development is called "Rozelle Village", in the proponent's justification for the development in the April 2012 EA, there is no acknowledgement that the site is located within a "small village" as identified under the *Inner West Subregion – draft Subregional Strategy*.

In Council's submission of June 2012, the established framework within which the application should be assessed was highlighted. Council's submission carefully reviewed high level planning frameworks that are used to guide future planning outcomes for site. The submission identified that Rozelle had been consistently recognised in the relevant State, Metropolitan, Subregional and Local policy levels as an area that could only support "small village" outcomes.

Leichhardt Council constituted a Design Review Panel (Panel) to advise on the design aspects of the amended Preferred Project. The Panel has reviewed the amended application in relation to SEPP 65, which includes ten Design Quality Principles and the requirements for a Qualified Designer (a Registered Architect) to provide Design Verification Statements throughout the design, documentation and construction phases of the project.

The Panel has concluded that *the proposal continues to be an ill-conceived ambit claim unrelated to the Sydney Metropolitan Strategy, the DCP or the requirements of SEPP 65. The Panel considers this proposal would have large and long lasting detrimental impacts on Rozelle. The Panel can find no positive outcomes for the residents and businesses within the local area that would arise due to this proposal.*

The DoPI, in their letter to the proponent, dated 8 August 2012, concurred with the planning framework established in Council's original submission. The DoPI's letter includes: *The Department is of the view that the exhibited proposal is unacceptable for the site, particularly in relation to height and floor space...It is emphasised that you will need to give urgent consideration to the height of the proposal and to provide solid justification for the amended*

*height in the context of the site's location.* The DoPI detailed a number of fundamental planning and environmental amenity issues that needed to be resolved, including:

- Building height and scale
- Density
- Traffic and parking
- Retail impacts
- Urban design.

The proposal remains a significant development demonstrated by the fact that it still includes:

- A podium of 2 to 3 storeys.
- Towers with a height of 24 storeys including podium.
- A floor space of 43,500m<sup>2</sup> and a floor space ratio of 5.3:1.
- Retail distributed over 3 levels.
- On-site parking for 509 spaces.

This submission identifies Council's concerns with the amended proposal presented in the Preferred Project Report (PPR) dated October 2012 including:

- The justification for the proposal in the context of the Strategic Planning Policy Framework guiding the development of the site.
- Architectural, Building, Urban Design Impacts and Built Form.
- Traffic and Parking.
- Retail Impact.
- Development Contributions.

The proponent is essentially seeking support for the Preferred Project on the premises that the proposal will:

- Increase housing supply in the local government area (LGA)
- Increase employment opportunities in the locality
- Is an opportunity to provide a "gateway" to Rozelle.

Council asserts that a development that is designed to be compatible with the context of the site's location, that is a "small village", can also:

- Increase housing supply in the LGA
- Increase employment opportunities in the locality
- Be designed as a gateway to Rozelle

However, the issue which the proponent has not addressed in the PPR, is defining the tipping point in regards to the scale of the development, in order to achieve the above outcomes but with acceptable impacts on the community and future residents. In contrast, the scale of the Preferred Project, results in impacts that are no longer acceptable and is in fact, detrimental to the Rozelle community.

This submission demonstrates that, despite the modifications to the proposal:

- The site and the proposed design are *not* so “unique” to justify putting aside the well considered planning outcomes that Rozelle should remain a "small village and the current State and Regional strategies for the locality or recently exhibited draft documents such as the *draft NSW Long Term Transport Master Plan*.
- The proposal will have significant and permanent detrimental impacts on Rozelle and Balmain high streets.
- The proposal fails in terms of its Urban Design and Architectural merit and would result in poor amenity for future residents and users of the retail area.
- The development would have significant impact on surrounding residential streets and the future trading of the existing retail shopping strip characteristic of Rozelle.
- The proposal will result in unacceptable impacts on the surrounding traffic network, including Victoria Road.
- The certainty of the Tiger’s Club returning to the site has diminished, reducing the FSR bonus that may be considered because of the benefit of the Club to the community.

## 2 The Strategic Context

### 2.1 Applicant's Justification

The Department required the proponent to justify the height and density of the proposal in the context of the site's location. The proponent's response is that the site is so unique, that the strategic context of the site can be overlooked. The PPR includes:

*Notwithstanding the reduction in scale and density of the development, the project itself remains a significant proposal in terms of its development density and building height by comparison to the surrounding context. Accordingly, it is anticipated that even in this modified form, the Preferred Project will not satisfy many submitters' concerns in relation to the overall scale of the project.*

The proponent's justification for the proposed height and density under the PPR are the "unique" attributes of the site. These unique attributes are described in the PPR to be:

- *Its pivotal location at the intersection of the two major roads;*
- *The location at the high point of the local precinct;*
- *The significant land holding that makes high density development possible and the ability to meaningfully contribute to housing supply needs; and*
- *The historic association of the Balmain Tigers, an important social and community facility for the local region.*

Council's response to these "unique" attributes of the site is provided below.

#### 2.1.1 Attribute 1: Its pivotal location at the intersection of the two major roads

The identification of the project as a "Major Project" means that the project is potentially so significant that local, numeric planning controls do not apply. Consequently, the status of the higher level planning documents, in the form of State, Metropolitan and Regional policies, becomes vital in providing an established framework within which the application must be assessed.

The location of the site, at the intersection of two major roads, does not make the site particularly unique in the Sydney Metropolitan context. However the location does mean there are significant constraints that must be considered in the design of the proposal. The impact of the location of the site, at the intersection of two major roads, means issues regarding amenity impacts on proposed future residents and mitigation measures on already at capacity traffic intersections need to be thoroughly considered. The proponent has failed to respond to the constraints of the site as a result of its location on two major roads.

The location of the site, on a busy road, is also relevant in terms of assessing the potential of the site in the context of the strategic planning framework guiding development in the locality. The *draft Inner West Subregional Strategy* (the Strategy) under the Centres and Corridors chapter, identifies Victoria Road as an Enterprise Corridor. The Strategy highlights that: *There are a number of roads in the Inner West Subregion with high volumes of traffic.*



*These are not generally recommended for new housing development due to the health risks and low amenity associated with traffic noise and vehicle emissions<sup>1</sup>.*

The development is proposed in an area that is not recommended for housing development. The draft Subregional Strategy also includes that

*The Inner West contains a number of busy roads that may be appropriate for Enterprise Corridor zoning, such as Parramatta Road, Liverpool Road and Victoria Road. They provide valuable spaces for local industrial services, such as automotive services, a range of retail formats and often affordable spaces for businesses. Redevelopment within Enterprise Corridors may only include residential uses where there will be acceptable impact from road noise and pollution.*

The recently exhibited *draft NSW Long Term Transport Master Plan* (the draft Master Plan) has been prepared to be the guiding transport planning and policy document to support the goals in NSW 2021 (the NSW State Plan). The aim of the draft Master Plan is to integrate transport with wider economic, infrastructure, social, housing and land use planning including the Metropolitan Strategy for Sydney and the State Infrastructure Strategy to ensure NSW has a coherent overall approach to planning and growth. The final Master Plan is expected to be delivered by the end of 2012.

Chapter 4 – Getting Sydney Moving Again, of the draft Master Plan, describes Sydney's transport challenges and the actions to ensure Sydney's 46 strategic transport<sup>2</sup> corridors flow. These strategic transport corridors are vital to sustaining Sydney's centres of commercial and residential growth, supporting the transport needs of key industries and helping Sydneysiders get to work each day and move freely around the City. The Parramatta to Sydney via Top Ryde (i.e. Victoria Rd) corridor is currently the second most congested road corridor in Sydney.

The draft Master Plan includes that:

*The section of Victoria Road between Drummoyne and the Anzac Bridge carries an average of around 75,000 vehicles each weekday across the Iron Cove Bridge. It is one of the most congested road corridors in Sydney with average speeds below 20 km/h between Hunters Hill and Rozelle. [Refer to Figure 1 below – extract of Figure 4.29 from the draft NSW Transport Master Plan 2012] This section of road is also one of the busiest bus corridors in Sydney, with 19 bus routes carrying an average 40,000 passengers across the Anzac Bridge each weekday. With the recent opening of the new Iron Cove Bridge, improved transit lanes on Victoria Road have improved bus flow, providing city-bound bus commuters with travel time savings of up to 17 minutes in the morning peak period. Even so, there is still variability in bus travel times of between eight and 10 minutes due to the volume of buses.*

*Forecast growth in this corridor is also high due to growth at Ryde and Macquarie Park, inner Sydney and Parramatta. Forecasts suggest 37 percent growth on bus patronage. This*

---

<sup>1</sup> NSW Department of Planning (July 2008) Draft Inner West Subregional Strategy. Page 57

<sup>2</sup> The draft NSW Long Term Transport Master Plan identifies 46 strategic transport corridors in Sydney's Greater Metropolitan Area. These corridors represent travel demands between Sydney's key activity centres and are where high concentrations of travel demand occur during peak periods on all travel modes. Figure 2.3 of the Master Plan show these corridors.

*corridor has a strong correlation with other corridors such as Parramatta to the CBD via Strathfield and Macquarie Park to the CBD via Chatswood.*

The draft Master Plan identifies that *key bottlenecks – such as Victoria Road, Spit Bridge and the Harbour Bridge – are at capacity.*<sup>3</sup>

The State Government promises in the Master Plan that:

*This draft Long Term Transport Master Plan provides measures that will address the causes, and mitigate the manifestations of congestion. These measures go beyond addressing the visible incidence of congestion and extend to the management of the State's transport systems as a whole*<sup>4</sup>. *We will do this by:*

- *Accommodating land use, growth and urban renewal and ensuring land use policies make a positive impact on congestion.*

Council's traffic consultants have reviewed the proposed Preferred Project and the traffic and transport analysis prepared GTA Consultant's for the proponent (refer to Section 3 below). Council's traffic consultants do not conclude that the proposal will have a positive impact on congestion, which is counter to the commitments of the NSW State Government's policy in relation to transport and land use planning.

Council's Panel has advised that the proposed residential apartments are predominantly orientated towards Victoria Road to the east and north and will be adversely affected by road noise and pollution. In the Panel's view, the apartments are compromised by traffic noise and this is supported in the proponent's Noise Impact Assessment which states that due to the "high traffic noise levels" substantial glazing systems are required and balconies' noise reduction treatments need to be maximised. These requirements will most likely result in continuous use of air-conditioning and an inability to enjoy sufficient noise amenity on balconies.

Furthermore, the NSW Auditor-General's Report - Volume Eight 2012 – Focus on Transport and Ports, released on the 5 December 2012 has identified on p19 that Victoria Road has the slowest average travel speeds in both the morning and afternoon peak periods of all of the seven major routes to and from Sydney.

The Panel has advised that the proposal does not meet the requirements of SEPP 65 due to a number of issues, including acoustic issues on the Victoria Road frontage. They are of the opinion that this issue should be resolved in a manner that allows passive ventilation whilst achieving noise and temperature comfort levels in the residential apartments. The residential amenity will be compromised by heat gain and noise problems.

---

<sup>3</sup> NSW draft Transport Master Plan 2012 – p.103

<sup>4</sup> \* P20, Managing Urban Traffic Congestion, Transport Research Centre, European conference of Ministers of Transport.

Figure 4.29 Minimum, average and maximum AM peak travel speeds on key roads in Sydney

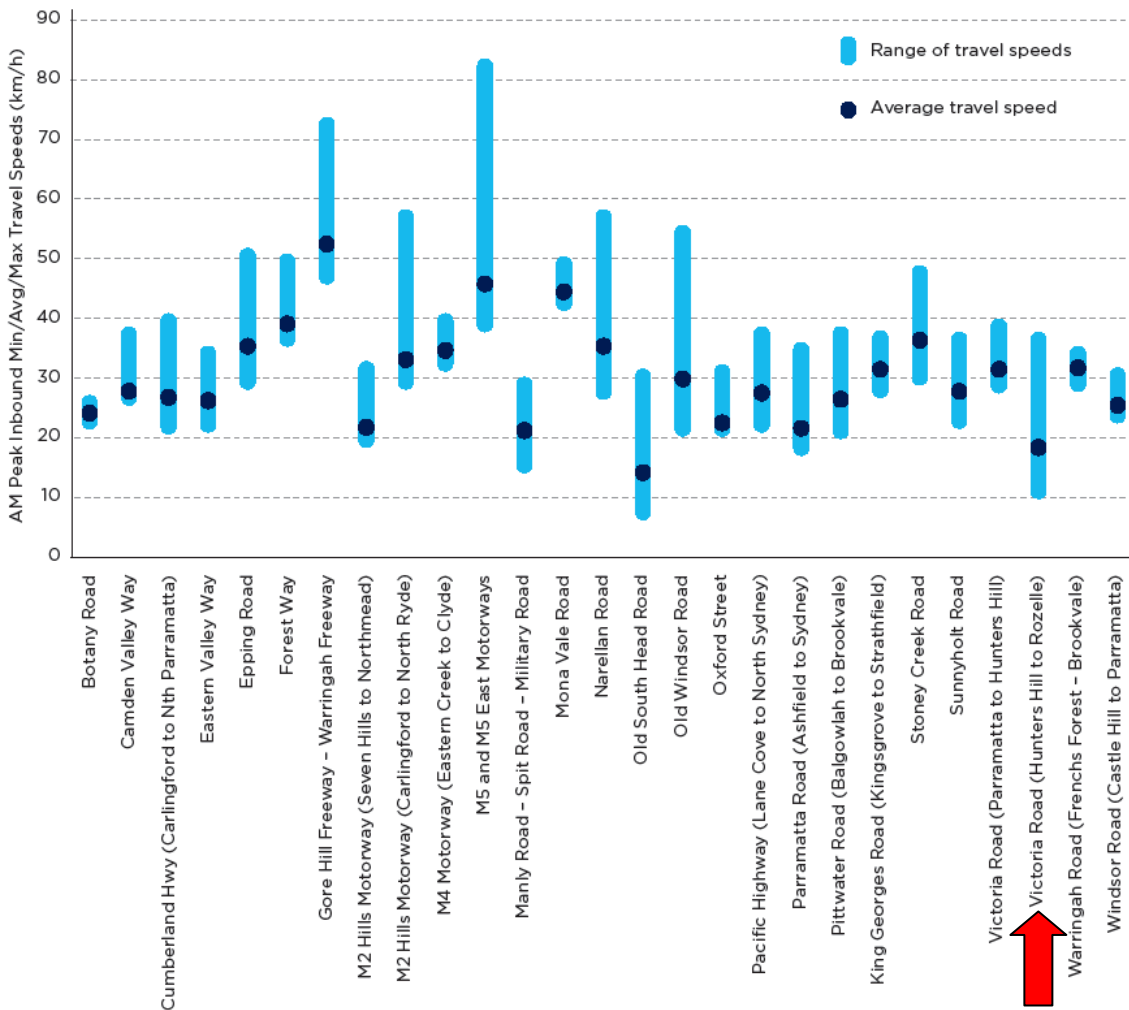


Figure 1: Extract of Figure 4.29 of the draft NSW Transport Master Plan indicating minimum, average and maximum AM peak travel speeds on key roads in Sydney.

### 2.1.2 Attribute 2: The location at the high point of the local precinct

The location of the site at the high point of the local precinct means that any development at the site must be of exemplary design. The topography alone will add to the visual impact, let alone two (2) x 24 storey towers in an environment characterised by 2 – 3 storey developments.

The Council's Panel has advised that:

*The building mass and bulk is considered entirely inappropriate due to the great number of negative impacts imposed on the surrounding area. The overshadowing is excessive and will considerably reduce amenity to the neighbouring properties and public space.*

*The deep podium building creates an internalised retail area which does not make a positive contribution to the surrounding streets at street or upper levels. The monolithic podium is out of character and overbearing. The podium is designed with complete indifference to the context and topography. This results in a building that presents a bulk and scale that is overly dominant and out of scale with every other development on the Balmain and Rozelle peninsula.*

*We respond to the proponent's argument that the site is so unique that they can ignore the strategic planning context of the site. One of the unique attributes the proponent refers to for the site is its location at the high point of the local precinct.*

*The proponent argues that the site is unique due to its location at the high point of the local precinct. This in itself is not justification for a development of the scale proposed. The previous DCP and LEP for the site had considered the regional and local context and the topography and concluded that the maximum desirable height would be 7-12 storeys. This was a result of a detailed study from various view points and the visual impact when viewed from a distance. Further the building heights proposed were of different scales in order to establish a single dominant element. The height proposed is not the outcome of 3-D planning study of inner metropolitan Sydney or even the impacts on the local context, but one that is capped only by the limits of the flight path overhead.*

*The DCP and LEP also recognized the potential contribution that the site could make to the retail activity on Darling Street through the integration of a central public open space and a strong open connection to Darling Street. In return for the public benefit a considered increase in the building height was considered reasonable. The current proposal does not provide this public benefit.*

*The residential towers are too close together. Under the RFDC buildings of this height should have a minimum of 24 metres building separation. Victoria Park in the City of Sydney is a better example with 60m distance required between residential towers to reduce loss of amenity and overshadowing. Overlooking and overshadowing remain serious issues with this proposal. Any proposal for extra height in this area would require excellence in all aspects of the design and good public benefits. This proposal does not achieve either.*

*A series of photomontages were commissioned by Council to demonstrate the possible contextual outcomes of the proponent's Preferred Project and the visual impact of the towers, given the site's location at the high point of the locality. Photomontages 1 – 4 on the following pages illustrate the visual impact of the development on the locality. A complete set of photomontages commissioned by Council are provided at Appendix A.*



**Photomontage 1 | View from Moodie Street, corner of Waterloo Street, Rozelle.**



**Photomontage 2 | View from the corner of Hamilton and Merton Streets, Rozelle.**





**Photomontage 3 | View from Victoria Road, near Terry Street.**



**Photomontage 4 | View from the corner of Darling and Denison Street, Rozelle.**

### 2.1.3 Attribute 3: The significant land holding that makes high density development possible and the ability to meaningfully contribute to housing supply needs

A higher density at the site is potentially possible if the impacts of such a development can be mitigated to protect the amenity of adjoining residential streets and the local economy of Rozelle. This is in addition to addressing impacts on one of Sydney's most constrained strategic transport corridors and the impacts of Victoria Road on the amenity of future residents in terms of acoustic and pollution. As outlined above, Council's Panel have commented that the density of the PPR is inappropriate due to the number of negative impacts that will result on the surrounding area and the amenity of future residents.

In terms of contributing to Sydney's housing supply needs, as outlined in Council's original submission dated June 2012, Council's draft LEP 2011 is based on the outcomes of the Council's *Stage 1 – Residential Strategy*. The housing figures for the site, in the *Residential Strategy*, are based on the NSW Government's Metropolitan Development Program (MDP) (2008/2009), where the yield from the site was identified at 130 dwellings. In the 2010/2011 MDP, the site is no longer identified as a major site.

The PPR includes that the building envelope of the Preferred Project has been informed by two reference points:

*Maximum: noting comments in respect of safeguarding prescribed airspace zones the maximum height of the proposal is constrained by the PANS-OPS level (RL 124).*

*Minimum: under the local planning controls development may be constructed to a height of RL52m (equivalent to 14 storeys).*

*A height at the upper limit of these two reference points has been adopted (RL 122m). This has informed the overall FSR of the project (5.3:1).*

The objective of the floor space ratio control under Clause 4.4 of the draft Leichhardt LEP 2011 is:

#### *4.4 Floor space ratio*

*(1) The objectives of this clause are as follows:*

- a) to ensure that the bulk and scale of development is compatible with the character, form and scale of the neighbourhood, and*
- b) to minimise adverse environmental impacts on adjoining properties and the public domain*

Typically, higher FSR controls than envisaged by environmental planning instruments are supported where impacts on the surrounding neighbours and locality have been mitigated through best practice urban design. As outlined in the PPR, the proponent has derived the Preferred Project FSR by simply designing a building to the PANS-OPS limit, rather than designing to protect the amenity of the surrounding locality or to ensure the amenity of future occupants of the development.

The Council's Panel has stated that:

*The proposal continues to be an ill-conceived ambit claim unrelated to the Sydney Metropolitan Strategy, the DCP or the requirements of SEPP 65. The Panel considers this*

*proposal would have large and long lasting detrimental impacts on Rozelle. The Panel can find no positive outcomes for the residents and businesses within the local area that would arise due to this proposal.*

The site specific DCP and LEP provide for increased density provided the objectives of that Plan were met. These objectives (agreed to by the previous owner of the site) were:

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

In addition, there were other public benefits through improved public domain and public space was to be provided. The current proposal provides no public benefit in return for the substantial development that is provided on the site.

#### **2.1.4 Attribute 4: The historic association of the Balmain Tigers, an important social and community facility for the local region**

Council supports the return of the Club to the area and this site.

However, this PPR does not provide a fully fitted out Club or propose a peppercorn rent for the space (there is no such commitment in the Statement of Commitments). Council understands that the Club now has a debt in excess of \$10million to the proponent and it seems unlikely the Club will be able to fund a relocation back to the site and pay commercial rent for the space.

Importantly, given the uncertainty of the Club returning to the site, Council's draft LEP 2011 recognises that the Club's role at the site is less certain. As a result, bonus FSR and height provisions are not included in the draft LEP and a density more consistent with that of a Local Centre or Village is proposed, that is a density of 1.5:1. Nevertheless, Council has indicated a willingness to consider a revised planning proposal for the site that is compatible with established centres typology for the locality.

## **2.2 Precedent Cases**

The proponent compares the site to a number of other sites consisting of high rise towers outside of major centres which are greater in height, mass and scale than their local context. The examples the proponent has chosen as "precedent cases" have little in common with the proposal, except that they all include substantial towers.



**Table 1: Proponent's "precedence cases" compared to the Preferred Project**

<b>Development</b>	<b>Site location</b>	<b>FSR</b>	<b>Comparison to Rozelle Village</b>
Rose Corp – 150 Epping Road, Lane Cove	Epping Rd, land zoned industrial. Site adjoins light industrial units and bushland.	1.1:1	<ul style="list-style-type: none"> <li>▪ The Epping Road site is not located in an existing "village" setting.</li> <li>▪ The Epping Road site is not located in a Heritage Conservation Area (part of Rozelle Village site fronting Darling St is in HCA)</li> <li>▪ The Epping Rd site is not located on a "constrained" transport corridor.</li> <li>▪ The proposal is not adjacent to any other residential development. Consequently, there are no impacts such as overshadowing on surrounding areas.</li> </ul>
Stamford Grand Hotel Cnr Epping & Herring Road, North Ryde	Cnr of Epping Road and Herring Road, gateway to Macquarie Park corridor.	2.13:1	<ul style="list-style-type: none"> <li>▪ The Stamford Grand site is not located in an existing "village" setting.</li> <li>▪ The Metropolitan Plan identifies Macquarie Park as a 'Strategic Centre' and as the northern anchor of the 'Global Economic Corridor' of concentrated jobs and economic activities stretching between Macquarie Park and Port Botany. Macquarie Park is more specifically classified as a "specialised Centre" under the Plan.</li> <li>▪ The Stamford Grand site is not located on a "constrained" transport corridor, but is located within 400m of a train station.</li> <li>▪ The orientation of the site and the positioning of the buildings is such that, the majority of overshadowing will fall across Epping Road rather than residential uses, with sufficient daylight access to adjoining properties maintained during the critical winter solstice.</li> </ul>
North Ryde Railway Station	Located adjacent to business park and opposite a cemetery	Unknown	<ul style="list-style-type: none"> <li>▪ The North Ryde Station site is not located in an existing "village" setting.</li> <li>▪ The North Ryde Station site is not located on a "constrained" transport corridor, but is at a train station – the proposal is specifically described as Transit Orientated</li> </ul>

Development	Site location	FSR	Comparison to Rozelle Village
			Development. <ul style="list-style-type: none"> <li>▪ DGR's have been provided. No proposal has been submitted at this time.</li> </ul>
23 – 37 Lindfield Ave, Lindfield	Located in a “small village” adjacent to heritage items (or conservation area).	3.84:1	<ul style="list-style-type: none"> <li>▪ The Lindfield site is located in an existing “village” setting as defined by the draft North Subregional Strategy.</li> <li>▪ The Lindfield site is located adjacent to a heritage conservation area (or items).</li> <li>▪ The Lindfield site is not located on a “constrained” transport corridor, but is opposite Lindfield train station – in recognition of location near unconstrained transport = additional FSR.</li> </ul>

The Lindfield example is the only case provided by the proponent that is potentially comparable to the subject site, being located in a “village” as determined by the hierarchy of centres for the Sydney Metropolitan region as outlined in the Metropolitan Plan. The Lindfield example, however is not located on a constrained transport corridor. In the Lindfield example, the Department gave consideration to the built form of the proposal and compatibility to the surrounding locality. The DoPI's report to the Planning Assessment Commission includes: *The Department considered that the proposed height, bulk and scale for this proposal is most appropriately tested through an assessment of:*

- density
- proposed height and bulk of the built form; and
- compatibility with the surrounding locality.

*The Department has considered the merits of the proposal in accordance with the objects of the EP&A Act and ecologically sustainable development, also taking into consideration the issues raised in all submissions. The Department has determined that the proposed bulk and height of the development is generally compatible with the character of the surrounding locality (subject to recommended conditions).*

The Department concluded that the proposal, at its scale of 3.84:1 and 5 – 6 storeys in height could be supported on the basis that it would provide a broad mix of apartment types within the existing Lindfield Town Centre adjoining excellent public transport services and an opportunity to revitalise the Town Centre with upgraded retail services.

As outlined in the PPR, the Rozelle Village proposal is not compatible with the local context of the site within a “small village”. Its proposed density (5.3:1), height (2 x 22 storey towers above 2 – 3 storey podium) and built form will have impacts on the amenity of surrounding residential properties; the amenity of future residents; unacceptable traffic impacts on an already constrained corridor and negative impacts on the existing Rozelle commercial village hub. The proposal is unlikely to act as a catalyst to revitalize the existing “small village”. Peter Leyshon of Leyshon Consulting has advised:

*...the reduction in floorspace may well have had a detrimental effect on the extent to which the proposed development “connects” with Darling Street Rozelle. The revised plans indicate a short retail arcade leading from Darling Street and opening out into an internal square without significant “activation” by retail tenancies. As a consequence of this, the proposed development breaks traditional rules of retail development which holds that that shoppers should be “engaged” by a continuous facade of retail tenancies which maintains their interest in draws them from the development through to Darling Street and vice versa.*

*... the amended design will not encourage shoppers to come up from the two lower levels of the proposed development, which accommodate the supermarket and mini-major respectively, to interact with the existing retail shops operating on Darling Street.*

*Thus the proposed development while having an impact (according to urbis) of - 5.7 % to - 11.2 % on Darling Street does not significantly offset this impact by acting as a new effective “anchor” to the surrounding retail precinct.*

The overall negative impact of the proponent’s Preferred Project in this context is unacceptable and will create considerable issues in how it relates to and impacts upon the existing and future landform of Rozelle.

## 3 Traffic and Parking

The development goes beyond any real or reasonable expectations for the site. Consequently, the traffic implications as a result of the development are beyond anything that has been contemplated for the site by Council. Accordingly, Council's technical staff reviewed the Transport Management and Accessibility Plan Preferred Project Report (Issue C) prepared by GTA Consultants. In addition, a technical review has been prepared by Council's traffic consultants, Arup. Council's technical staff and Arup have identified a number of areas of concern relating to the traffic access and car parking for the Preferred Project, as outlined below.

### 3.1.1 Assumptions Made by Consultants Regarding Likely Traffic Generation

The consultant traffic study addresses the key issues associated with traffic generated by the development and includes an assessment of relevant potential new developments (with the exception of the Temporary Exhibition Centre, which was not proposed when the study was prepared).

The following assumptions require further explanation before Council could be completely satisfied with the traffic calculations:

- Based on advice from Urbis; GTA have assumed that the development's retail component will be "a local shopping centre and much less of a destination centre". Concern is expressed that this is an oversimplification of the nature of Rozelle. In addition to the attraction of the development's proposed major supermarket, club and gymnasium/health club, the existing Rozelle shopping strip contains numerous speciality stores which have region-wide reputations (eg Herbies Herbs and the Essential Ingredient). Consequently, it would seem unusual that a new development would not attract a number of similar speciality stores which would attract from further a field, with the possibility that Rozelle could continue to grow in this manner. (GTA - P12)
- The traffic distribution assumed in the Transport Management and Accessibility Plan appears to indicate that the 22% of traffic likely to travel from the north (ie the secondary retail catchment) have "replaced the same number of trips travelling from Iron Cove to Anzac Bridge and visa versa". This implies that the applicant's modelling has assumed that the secondary catchment will only generate "passer-by" traffic and not attract additional patronage in its own right. (GTA - P13)

- The traffic modelling appears to ignore traffic generated by the Cruise Passenger Terminal (GTA - Table 3.2 and GTA - P18) indicating that “the cruise terminal would not generate significant levels of traffic at the same time as the peak periods for traffic generation of the Preferred Project”. This is contrary to the current Sydney Ports berthing schedule (for Barrangaroo and the Overseas Passenger Terminal) which indicates that for the months;
  - 14 November 2012 – 13 December 2012 ... 61% of ships will arrive during the AM peak period;
  - 1 April 2013 – 30 April 2013 ... 68% of ships will arrive during the AM peak period.<sup>5</sup>
- The modelling was unable to include the recently proposed temporary exhibition centre as it was not announced until after the modelling had been completed.
- The modelling appears to have assumed 24/7 clearways on Victoria Road, and the removal of kerbside parking on Darling Street during peak periods including Saturday Midday peak, which have not been approved would have a significantly detrimental impact on local shops.

### 3.1.2 Traffic Generation

Traffic generation of the Preferred Project represents a significant reduction in the number of peak period vehicle movements (in comparison to previously proposed developments. The reduced floorspace (55,000m<sup>2</sup> to 43,500m<sup>2</sup>) in combination with the reduced on-site parking provision (reduced from 834 to 509 spaces) is better but still does not provide an acceptable impact on Victoria Road or local streets

### 3.1.3 Other Considerations

Other considerations relating to the traffic and transport assessment of the Preferred Project include:

- The impact of additional Traffic in Waterloo Street, particularly in relation to right turn prohibitions likely to be imposed on vehicles exiting the development onto Victoria Road.
- Darling Street/Waterloo/Belmore intersection and associated queuing, particularly the applicant’s proposal to remove kerbside parking in Darling Street to alleviate this queuing. It is considered that the applicant’s proposal, to replace Darling Street’s kerbside spaces with short-stay spaces in the development’s basement, is not appropriate as these spaces will not be readily available for patrons of shops which front Darling Street.
- The impact of increased traffic on Terry and Wellington Streets and proposals to remove parking in Wellington Street.
- Pedestrian and cycle access along the Victoria Road frontage does not appear to be fully resolved.
- Increasing delays on Victoria Road have the potential to impact on buses, which in turn may reduce the attractiveness of buses and so reduce the potential for increased public transport mode share for the development’s residents and patrons.

---

<sup>5</sup> It should be noted that the Sydney Ports schedule does not differentiate between domestic and international cruise ships in this data

- Modelling indicates that the cumulative impact of all developments (with the exception of the temporary exhibition centre – not modelled) will result in saturation of the Victoria Road/The Crescent intersection during the PM peak<sup>6</sup>.
- The consultant's assessment of cumulative traffic impacts of all developments indicates that adjacent local streets will receive increased traffic movements, as indicated below.

**Table 2: Assessment of cumulative traffic impacts of all developments on adjacent local streets**

<b>Modelled % Traffic Increase</b>			
<b>Street</b>	<b>AM Peak</b>	<b>PM Peak</b>	<b>Saturday Midday Peak</b>
Waterloo Street	160%	83%	69%
Terry Street	44%	20%	23%
Darling Street (west of Waterloo Street)	23%	25%	38%
Moodie Street	40%	33%	27%

- The capacity of existing bus services to cater for the increased demand envisaged by the traffic study does not appear to have been examined.
- Care should be taken that the reduction of on-site parking should be supported by measures to encourage lower private car ownership to reduce the likelihood of overflow parking using adjacent residential streets. While the consultant study proposes a green travel plan, it is suggested that additional details on its operation and management should be provided.

## **3.2 Arup traffic and parking assessment**

### **3.2.1 Vehicle access**

*Vehicular access to the site concentrates retail and commercial vehicle movements to and from Victoria Road with only residential parking being accessed from Waterloo Street. All loading dock and servicing access is also from Victoria Road.*

*The Victoria Road site access is configured as a fourth (western leg) to the Wellington Street intersection with full traffic light control. The right turn movement from Victoria Road into the site is banned which requires vehicles entering from the north to use Terry Street to access the site via Wellington Street. The Wellington Street cross movement to enter the site is offset by some 12m. The pedestrian crossing on Victoria Road is moved east to allow for the site driveway. This will be confusing to drivers and potentially unsafe given that there is only one lane entering and three lanes exiting the site.*

*The RMS has requested that only entry movements be permitted from Victoria Road due to the additional phase that exit traffic would add to the traffic lights reducing the green time for Victoria Road traffic and bus flows. The Leichhardt Development Control Plan – Part D1.0 Site Specific Controls, Balmain Leagues Club Precinct (2008) requires that all egress for retail, commercial and servicing be to Victoria Road. The Preferred Project has adopted this*

<sup>6</sup> Note this intersection is already is near capacity in both peak periods and is likely to reach capacity without the addition of traffic from Rozelle Village. Consequently route choice decisions may be made further afield resulting in a diversion of some traffic to other streets.

arrangement by allowing only left turn traffic to exit the site and banning the right turn movement out of the site. This means that city bound traffic exiting the site will need to use the surrounding residential streets. The quickest routes would be via Denison Street, Alfred Street and Gordon Street or Darling Street, Nelson Street and Evans Street to gain access to Victoria Road. This places pressure on narrow local streets reducing resident amenity.

### **3.2.2 Victoria Road deceleration lane and Porte Cochere**

The entrance to Darling Lane and the adjacent porte cochere indicates vehicles will be entering and leaving these driveways immediately next to each other. This is considered a confusing and potentially unsafe arrangement. In addition, the driveways occur at the start of the deceleration lane which will also be confusing for Victoria Road traffic as drivers entering this driveway will need to slow down in the left traffic lane prior to the deceleration lane. Tailing drivers will expect left turn traffic to be proceeding further down to the main car park entry and hence the speed differential on this downgrade will be confusing for drivers. Pedestrians on the Victoria Road footpath need to deviate in towards the building at this location behind the deceleration lane and no details are provided on how pedestrians will be treated in safe manner at this driveway location.

The porte cochere does not appear to include an adequate turn around facility for cars and taxis and will potentially block up, especially if cars decide to wait on one side of the two lane roadway. The drop-off and pick-up activity should occur within the basement in a non-ticketed area. There appears to be no location for the community bus pick-up/drop off.

### **3.2.3 Cumulative Traffic Generation**

The traffic modelling has been undertaken including anticipated traffic flows for all planned developments that are serviced by the Victoria Road corridor. A bus travel time analysis has been undertaken using the Paramics model. In the AM peak, eastbound city buses experience a 9 second per bus delay and the buses westbound from the city experience a 18 second per bus delay due to the introduction of the fourth leg to the Victoria Road/Wellington Street intersection. In the PM peak, the buses westbound from the city experience a 30 second delay per bus. A significant component of the westbound delay in both peaks results from the Rozelle Village traffic.

On Saturday, the modelling for eastbound buses assumes removal of on-street car parking on the east side of Victoria Road. This improves bus travel times including development traffic. In the westbound direction, bus travel times are increased by 1 minute 24 seconds. However there has been no modeling based on retention of these spaces.

The intersection performance at Victoria Road /Darling Street has been modelled for car parking removed in Darling Street on Saturday for the Rozelle Village scenarios. This shows improved operation over the base model and base + cumulative other developments. There is no indication of how the intersection performs if car parking is retained. For the PM peak, the modelling indicates that this intersection deteriorates with the base + cumulative traffic but then improves with the addition of Rozelle Village traffic. This outcome is not explained in the report.

*It is noted that the cumulative analysis by GTA consultants does not include the proposed Temporary Exhibition Centre, because it was not proposed at the time the analysis was undertaken.*

### **3.2.4 On-Street Parking**

*The traffic assessment assumes the removal of on-street parking in Darling Street and Victoria Road on Saturday. These are considered to be crucial car parking spaces for the ongoing viability of the strip retail on Saturday. The provision of short term spaces within the basement will not provide the same level of service that currently exists.*

### **3.2.5 Wellington Street**

*The report states that on-street car parking arrangements along Wellington Street have been adjusted in the model to better reflect existing conditions. The existing left lane in Wellington Street is a short 30m long lane which currently provides for left and right turning traffic. No indication is provided in the report on whether the left lane is to be lengthened to accommodate the additional straight ahead traffic accessing the Rozelle Village site.*

### **3.2.6 Local Street Impacts**

*The Inner West Busway project along Victoria Road has already had an impact on the accessibility into and out of some local streets along this section of Victoria Road. The Rozelle Village development places increased traffic on local streets on both sides of Victoria Road in order to gain access to the site. This will further reduce local accessibility for residents and businesses in the precinct.*



## 4 Retail Impacts

Leyshon Consulting has undertaken a review of the proponent's preferred project on behalf of Council and advised as follows:

*The current amended proposal reduces the retail floorspace by about 2,185 sq.m*

*Normally this is to be applauded as any reduction in floorspace theoretically reduces the potential impact on retail centres/precincts in the trade area.*

*The decrease in floorspace is broadly as follows:*

- *Supermarket – 215 sq.m*
- *Mini-majors – 950 sq.m*
- *Specialties – 1,020 sq.m*

*The reduction in specialties is particularly beneficial as it will result in 10 to 12 fewer shops in the proposed development compared to the previous proposal. That said, the development is still likely to accommodate 20 to 25 shops in addition to the supermarket and proposed mini major.*

*I reiterate comments previously provided to Council that at present the retail sector in Australia remains very subdued and it is likely that existing retailers in Darling Street Balmain and Rozelle are likely to be trading sub optimally. Inevitably there will be some impact from the addition of 20 to 25 shops in this location.*

*Surprisingly the projected sales of the proposed retail component of the development have only marginally reduced from \$ 67.0 mil pa in the previous scheme to \$65.7 mil pa in the amended proposal. This is a decline in projected sales of only of -1.9% despite a decrease in retail floorspace of about -21.7%.*

*The revised EIA prepared by urbis entitled: Roseville Village Economic Impact Assessment October 2012, it does not provide a convincing explanation as to why the turnover of the now proposed centre would only be slightly less than the previous proposal for a much larger centre.*

*We remain unconvinced that the revised turnover has been estimated with any acceptable degree of precision. It is unexplained why such a smaller development will capture almost the same aggregate level of sales and in fact will trade at a much higher average rate (as measured on a \$ per sq.m per annum ) basis with no substantive change to the overall tenancy mix or characteristics of the development.*

*Reference is made by urbis to the proposed removal of the "Target Urban" mini major and the consequent provision of opportunities to cluster specialty food retailing around the supermarket and increase scope for "some of the larger retail boxes at ground level to be subdivided into smaller destination tenancies". We do not agree that these changes would substantially alter the performance characteristics of this proposed centre to the degree suggested.*

*We consider that this change has been “engineered” solely to address the criticism of the Economic Impact Assessment (EIA) which accompanied the previous application, that the turnover rate for the then proposed development was too low by observed industry standards to be credible.*

*In our opinion the reduction in floorspace may well have had a detrimental effect on the extent to which the proposed development “connects” with Darling Street Rozelle. The revised plans indicate a short retail arcade leading from Darling Street and opening out into an internal square without significant “activation” by retail tenancies. As a consequence of this, the proposed development breaks traditional rules of retail development which holds that that shoppers should be “engaged” by a continuous facade of retail tenancies which maintains their interest in draws them from the development through to Darling Street and vice versa.*

*In our opinion, the amended design will not encourage shoppers to come up from the two lower levels of the proposed development, which accommodate the supermarket and mini-major respectively, to interact with the existing retail shops operating on Darling Street.*

*Thus the proposed development while having an impact (according to urbis) of - 5.7 % to - 11.2 % on Darling Street does not significantly offset this impact by acting as a new effective “anchor” to the surrounding retail precinct.*

# 5 Urban Design

The Panel (Philip Thalys, Peter Smith + Kerry Clare) was constituted by Leichhardt Council to advise on the design aspects of this major application for a large consolidated site in Rozelle. This is the third Panel review for this site.

The Panel has also reviewed the Part 3A Application in relation to SEPP 65, which includes ten Design Quality Principles and the requirements for a Qualified Designer (a Registered Architect) to provide Design Verification Statements throughout the design, documentation and construction phases of the project. The Residential Flat Design Code, published by Planning NSW (September 2002) is also relevant to this review.

The following review of the new Rozelle Village proposal (October 2012) assesses the appropriateness of its response to the above issues and against the objectives of the NSW Government's Metropolitan Strategy (2010).

## 5.1 NSW Government's Metropolitan Strategy

1. *The 2010 Metropolitan Strategy does not recognise the Balmain Tigers site as being within a Major Centre, Specialised Centre, Town Centre or Village. The Strategy states that villages - which are considered to include a rule-of-thumb walking catchment of 400 to 600 metre radius may benefit from additional shop-top housing, low rise apartments and well-designed clusters around schools, child care centres, parks or recreation areas. The area is noted within a "Small Village" with a density of 12-25 dwellings per hectare.*

**Comment:** *The development fails to support the Strategy in an appropriate manner by proposing an overdevelopment for the local area.*

2. *The Metropolitan Strategy also notes the Inner West contains a number of busy roads that may be appropriate for Enterprise Corridor zoning, such as Parramatta Road, Liverpool Road and Victoria Road. "They provide valuable spaces for local industrial services, such as automotive services, a range of retail formats and often affordable spaces for businesses."*

**Comment:** *The shopping areas proposed lacks sound retail planning or a clear connection to Darling Street or Victoria Road. The retail does not contribute to the existing streets and has poor and circuitous vehicular and pedestrian access. This site has the potential to positively contribute to the retail experience and become a catalyst for the retail in this part of Rozelle. In order to do this there must be a strong visual and physical connection.*

3. *Redevelopment within Enterprise Corridors may only include residential uses where there will be acceptable impact from road noise and pollution.*

**Comment:** *The development will be subject to unacceptable impact from road noise and pollution. The development will further exacerbate the traffic and pollution by creating queuing through the local streets. This development appears to be inconsistent with Planning NSW's guidelines for development along main road corridors, and recent research by the Heart Foundation (Increasing Density in Australia: maximising the health benefits and minimising harm). The application does not demonstrate why this site is suitable or adequately resolve how the residential component will mitigate against road noise and pollution.*

4. *The Metropolitan strategy has identified three types of corridors: economic, renewal and enterprise corridors. Victoria Road has been identified as an Enterprise Corridor with high traffic volumes (up to 80,000 vehicles per day) and can "accommodate a vital range of economic roles, including local urban services, car yards, strip retail and office uses. . . . Enterprise Corridors are areas which provide low cost accommodation for a range of local and regional services, including start-up offices, light industrial, showrooms, building supplies and retail, which benefit from high levels of passing traffic (over 50,000 vehicles per day). They provide a valuable buffer between residential development and the road."*

*"There are a number of roads in the Inner west sub-region with high volumes of traffic. These are not generally recommended for new housing development due to the health risks and low amenity associated with traffic noise and vehicle emissions."*

**Comment:** *The development is proposed in an area that is not recommended for housing development. The proposed residential apartments are predominantly orientated towards Victoria Road to the east and north and will be adversely affected by road noise and pollution.*

5. *Small villages under the strategy should not detract from the strengthening of the identified Strategic Centres. The Metropolitan strategy outlines some key aspects of successful Strategic Centres as:*

- *accessible and pedestrian friendly;*
- *providing good public transport options;*
- *containing high-level jobs, learning opportunities and cultural activities; and*
- *having attractive and safe public domain spaces.*

**Comment:** *The site is inappropriate for the proposed land use and density and will have serious amenity, economic and traffic impacts to the detriment of the local area.*

## **5.2 The Department of Planning + Infrastructure**

### **Schedule 1 - Fundamental Issues to be Addressed**

*The Department of Planning and Infrastructure noted in its assessment of the previous proposal that the:*

- *Building Height and Scale of the building and podium were unacceptable within the building's context, and*  
*Density of the proposal was excessive and more generally related to that of a Major Centre.*

*Schedule 1 requests a more appropriately scaled development in its context.*

#### **Panel Comments**

*Although the proposal has been somewhat reduced in size and replanned to some extent it is the Panel's opinion that the development does not meet building height, scale and density requirements or SEPP 65 standards due to the following inadequacies:*

- *severe over shadowing of the local area*
- *overshadowing of the southern tower by the northern tower*
- *proximity of residential towers which will overwhelmingly appear as one building from the majority of viewpoints. The height and bulk is unrelated to the character of Rozelle and considered an inappropriate precedent for the future character of the area*
- *residential car park on the lowest basement levels is considered a very low amenity for residents due to travel distance*
- *the new infill retail buildings to Darling Street do not demonstrate design excellence or make a significant contribution to the existing streetscapes.*
- *the basements design has several problems and should align to the new boundaries along Victoria Road without any encroachment under the 3m setback and dedication. The basements should be set back 1m from the boundaries along Waterloo Street to create viable deep soil areas.*
- *the large areas for driveways has significant negative impacts on pedestrian and streetscape amenity*
- *there is no clear or compelling merit argument that would justify such an inequitable increase in floor space (the existing site specific DCP already envisages FSR's and heights substantially higher than anything in the area – this proposal goes well beyond those heights and volumes, the public benefit of the increased floor space was intended to be the creation of a public space open to the air and a strong retail connection to Darling Street.*
- *the apartments generally have issues of lack of cross ventilation, a key requirement of the RFDC associated with SEPP 65*
- *access to natural ventilation via opened windows will subject apartments to undue traffic noise*
- *the proposed solar array will be extremely inefficient due to overshadowing*
- *the high proportion of apartments that do not have cross ventilation. Many other buildings of similar scale throughout Sydney are able to obtain well over 75% cross ventilation*

- *the high number of bedrooms that have compromised access to light and ventilation (snorkel bedrooms)*
- *the high number of apartments with single orientation*
- *the high number of one bedroom apartments that do not have a window for the bedroom*
- *vastly excessive areas of fixed, unshaded, west facing glass to approximately one third of the apartments*
- *unshaded reflective glass curtain wall systems are considered inappropriate due to the added need to air-condition. Reflective glass also reduces the ability for occupants to see out at night as the surface becomes mirror-like to the interior. Large reflective areas are likely to cause problems to other people in the area.*
- *proximity of the towers, which does not comply with the RFDC (24m for towers of this height)*
- *acoustic issues on the Victoria Road frontage should be resolved in a manner that allows passive ventilation whilst achieving noise and temperature comfort levels in the residential apartments. The residential amenity will be compromised by heat gain and noise problems*
- *generally the landscape provisions are not adequate for the increased population that is proposed. The substitution of the central public open space as required by the DCP by one extremely small light court (approximately 9m x 3m) is entirely unacceptable and does not deliver the public benefit anticipated for the site*
- *safety and security concerns in the public domain arising from the site planning and built form including footpaths to both Victoria Road and the through site link which are in the form of undercrofts lacking surveillance from above; the disproportionately few uses at street level to activate the street and lane due to internal levels not related to the sloping streets; the configuration of the podium has insufficient contact and surveillance to the street – a particular concern where there is a licensed club as part of the proposal*
- *poor entrances to the residential towers. The entry for Tower B is adjacent the truck entry for deliveries for the retail and supermarket, deep within a dog-legged recess. The entry for Tower A appears that it is part of the centre court and food court.*
- *social consequences of 311 apartments, a large retail area, a licensed club, 5 levels of car parking do not appear to have been adequately considered regarding the relationship of these elements to each other, and of even more consequence, the negative effects on the local area*
- *shortcomings of the aesthetics of the podium and its relationship with the surrounding buildings and streets.*
- *tower A overshadows the photovoltaic array.*

### **5.3 The Department of Planning + Infrastructure** **Schedule 2 - Other Key Issues to be Addressed**

#### **5.3.1 Panel Comments**

##### *Traffic + Parking*

*For reasons outlined below the Panel is of the view that Traffic and Parking issues have been inadequately addressed.*

### *Retail Impacts*

*For reasons outlined below the Panel is of the view that retail impact issues have been inadequately addressed.*

### *Urban Design*

*For reasons outlined below the Panel is of the view that urban design issues have been inadequately addressed.*

## **5.3.2 Detailed Review**

### **Public Domain Interface / Context**

*This is a major application for a large consolidated site in Rozelle. The current Leichhardt Council DCP for this site includes clear guidelines in relation to public domain and importantly the creation of a connecting ground plane to Victoria Road, Darling Street and Waterloo Street. The intended open public space in the centre of the large consolidated block is described in the DCP and the surrounding building envelopes are arranged to provide definition and appropriate sun access to this space.*

*The arrangement of the public space with multiple on grade connections from the central public space to Waterloo Street, Victoria Road and a wide link (open to the sky) to Darling Street would provide a strong connection to the existing retail.*

*The current Part 3A Application has not attempted to comply with the DCP massing, height, floor space or open space requirements. Accordingly the proposed building envelopes are considered excessive as they cause the following negative impacts to the public domain.*

### **Victoria Road**

*Negative impacts continue in this new proposal due to the large expanse of driveways on the Victoria Road frontage including the slipway and several truck and car driveway entry and exits. The slipway takes up existing public footpath reserves and removing the possibility of viable street trees.*

*The scale, detail, colours and materials of the podium design are considered bland and the proportions remain monolithic within the streetscape of Rozelle. Rozelle and the Balmain Peninsula are characterized by the fine grain of the built form.*

*The small recessed residential entry in a deep undercroft off Victoria Road adjacent to truck entry, car entry and slipway is considered entirely unacceptable. Entry for the residential components on this site would be far better placed off Waterloo Street.*

*Entrance to the supermarket should be announced with a generous opening that visually connects through the site to Waterloo Street and is predominantly open to the sky.*

*The mini-major embedded at car park level cannot add to the street vitality. Instead it is orientated to those people coming to and leaving the centre by car. As such it will detract from Rozelle's street life, adding circulating vehicles rather than pedestrians.*

*The transition to the northern neighbour has not been well considered. The bulk of the podium building has no connection with the existing character of the street and would set an undesirable precedence for the future character of the street.*

*The dedication to Council of a 3m footpath width is considered a minimum and preferably this is clear of bus shelters and the like. The Panel strongly advises that the footpath be dedicated in perpetuity to Council and that the basement levels (at all levels) are set back to the same alignment.*

*The dedication to Council should extend for the full frontage to this important Sydney main road. This would allow the long-term resolution of services and to allow continuous deep soil for the trees. It would avoid obvious ongoing maintenance and liability issues such as failure / replacement of waterproof membranes that would disrupt the public footpath and lead to the loss of street trees. The dedication would extend to future development sites on either side of this site.*

### **Waterloo Street**

*Apart from increased traffic impacts which are discussed separately the SoHo apartments need to be stepped with the fall of the street to retain direct connection and activity, instead the bland architecture of the podium is continued along Waterloo Street with the predominant street front material being precast concrete with surface treatment of a single colour. The large level change to the interior of the podium has not been addressed and it continues to reduce visual permeability and ease of connection due to the large number of stairs. The monolithic presence in no way relates to the finer scaled rhythms of this street*

### **Darling Street**

*The Darling Street connection has been further downgraded since the previous proposal. The arcade is now a single storey ramped retail space with a concrete undercroft (due to the full width medical centre on Level 1) and connects into a 'forecourt' which is covered over by the upper level tennis court with tall netting, along side the undercroft space of porte cochère / taxi drop-off and turn-around.*

*The proposal does not respond to the fine grain character of the existing properties. The street frontage on Darling Street is not maintained but sets in an undesirable 1.5 metres (approx.) which interrupts the established shopfront line. Negative impacts include bland architecture and large areas aluminium grille facade. The arcade does not benefit from top-lighting.*

*Overshadowing of the south side of Darling Street for lengthy periods by the proposed towers will noticeably reduce the amenity of the north facing shops in this significant local strip-retail area.*

*Retail impacts - the poor nature of the arcade, the poor use of Darling Lane, the poor retail placement and circulation, the embedded bi box tenancies, and the poor access and egress to parking and associated traffic issues will have serious impacts on this development and the local retail offer.*

*The proposed removal of on-street car parking in Darling Street (required for the new traffic volumes generated by this proposal) will have negative impacts on the existing retail. Traffic movement and availability of on-street parking is a fine balance that is self regulating in many local retail neighbourhoods. The addition of a left turn lane, longer traffic waiting times, and reduced parking will upset the current balance and therefore amenity and viability.*



### **Darling Laneway**

*Darling Laneway is an area that, under the site specific DCP, has great potential to make a positive contribution to the amenity and economic viability of the Rozelle neighbourhood by increased pedestrian connectivity, possible 'through' retail from Darling Street, access to northern sun, and enough separation from traffic to be conducive to outdoor dining or the like. The current design of the podium and towers will dominate and overshadow the lane.*

*The proposal for a taxi drop-off / porte cochère and vehicle turn-around in effect creates another double driveway across the Victoria Road footpath with a large undercroft driveway space of extremely poor character separated by level change and balustrades from the lane. This proposal provides no benefit to the lane, and is a poor neighbour to the existing Darling Street properties adjoining.*

*There is not adequate space for turning of any vehicle within this space.*

*Satisfactory evidence of retail viability has not been provided. The opportunity for an amenable and equitable lane running at the rear of existing shops and connecting 3 streets has been ignored. Such a lane could make a vital addition to the centre's public domain, and enable a diversified range of retail frontages.*

### **Open Space**

*This proposal constitutes a huge reduction in area from DCP ground level public space, vastly reduces natural permeability, and creates deep internal spaces under buildings. These are not courtyards but atria that serve as retail circulation. Spaces are overshadowed, subterranean and disconnected where the DCP anticipated an on-grade landscaped public space open to the sky.*

### **Built Form and Scale**

*The building mass and bulk is considered entirely inappropriate due to the great number of negative impacts imposed on the surrounding area. The overshadowing is excessive and will considerably reduce amenity to the neighbouring properties and public space. Heights more consistent with the DCP are more supportable. Any argument for greater height should be a result of further minimising the tower footprints, silhouette and separation distances. The architects' concede that the building depth is "approximately 25 metres" (p47), whereas the RFDC stimulates 18 metres maximum depth.*

*The deep podium building creates an internalised retail area which does not make a positive contribution to the surrounding streets at street or upper levels. The monolithic podium is out of character and overbearing. The podium is designed with complete indifference to the context and topography. This results in a building that presents a bulk and scale that is overly dominant and out of scale with every other development on the Balmain and Rozelle peninsula.*

*The residential towers are too close together. Under the RFDC buildings of this height should have a minimum of 24 metres building separation. Victoria Park in the City of Sydney is a better example with 60m distance required between residential towers to reduce loss of amenity and overshadowing. The overshadowing of the apartments by the building within the development are cause for serious concern. Any proposal for extra height in this area would require excellence in all aspects of the design and good public benefits. This proposal does not achieved either.*

### 5.3.3 The Department of Planning + Infrastructure Schedule 3 - Additional Information Required

1. *An assessment of alternative options for pedestrian access across Victoria Road.*

**Comment** - *This has not been provided. The Applicant's report (Appendix Q) notes that street level pedestrian crossings are the preferred outcome. The report does not directly assess traffic impacts in relation to crossings or increased waiting times for pedestrians. The report refers to Victoria Road as an urban street rather than addressing its ranking as an Enterprise Corridor in the Metropolitan Strategy.*

*The proposed options for public connections and through-site linkages at ground level on balance have not been significantly improved.*

2. *Redesign of the footpath along Victoria Road to be clear of columns and have adequate width.*

**Comment** - *Although the columns have been removed the slipway and vast width of driveways has not improved. The addition of the taxi drop-off increases the driveway width. The footpath design is considered exceptionally poor and this is further weakened by the relentless facade, the absence of street trees and the reduced width due to the slipway.*

3. *An assessment of the capacity of existing services and need for additional services and open space*

**Comment** - *the provision of a childcare, and the commercial space for a medical centre and the Leagues Club is not considered of sufficient benefit to warrant the severe reduction of public benefits. These commercial uses could be accommodated on the site in a way that retains the public benefit anticipated by the DCP / LEP.*

4. *A revised Noise Impact Assessment.*

**Comment** - *This has been provided (Appendix J). In the Panel's view the apartments are compromised by traffic noise and this is supported in the Applicant's report which states that due to the "high traffic noise levels" substantial glazing systems are required, and balconies' noise reduction treatments need to be maximised. These requirements will most likely result in continuous use of air-conditioning and an inability to enjoy sufficient noise amenity on balconies.*

5. *Construction impacts, storm water runoff, staging.*

**Comment** - *the Panel defers to Leichhardt Council's assessment of these impacts.*

6. *Clarification of impacts in relation to overlooking -*

**Comment** - *There remains substantial overlooking impacts within and to the surrounding neighbourhood*

7. *Material and colour of external finishes*

**Comment** - *insufficient improvement has been achieved*

## 8. ESD initiatives

**Comment** - entirely inadequate. Air-conditioning will be required to achieve amenity for apartments. By the Panel's calculation, there are too many single-orientation apartments, including;

*the 5 SoHo units are single orientation south-west*

*5 / 13 on level 3*

*10 / 18 on levels 4 - 8*

*8 / 16 on levels 9 - 20*

*2 / 8 levels 21*

*0 / 8 levels 22 - 23*

*one per floor in each tower that are orientated south-west (levels 4 - 20, plus one on level 3).*

*The applicant claims that 69% of units are cross-ventilated (p51). In the Panel's opinion the percentage is actually 50% (158 / 316) - unacceptable in terms of the RFDC minimum requirement for 60% cross-ventilated. With tower forms on such a large site, the Panel would have expected from its experiences to have achieved 80 - 90% cross-ventilated units.*

## 9. Compliance with the Residential Flat Code

**Comment** - Inadequate. See previous comments in this report.

### 5.4 DRP Conclusion

*The proposal continues to be an ill-conceived ambit claim unrelated to the Sydney Metropolitan Strategy, the DCP or the requirements of SEPP 65. The Panel considers this proposal would have large and long lasting detrimental impacts on Rozelle. The Panel can find no positive outcomes for the residents and businesses within the local area that would arise due to this proposal.*

*The DCP and LEP provide for increased density on this site compared to adjoining site, but in return a public benefit through improved public domain and public space was to be provided. The current proposal provides no public benefit in return for the substantial development bonus provided on the site.*

*As detailed above, the Panel has significant concerns about the scheme's shortcomings, and cannot support the Part 3A Application in its current form.*

## 6 Voluntary Planning Agreement

The VPA relating to the DA before the JRPP included the following benefits to offset the impacts of development, in addition to s.94 contributions:

- \$500,000 for community grants
- \$250,000 for upgrading of surrounding roads and footpaths
- Home delivery service
- Community shuttle bus
- Pedestrian Bridge across Victoria Road
- Pedestrian link to Darling Street
- Bike facilities
- Community car share scheme
- Employment for Aboriginal and Torres Strait Islander people during construction
- Taxi pick up and drop off area

A review of the (original) PPR reveals that the current VPA was included as an appendix to that application and the draft Statement of Commitments undertook to negotiate a revised VPA with Council. At page 112, the Application listed the benefits proposed under the VPA and stated:

*The VPA does not form part of this Part 3A application but the details of the agreement are generally relevant to the current proposal (being for a high density, mixed use development). The proponent remains committed to delivering the public benefits outlined in this existing VPA although it is recognised that some modification may be required to reflect the current proposal. Any changes deemed necessary to the VPA to reflect the current proposal will be negotiated with Leichhardt Council.*

The recently amended PPR also amends the draft Statement of Commitments, at page 27, the report states:

*The proposed development is subject to payment of a contribution to Council under Section 94 or Section 94A of the Environmental Planning and Assessment Act, to provide for the increased demand on Council services as a result of the proposed development. Alternatively, a Voluntary Planning Agreement (VPA) under Section 93F of the Act may be reached between the proponent and Leichhardt Council. Such a VPA may include a range of works not specified on any current Council works schedule. In addition, it may include an agreement to offset the costs of the works proposed against contributions otherwise payable under Section 94 or Section 94A of the Act.*

*The Proponent requests that should the project be approved, a condition be placed on that consent requiring the Proponent either pay Section 94 or Section 94A Contributions to*

*Leichhardt Council, or to enter into a new VPA with Leichhardt Council in lieu of such payments, to the agreement of both parties. It is anticipated that the existing VPA which was prepared in respect of the rezoning of the site would be replaced by any VPA agreement entered into with Council in respect of the development or any requirement for Section 94 payments.*

In summary, the Proponent has abandoned the earlier commitment to the provision of community benefits and now seeks to offset any benefit against s.94 contributions.

It should be noted that no approach has been made to Council to renegotiate the VPA to address any additional community benefits that might flow from the PPR.

# 7 Conclusion

Despite the amendments to the proposal as outlined in the PPR, the proposed redevelopment of the Balmain Leagues Club Precinct will result in an unacceptable change to the urban form for the locality.

The proponent has not provided adequate justification for the building height and scale in the context of the locality. The proposal ignores the local context and the constraints of the site. What is currently a “small village” in an already constrained environment, particularly from a traffic and transport perspective, will attempt to become a more significant centre adding to traffic and transport congestion.

The constraints are not only unacceptable in terms of the consequent amenity outcomes; they have the potential to significantly affect the viability of the "centre".

The planning framework and shortcomings of the development verify that a smaller scale development is the most suitable outcome for the site.

This is an overdevelopment of the site. The site simply cannot accommodate such an intensive form of development without adverse effects. A development with a reduced scale could, with greatly reduced impacts, achieve:

- Increased housing supply for the LGA.
- Increased employment.
- An attractive gateway to Rozelle.

This submission demonstrates that:

- The proposal, as amended, continues to fail in terms of its urban design and architectural merit and would result in poor amenity for future residents and users of the retail area.
- The development would have significant impact on surrounding residential streets and the future trading of the existing retail shopping strip characteristics of Rozelle.
- The proposal will result in unacceptable impacts on the surrounding traffic network, including Victoria Road.
- The proposal provides no justification for putting aside the well considered planning outcomes that Rozelle should remain a "small village". In contrast, the provision of a larger centre cannot be supported under the current State and Regional strategies for the locality.

The development of the site requires careful consideration as to how the combination of land uses will operate in harmony to deliver quality outcomes for the community and future occupants as mandated when Council agreed to rezone the site for redevelopment in 2008.

Council has now resolved to back zone the site to reflect the nature of the surrounding “High Street” centre. The proposed “back zoning” provides Council with the opportunity to undertake a fresh round of traffic, retail and social impact studies to determine an appropriate future zoning and suite of development controls. Council seeks the support of the Department of Planning and Infrastructure and the Planning Assessment Commission in pursuing this line of action.

# appendix a

photomontages





Photomontage No.1: View from Moodie Street, cnr of Waterloo Street, Rozelle



Photomontage No.2: View from cnr of Hamilton & Merton Streets, Rozelle





Photomontage No.3: View from Victoria Road, near Terry Street



Photomontage No.4: View from cnr of Darling and Denison Streets, Rozelle





Photomontage No.5: View from Henley Marine Drive



Photomontage No.6: View from Henley Marine Drive (cropped and zoomed)