

MAJOR PROJECT ASSESSMENT:

Rozelle Village Mixed Use Development

Victoria Road, Darling Street and Waterloo Street, Rozelle

Proposed by Rozelle Village Pty Ltd

MP 11_0015



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

March 2014

ABBREVIATIONS

CIV	Capital Investment Value
Council	Leichhardt Municipal Council
Agency	Planning & Infrastructure
DGRs	Director-General's Requirements
Director-General	Director-General of Planning & Infrastructure
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning & Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PPR	Preferred Project Report
Proponent	Rozelle Village Pty Ltd
RtS	Response to Submissions

Cover Photograph: Perspective of the development from Victoria Road (Source: Proponent's revised PPR)

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EXECUTIVE SUMMARY

The Proponent, Rozelle Village Pty Limited, is seeking Project Approval for a mixed use residential and retail development on the site of the vacant Balmain Tigers Club at Rozelle, within the Leichhardt Local Government Area (LGA).

The project has been the subject of a long and comprehensive assessment process by Planning & Infrastructure, which has included a number of amendments made by the proponent in relation to building form and vehicular access arrangements.

The Environmental Assessment (April 2012) proposed heights of 26 and 32 storeys and an overall gross floor area (GFA) of 54,979m². The project was then amended in the Preferred Project Report (November 2012) to 24 and 25 storeys and a GFA of 43,500m². The revised PPR (July 2013) made further amendments and proposes 24 and 20 storey building heights and a GFA of 36,587m².

Throughout the assessment process, the access arrangements have also been amended substantially from a proposed fourth leg to the existing intersection at Victoria Road and Wellington Street, to left-in left out access and restrictions on heavy vehicle access to the site.

The Balmain Leagues Club is a key feature of the proposal, occupying 2,567m² of floor space addressing Victoria Road on the uppermost podium level. Leichhardt Council supports the reinstatement of the Balmain Leagues Club in Rozelle and also recognises the potential of the site to accommodate high rise large scale mixed use development. In 2008, the Local Environment Plan (LEP) 2000 was amended to provide a floor space ratio of 3.9:1 and building heights of up to 12 storeys on this site.

The development is permissible within the Business zone, but exceeds the development standards in the prevailing LEP. Leichhardt Council objects to the proposal. Given the uncertainty around the application, Council deferred the site from its comprehensive LEP 2013, gazetted in December 2013.

The local community was very vocal, both for and against, this project. Planning & Infrastructure received an extremely high level of public response to the project. 15,011 submissions were received in response to the EA, and 12,536 in response to the PPR. Of these submissions, approximately 61% supported the EA and 42% supported the PPR. Approximately 39% objected to the EA and 58% objected to the PPR.

The key reason for supporting the project was the return of the Balmain Leagues Club. Other reasons provided by supporters included economic benefits, increase in retail facilities and car parking. The main concerns raised by objectors included traffic, height, visual impacts, density, and impacts on existing shops.

The traffic impact of the proposal is the key issue in Planning & Infrastructure's assessment. Transport for NSW (TfNSW) and the Roads and Maritime Services (RMS) identified that traffic and transport impacts are a fundamental impediment to achieving the proposed development outcome for the site. In particular the proposal is likely to have critical impacts on the operation of the surrounding road network which includes Victoria Road and Darling Street, is likely to cause significant delays to bus services through Rozelle and fails to provide safe and convenient access for vehicles onto Victoria Road. In addition to working closely with the TfNSW and RMS, Planning & Infrastructure also sought independent advice from Aurecon on traffic impacts and possible mitigation measures to provide an acceptable outcome. Following this review, it has been found that the proposal will result in unresolvable strategic traffic and transport impacts which are fundamentally inconsistent with

State and regional strategies seeking to manage congestion on strategic transport corridors and improve private vehicle and bus travel times.

The height and form of the proposed towers is another key issue in Planning & Infrastructure's assessment. Planning & Infrastructure accepts that the site may, in urban design terms, provide scope for an iconic landmark development which can be assessed on its merits. Notwithstanding concerns were raised in relation to tower form and height during the assessment process through independent advice from the Government Architect which recommended further reductions to building height, tower footprints and changes to tower form and façade.

Given that the traffic and transport related impacts are so fundamental to the determination of the proposal, Planning and Infrastructure has not pursued further changes to the tower built form (also noting that any reductions to the tower forms are not likely to remedy the identified traffic and transport impacts). If the application was to be supported, Planning & Infrastructure would recommend that the tower design be reconsidered, including reductions and amendments to tower height, bulk and form. In conjunction with design amendments to achieve design excellence, it is considered that the proposal would then have the scope to provide an acceptable contribution to the Rozelle locality as an iconic landmark building.

Planning & Infrastructure has engaged with the proponent and public authorities throughout the assessment process and has undertaken a thorough and comprehensive merit assessment of the proposal. Planning & Infrastructure accepts that the site may provide scope for an iconic landmark building and has sought to work towards a solution which would see the redevelopment of the site. The reinstatement of the Balmain Leagues Club in Rozelle is also supported.

Notwithstanding, Planning & Infrastructure considers that the adverse traffic and transport impacts of the development identified by TfNSW and RMS outweigh the benefits associated with the proposal. On this basis the proposal is unable to be supported.

TABLE OF CONTENTS

1.	BACKGROUND	1
1.1	Site Description	1
1.2	Surrounding Development	4
1.3	Site History	4
2.	PROPOSED PROJECT	6
2.1	Project Description	6
2.2	Strategic Context	10
3.	STATUTORY CONTEXT	13
3.1.	Continuing Operation of Part 3A	13
3.2.	Related Development	13
3.3.	Delegation	14
3.4.	Permissibility	14
3.5.	Environmental Planning Instruments	14
3.6.	Objects of the EP&A Act	14
3.7.	Ecologically Sustainable Development	15
4.	CONSULTATION AND SUBMISSIONS	16
4.1.	Exhibition	16
4.2.	Public Authority Submissions	16
4.3.	Public Submissions	21
4.4.	Proponent's Response to Submissions	25
5.	ASSESSMENT	26
5.1.	Traffic and Transport	26
5.2.	Tower Built Form	32
5.3.	Other Issues	37
6.	CONCLUSION	43
7.	RECOMMENDATION	44
APPENDIX A	ENVIRONMENTAL ASSESSMENT (APRIL 2012)	
APPENDIX B	SUBMISSIONS	
APPENDIX C	PROPONENT'S PREFERRED PROJECT REPORT / RESPONSE TO SUBMISSIONS (NOVEMBER 2012)	
APPENDIX D	PROPONENT'S REVISED PREFERRED PROJECT REPORT / RESPONSE TO SUBMISSIONS (JULY 2013)	
APPENDIX E	PROPONENT'S ADDITIONAL INFORMATION (DECEMBER 2013)	
APPENDIX F	CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS	
APPENDIX G	INDEPENDENT TRAFFIC ASSESSMENT	
APPENDIX H	GOVERNMENT ARCHITECT'S ADVICE	
APPENDIX I	INDEPENDENT RETAIL IMPACT ASSESSMENT	
APPENDIX J	INDEPENDENT NOISE ASSESSMENT	
APPENDIX K	RECOMMENDED INSTRUMENT OF REFUSAL	

1. BACKGROUND

1.1 Site Description

The site is located on land fronting Victoria Road, Darling Street and Waterloo Street in Rozelle, approximately 4 kilometres to the west of the Sydney CBD. The site is within the Leichhardt Local Government Area (LGA).

The site is irregular in shape with an area of 8,190m². Over half of the site is currently occupied by the now vacant Balmain Leagues Club building and associated at grade and rooftop parking areas at 138-152 Victoria Road. The site also includes:

- two retail premises at 697 and 699 Darling Street;
- two commercial premises at 154-156 and 168 Victoria Road and two semi-detached dwellings at 170 and 172 Victoria Road;
- a commercial premises at 1 Waterloo Street and two semi-detached dwellings at 17 and 19 Waterloo Street; and
- a car parking area at 3-7 Waterloo Street.

The site is situated on the northwest side of a prominent ridge, which generally runs along Darling Street. The site's location is visually prominent in both the immediate locality and from distant vantage points in the wider visual catchments particularly to the north, east and west. The site has a downwards slope towards the northwest of approximately 9 metres.

The site is situated adjacent to Victoria Road which is served by high frequency bus routes to Sydney CBD, Ryde and Parramatta. A dedicated bus lane is provided along Victoria Road for southbound trips to the Sydney CBD.

The project location is shown in **Figures 1 and 2**. Photos of the site are provided in **Figures 3 to 5**.

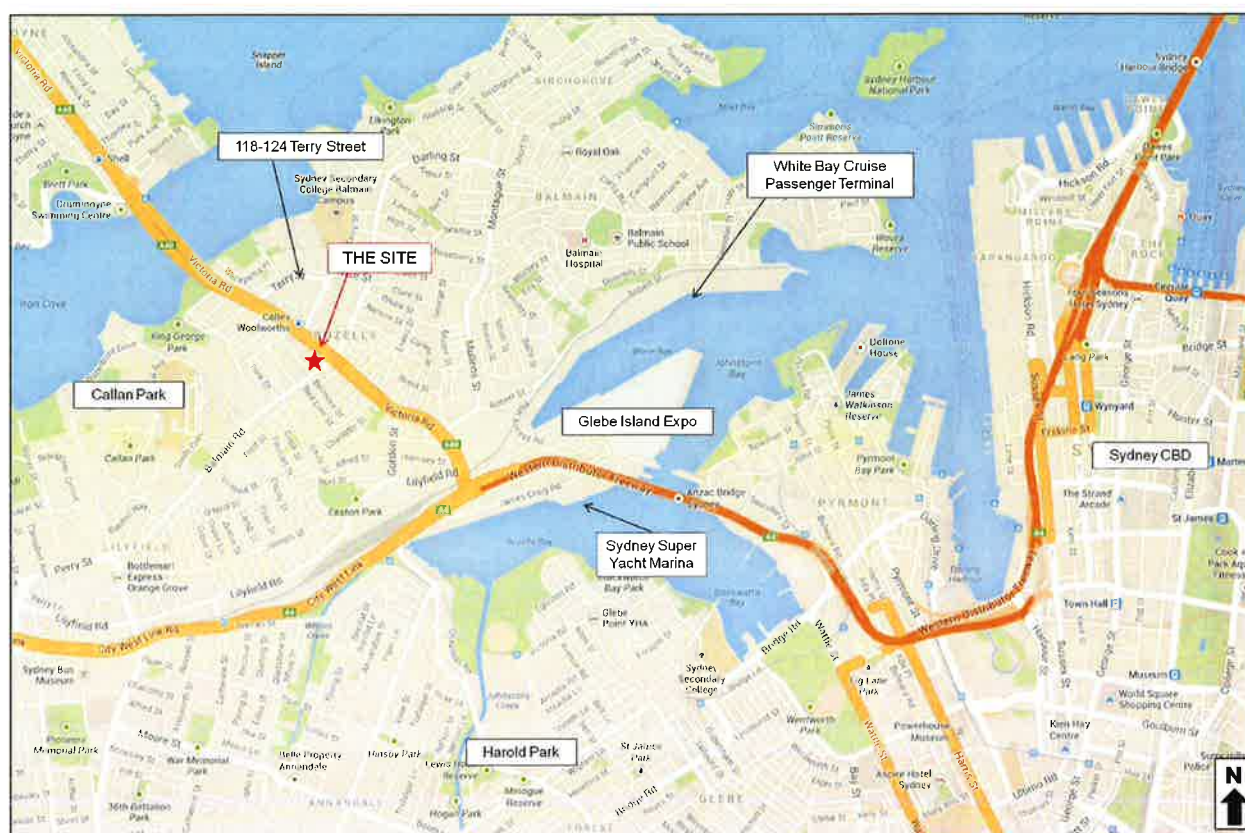


Figure 1: Site Location and nearby major developments (Source: Google Maps, 2014)



Figure 2: Aerial photo of the site (red line) and immediate surrounds (Source: Nearmap, 2014)



Figure 3: The site viewed from Victoria Road (Source: Proponent's PPR)



Figure 4: The site viewed from Darling Street looking north (Source: Proponent's PPR)



Figure 5: The site viewed from Waterloo Street looking southeast (Source: Proponent's PPR)

1.2 Surrounding Development

The locality is characterised by a mix of land uses including low and medium density housing, retail shopping strips, commercial premises, educational facilities and some light industrial uses.

The existing Victoria Road frontage is characterised by a mix of light industry, business and residential uses. The Rozelle Public School, a locally listed heritage item, is located opposite the site on Victoria Road directly opposite the site.

Waterloo Street, which is immediately southwest of the site is characterised by single and two storey detached and semi-detached dwellings. Waterloo Street is a two way street with on-street parking available on both sides of the street (**Figure 5**).

The site is bounded by Darling Lane and Darling Street to the southeast. Darling Lane provides rear access to the existing retail premises which front Darling Street. The retail premises fronting Darling Street fall within the Darling Street Heritage Conservation Area. Darling Street is a two way road with two lanes in each direction.

To the northwest, the site adjoins single and two storey detached dwellings fronting Waterloo Street and Victoria Road. Further northwest are additional two single storey dwellings fronting Waterloo Street and a service station on the corner of Victoria Road, Moodie Street and Waterloo Street.

There are a number of key development sites within the broader locality (identified in **Figure 1**) including:

- *118-124 Terry Street, Rozelle (former Carrier Air Conditioning site)*: On 20 February 2013, the Joint Regional Planning Panel approved a development application for the redevelopment of the former industrial site for a mixed use development comprising 3-6 storey buildings containing 202 apartments, 1,270m² of retail commercial space, 411m² of light industrial space and 250 car spaces.
- *White Bay Cruise Passenger Terminal*: a Major Project Approval was issued on 2 February 2011 providing for the berthing of cruise ships, terminal facilities and the hosting of events and functions.
- *Sydney Super Yacht Marina, Rozelle Bay*: A Major Project Approval was issued on 26 November 2012 for land-based facilities including a yacht club, marina facilities, and commercial, retail and restaurant uses. The existing water based facilities include berthing for 24 super yachts.
- *Callan Park*: On 18 July 2011, Leichhardt Council adopted a Master Plan for the conservation of Callan Park.
- *Harold Park*: Sydney Local Environmental Plan (Harold Park) 2011 was gazetted on 15 December 2011 which rezoned the Harold Park and former Rozelle Tram Sheds from open space to mixed use to allow a range of residential, retail, commercial and open space uses including 1,250 apartments. A development application was approved by City of Sydney Council in July 2012 and construction on the site is well underway.
- *Glebe Island Expo*: A State Significant Development application was approved by the Minister on 3 May 2013 for interim exhibition facilities, including 25,000m² of exhibition space, at Glebe Island and White Bay. The facilities will be utilised for a period of 4 years to facilitate the redevelopment of the Sydney Exhibition and Entertainment Centre at Darling Harbour.

1.3 Site History

In 2005, the previous owner of the site (Balmain Leagues Club Limited) submitted a Master Plan for the Balmain Leagues Club site to accommodate retail, commercial, club and residential development with a FSR of 4.8:1 and heights up to 14 storeys. The proposal, submitted to Council, was justified by the applicant on the basis of benefits to the surrounding area including

the long term retention of the Balmain Leagues Club in Rozelle and the contribution to the revitalisation of the Rozelle commercial area.

Council resolved to support in-principle the redevelopment of the Balmain Leagues Club site on a number of occasions during its consideration of the proposal between 2005 and 2007. Notwithstanding this, Council resolved not to proceed with the applicant's proposal at the time, requiring greater consideration of issues raised during the exhibition period.

Following this, in 2008, Council prepared and exhibited an alternate draft amendment to the Leichhardt Local Environmental Plan (LEP) 2000 with a floorspace ratio (FSR) of 3.9:1 and building heights of up to 12 storeys. After consideration of the submissions received during public exhibition, Council resolved to support the LEP amendment and request that the Minister for Planning make the LEP amendment.

At the same time Council adopted an amendment to the Leichhardt Development Control Plan (DCP) 2000 to include site specific controls for the development of the site and resolved to enter into a Voluntary Planning Agreement (VPA) with Balmain Leagues Club Limited.

The VPA included a number of public benefits offered by the applicant, including:

- monetary contributions to Council to be used for local road/traffic/footpath upgrades and community grants;
- the provision of a pedestrian link to Darling Street;
- the provision of a pedestrian overbridge across Victoria Road;
- the provision of a community shuttle bus, a taxi drop off and pick up location, free home delivery service within a 5 kilometre radius, a car share scheme and bicycle facilities; and
- Aboriginal participation in construction works.

On 3 September 2009, a Development Application (D/2009/352) was lodged with Council for a mixed use development comprising of 3 residential buildings (6, 8 and 13 storeys in height) above a 2 storey podium and 6 basement levels providing 467 car parking spaces and retail uses. The proposal included a supermarket and other retail shops, commercial offices, restaurants, a new club premises and 145 residential apartments. The proposed FSR was 4.49:1 (28,515m²).

On 8 July 2010, the application was refused by the Joint Regional Planning Panel for the following reasons:

- (a) exceedance of the overall FSR, maximum retail FSR and number of storeys development standards within the LEP;
- (b) unacceptable impacts on the traffic in the surrounding streets;
- (c) the Council's Design Review Panel was not satisfied in relation to the quality of design; and
- (d) poor amenity within the apartments.

2. PROPOSED PROJECT

2.1 Project Description

2.1.1 Environmental Assessment (as exhibited)

The proposal as exhibited in the Environmental Assessment (EA) sought Project Approval for mixed use development including the following:

- two residential towers of 32 (Tower A) and 26 (Tower B) storeys in height including a 5/6 storey commercial/retail podium;
- a maximum height of RL 144.9 and a total gross floor area of 54,979m² (FSR of 6.7:1),
- 304 dwellings, and
- 7-8 basement levels accommodating 1-2 levels of retail floor space and 834 car parking spaces.

2.1.2 Preferred Project Report (PPR) (as exhibited)

Following the public exhibition of the EA, Planning & Infrastructure advised the proponent of a number of issues which required further consideration and requested the submission of a PPR. The main issues raised related to building height and scale, density, traffic and parking, retail impacts and urban design.

On 2 November 2012, the proponent submitted a response to submissions and a PPR seeking approval for:

- two residential towers of 25 (Tower B) and 24 (Tower A) storeys in height including a 2/3 storey podium;
- a maximum height of RL 122 AHD and a total gross floor area of 43,506m² (FSR of 5.3:1),
- 316 dwellings, and
- 6 basement levels accommodating 509 car parking spaces.

The PPR was placed on Planning & Infrastructure's website and also exhibited between 7 November 2012 and 10 December 2012 (34 days).

2.1.3 Revised Preferred Project Report (Revised PPR)

Following the exhibition of the PPR, Planning & Infrastructure requested the proponent review the submissions received and sought amendments to the design of the proposal.

On 15 July 2013, the proponent submitted a revised PPR to address the submissions received during the exhibition of the PPR and as a result of discussions between the proponent, Planning & Infrastructure and relevant public authorities. The revised PPR was placed on Planning & Infrastructure's website. The proposal as amended is detailed in **Table 1** below.

Key changes between the PPR and revised PPR (includes modified built form at **Figures 6, 7, 8 and 9**) include:

- a reduction in height for Tower B from 25 to 20 storeys including the podium level (a reduction by 5 storeys);
- a reduction in on-site car parking from 509 to 488 spaces (a reduction of 21 spaces); and
- a reduction in floor space from 43,506m² (FSR 5.3:1) to 36,587m² (FSR 4.5:1); and
- removal of vehicular access and associated porte-cochere for taxis and other drop-off and pick up movements adjacent to Darling Lane. This area is now pedestrian access only.

2.1.4 Additional amendments to the Revised PPR

Following consideration of submissions to the Revised PPR, on 11 December 2013 the proponent made some additional amendments to the proposal including:

- removal of the fourth leg of the existing Victoria Road and Wellington Street intersection;

- left in and left out access for all vehicles from Victoria Road;
- no access to the loading dock during the weekday PM peak (4pm-6pm);
- removal of on-street parking on the eastern side of Wellington Street during the weekday PM peak; and
- amendments at the lower ground and ground levels as a result of the revised vehicle access arrangements.

Table 1: Key Project Components

Aspect	Description
Project Summary	Project Application for a mixed use development
Gross floor area (GFA)	Residential: 20,646m ² Retail: 10,982m ² Commercial: 1,478m ² Club: 2,576m ² Community Facilities: 905m ² Total GFA: 36,587m ²
Floor space ratio (FSR)	4.5:1
Height	Tower A – 24 storeys including the podium, RL 122 AHD Tower B – 20 storeys including the podium, RL 106.92 AHD
Residential component	247 residential apartments including an indicative dwelling mix as follows: <ul style="list-style-type: none"> • 125 x 1 bedroom apartments (50.6%); • 108 x 2 bedroom apartments (43.7%); and • 14 x 3 bedroom apartments (5.6%);
Retail component	Total of 10,982m ² of retail floor space including a supermarket, mini-major and specialty retail within basement and lower ground levels.
Other services and commercial component	<ul style="list-style-type: none"> • child care centre; • medical centre; • community room on the uppermost podium level; and • 5 commercial office suites fronting Waterloo Street.
Club component	Balmain Leagues Club (2,576m ² floor space) including gaming and bistro floor space, associated terraces and back of house facilities
Traffic arrangements and vehicular access	<ul style="list-style-type: none"> • Entry and exit for non-residential vehicles is via Victoria Road and Wellington Street. Two entry points are provided for vehicles travelling westbound along Victoria Road and southbound along Wellington Street. A single left turn exit is provided out of the development onto Victoria Road. • Loading dock access is provided as a left turn entry from Victoria Road only and left turn exit at the intersection of Victoria Road/Wellington Street. The loading dock is proposed to be closed during the weekday PM peak (4.00pm – 6.00pm). • Direct entry and exit to the residential car parking levels is provided via Waterloo Street. Vehicles can turn left and right into and out of the development. • Imposition of additional parking restrictions/clearways along: <ul style="list-style-type: none"> • Victoria Road on Saturdays from 10.00am – 3.00pm; • Darling Street during the AM and PM weekday peak periods (6.00am – 10.00am and 3.00pm – 7.00pm) and Saturdays from 10.00am to 3.00pm; and • Wellington Street during the weekday PM peak (4.00pm – 6.00pm).
Car parking	A total of 488 on-site car parking spaces including: <ul style="list-style-type: none"> • 300 non-residential parking spaces, including 6 car share spaces; 188 resident parking spaces; and • 323 bicycle spaces.

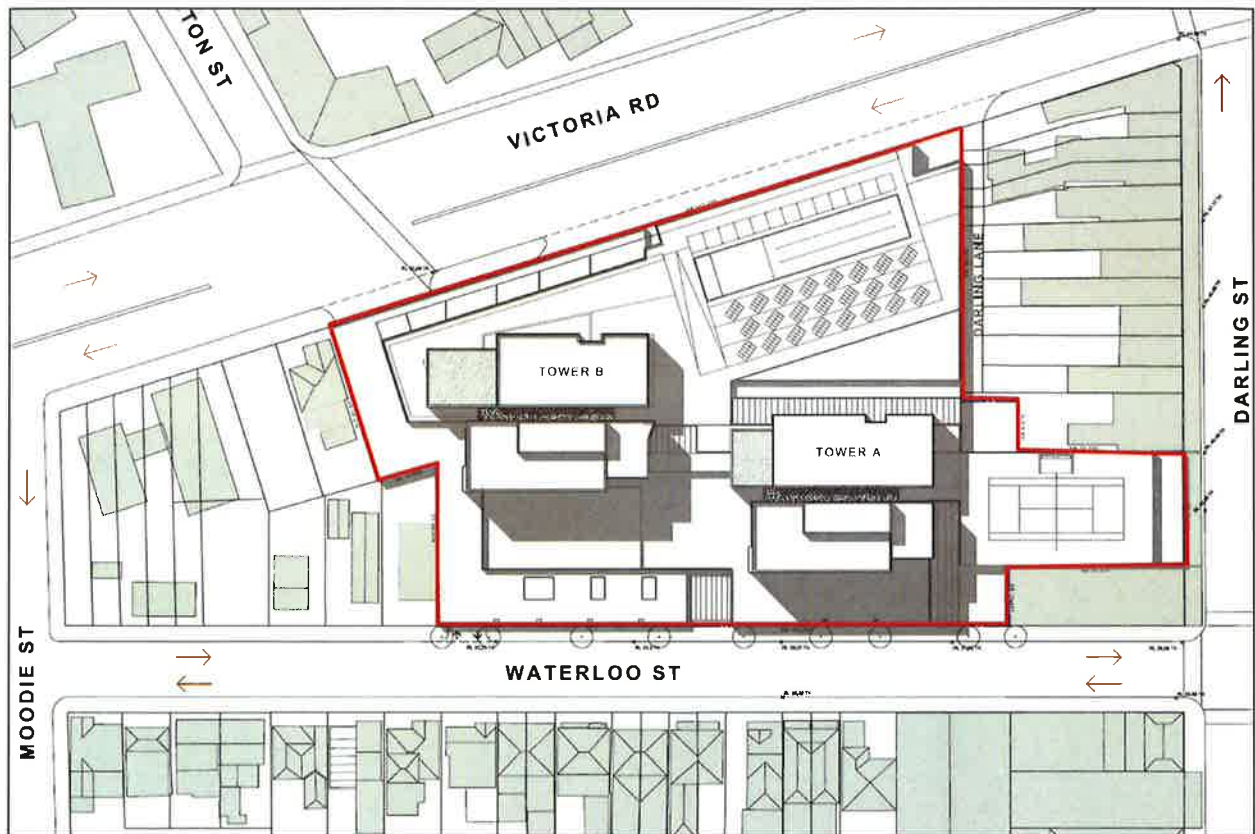


Figure 6: Site Plan (Source: Proponent's Revised PPR)

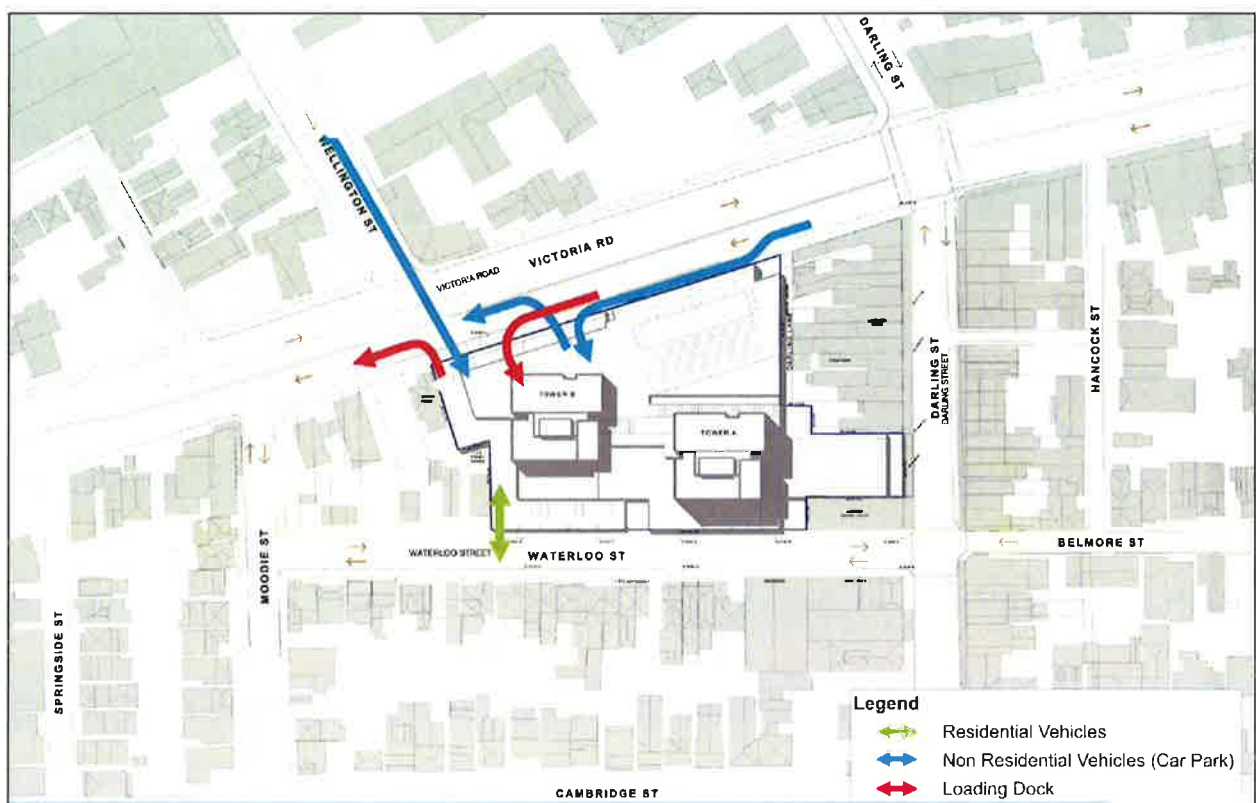


Figure 7: Proposed vehicle access arrangements from Victoria Road and Waterloo Street (Source: GTA consultants, December 2013)



Figure 8: Elevation of the Waterloo Street frontage of development (southwest elevation)
(Source: Proponent's revised PPR)

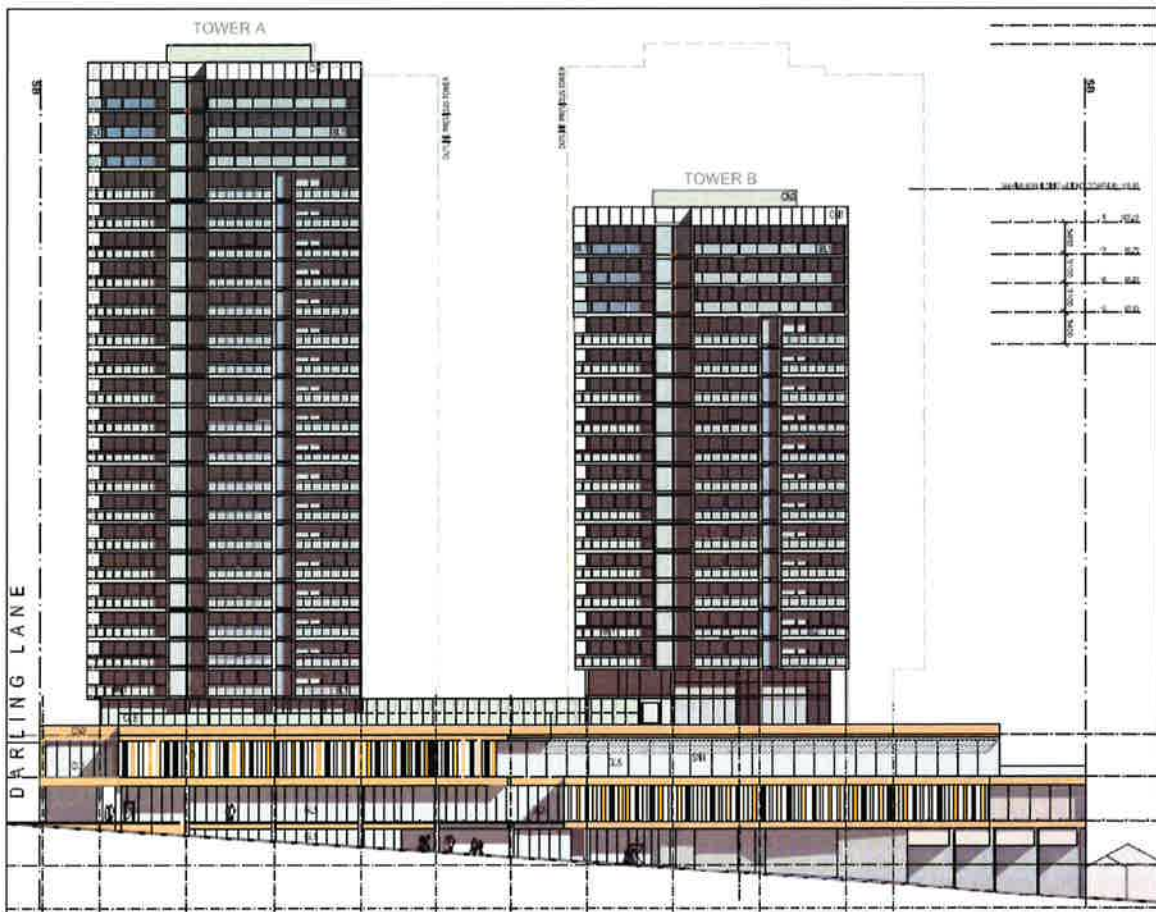


Figure 9: Elevation of the Victoria Road frontage of the development (northeast elevation)
(Source: Proponent's revised PPR)



Figure 10: Perspective of the Victoria Road frontage (looking south east) (Source: Proponent, January 2014)

2.2 Strategic Context

NSW 2021

NSW 2021 is the NSW Government's strategic business plan for setting priorities for action and guiding resource attention. NSW 2021 is a 10 year plan to rebuild the economy, provide quality services, renovate infrastructure, restore government accountability and strengthen the local environment and communities.

The Plan aims to achieve improved urban environments and ensure sustainable development through reductions in greenhouse gas emissions, development in close proximity to existing centres, services and transport and reduced traffic congestion. To contribute toward this outcome, a stated priority (E7) is to improve the efficiency of the road network with a target to improve the efficiency of the road network during peak times on Sydney's seven major road corridors (including Victoria Road).

The impact of the proposal on the Victoria Road corridor is the critical assessment issue in Planning & Infrastructure's assessment in line with the priorities of NSW 2021.

Draft Metropolitan Strategy for Sydney to 2031

The Draft Metropolitan Strategy for Sydney to 2031 (the Draft Strategy) supports the key goals, targets and actions contained within the NSW 2021 business plan and will guide the development of the Sydney Metropolitan area towards 2031. It aims to achieve the sustainable growth of Sydney, built around five key outcomes:

- balanced growth;
- a liveable city;
- productivity and prosperity;
- healthy and resilient environment; and
- accessibility and connectivity.

The Draft Strategy forecasts a population increase for Sydney of 1.3 million people by 2031, taking the total population to 5.6 million. The Draft Strategy sets a target of 545,000 additional dwellings by 2031, with minimum housing targets set for the subregions for 2021 to support the growing housing needs of Sydney.

The application site is noted as being located with the Central Subregion. The housing targets for the Central Subregion (which includes the subject site) are an additional 82,000 dwellings by 2021 and additional 138,000 dwellings by 2031. The employment targets for the Central Subregion are 135,000 additional jobs by 2021 and 230,000 additional jobs by 2031.

The accessibility and connectivity outcome contains a key action (25.1) to improve travel times and reduce congestion by implementing improvements on Sydney's high priority transport corridors including the Victoria Road corridor between Parramatta and the CBD. The Draft Strategy identifies that the delivery tool for this action is the Long term Transport Master Plan.

NSW Long Term Transport Master Plan

The NSW Long Term Transport Master Plan (the Master Plan) sets a framework for government to deliver an integrated transport system. It identifies both transport needs and a set of planned actions to respond to these needs. The Master Plan echoes the Draft Strategy by identifying the Parramatta to Sydney corridor (including Victoria Road, Rozelle as shown in yellow **Figure 11**) as one of the six most constrained strategic corridors in Sydney.



Figure 11: Parramatta to the CBD via Ryde strategic corridor shown in yellow (Source: NSW Long Term Transport Master Plan)

It further defines and articulates the role of this corridor noting that it services a range of demands for travel between the CBD and Parramatta, centres in Sydney's north such as Ryde and Macquarie Park and further to the north west. The corridor is centred on Victoria Road with the section of this road between Drummoyne and the Anzac Bridge carrying an average of 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 kilometres per hour between Hunters Hill and Rozelle.

Additionally, this section of road is one of the busiest bus corridors in Sydney with 19 bus routes carrying an average of 40,000 passengers across the Anzac Bridge each weekday. The recent opening of the duplicated Iron Cove Bridge has improved bus flow, providing city-bound trips with travel time savings of up to 17 minutes in the morning peak period along Victoria Road.

The Master Plan further forecasts high growth in this corridor due to development at Ryde, Macquarie Park, inner Sydney and Parramatta. Forecasts suggest approximately 37% growth in bus patronage by 2031.

The Master Plan identifies that capacity improvements to this corridor are limited to giving further priority to buses in the medium term and also consideration of transit options such as a Bus Rapid Transit System in the longer term. Opportunity for this may come as a result of the operation of the Northern Sector of the WestConnex project which may reduce traffic demand on Victoria Road thereby providing additional space for bus priority. It is expected that these initiatives may improve travel time by 9% for public transport and car travel times during the weekday am peak in 2031.

By virtue of its location and frontage onto Victoria Road, the proposal is heavily dependent on this road for vehicular access. The RMS and TfNSW have identified that, due to the proposed access arrangements onto Victoria Road, the proposal will have an adverse impact on the operation of this strategic transit corridor and the surrounding road network in terms of vehicle queues, intersection operation and increased bus travel times through the area (this is discussed further in **Section 5.1**).

Having regard to the above Planning & Infrastructure notes that the Victoria Road corridor is heavily constrained and congested despite recent improvements such as the Iron Cove Bridge duplication project. Further there appears to be limited scope for alternative transport options and additional capacity in the longer term that could provide significant travel time improvements. As such any significant adverse impacts to the operation of the Victoria Road are considered to have strategic level traffic and transport impacts.

Draft Inner West Sub-Regional Strategy

The Draft Inner West Sub-Regional Strategy (the Draft Subregional Strategy) sets targets of an additional 12,500 jobs and 30,000 new dwellings for the subregion by 2031 (noting above updated targets are provided in the Draft Metropolitan Plan for Sydney 2031).

The Draft Subregional Strategy also identifies Rozelle as a Village Centre and seeks to provide increased residential densities within the walking radius of smaller local centres and public transport. The provision of higher density residential development in an area with good accessibility to transport and services would provide a substantial contribution to the dwelling target for the area.

Leichhardt LEP 2000 and LEP 2013

Leichhardt Local Environmental Plan (LEP) 2013 was gazetted on 23 December 2013. The subject site is listed as a 'Deferred Matter' within LEP 2013. Therefore the provisions of the previous LEP 2000 continue to apply to the site.

As detailed in **Section 1.3**, in 2008 Council amended the Leichhardt Local Environmental Plan (LEP) 2000 by providing specific development provisions for the Balmain Leagues Club site with a view to allowing for the mixed use development of the site whilst retaining the Leagues Club.

In particular these provisions allow for a floor space ratio (FSR) of 3.9:1 and building heights of up to 12 storeys. These development standards allow for a development that would be larger in scale and highly prominent in the context of the surrounding locality, noting that the character of the surrounding area is generally up to a maximum of 2 storeys and the maximum allowable FSR for the zone is 1.5:1.

The LEP amendments are supported by an amendment to the Leichhardt Development Control Plan 2000 (DCP) to include site specific design guidelines for the development of the site.

Council also resolved to enter into a Voluntary Planning Agreement (VPA) with Balmain Leagues Club which was attached to the amendment to the Leichhardt LEP 2000. The intent of the VPA was to allow for public benefits to be delivered as part of the Balmain Leagues Club redevelopment process. These benefits are to be delivered in the form of monetary contributions, public domain improvements and ongoing community services.

Planning & Infrastructure consideration

Planning & Infrastructure considers that, on balance, there is insufficient strategic justification for the proposal, primarily due to the widespread traffic and transport impacts (as outlined in **Section 5.1**) and fundamental inconsistencies with NSW 2021 and the NSW Long Term Transport Master Plan. These impacts outweigh the benefits associated with additional employment and housing and the reinstatement of the Leagues Club on the site. There have been no mitigation measures put forward by the proponent which are acceptable to RMS, TfNSW or Planning & Infrastructure to effectively manage these impacts. On this basis, Planning & Infrastructure considers that the proposal in its original and revised forms is inappropriate for the site and the application is recommended for refusal.

3. STATUTORY CONTEXT

3.1. Continuing Operation of Part 3A

The proposal is a transitional Major Project under Part 3A of the EP&A Act as the proposal is for the purpose of a residential, commercial or retail project under the former provisions of Clause 13 of Schedule 1 of State Environmental Planning Policy (Major Development) 2005 with a capital investment value of over \$100 million.

Part 3A of the EP&A Act, as in force immediately before its repeal on 1 October 2011 and as modified by Schedule 6A to the EP&A Act, continues to apply to transitional Part 3A projects. Director-General's Environmental Assessment Requirements (DGRs) were issued in respect of this project prior to 8 April 2011, and the project is therefore a transitional Part 3A project.

Consequently, this report has been prepared in accordance with the requirements of Part 3A and associated regulations, and the Minister (or his delegate) may approve or disprove of the carrying out of the project under Section 75J of the EP&A Act.

3.2. Related Development

The Part 3A declaration by the then Minister for Planning did not include two allotments of land at 17-19 Waterloo Street and 172 Victoria Road. These two sites were purchased by the proponent following the Minister's declaration of the proposal as a Major Project and owner's consent was provided. The proposal was amended to incorporate the 2 sites and this was reflected in the exhibited EA proposal.

Planning & Infrastructure considers that as the inclusion of the additional two sites is "related development" under the EP&A Act, the development of these sites is able to be considered as part of the project application. It is noted that the inclusion of the property at 172 Victoria Road allows for potential augmentation of the existing intersection at Victoria Road and Wellington Street, which facilitates more beneficial vehicle access to the site, than if the land was excluded from the site.

3.3. Delegation

On 14 September 2011, the Minister for Planning and Infrastructure delegated his functions to determine Part 3A applications to the Planning Assessment Commission (PAC) where an application has been made by persons other than by or on behalf of a public authority and also in cases where there are more than 25 public submissions in the nature of objections or where the relevant Council object to the proposal, as is the case for this application.

As Leichhardt Council object and more than 25 submissions objecting to the proposal have been received the matter is to be referred to the PAC for determination.

3.4. Permissibility

The Leichhardt LEP 2013 identifies the site as a 'deferred matter'. Therefore, the site is subject to the provisions of the Leichhardt LEP 2000. The site is zoned "Business". The proposed residential, retail, commercial and community uses are permissible within this zone.

3.5. Environmental Planning Instruments

Under Sections 75I(2)(d) and 75I(2)(e) of the EP&A Act, the Director-General's report for a project is required to include a copy of, or reference to, the provisions of any State Environmental Planning Policy (SEPP) that substantially governs the carrying out of the project, and the provisions of any environmental planning instruments (EPI) that would (except for the application of Part 3A) substantially govern the carrying out of the project and that have been taken into consideration in the assessment of the project.

Planning & Infrastructure has considered the proposal against the aims and objections of the relevant SEPPs and EPIs. The proposal is inconsistent with the objectives of State Environmental Planning Policy (Infrastructure), Sydney Regional Environmental Plan (Sydney Harbour Catchment) and SEPP 65 – Design Quality of Residential Flat Buildings by virtue of the traffic, transport and built form/design quality impacts. Detailed consideration of all relevant SEPPs and EPIs is provided in **Appendix F**.

3.6. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the EP&A Act, as set out in Section 5 of the EP&A Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment, and*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land, and*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes, and*
 - (v) *the provision and co-ordination of community services and facilities, and*
 - (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*

- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

While the proposal includes benefits such as increased housing, reinstatement of the club and additional retail facilities within the Rozelle Centre, the proposal is not considered to provide for the orderly or economic use and development of the land given the significant traffic and transport impacts on the Victoria Road corridor and the surrounding road network. The increased congestion and travel times along this strategic transport corridor and on the surrounding network would give rise to significant social and economic costs to the wider public.

In addition, the proposal is not considered to achieve the object of the Act in relation to ecologically sustainable development as discussed in **Section 3.7** below.

Planning & Infrastructure has considered all relevant objects of the Act and concludes that, on balance, the proposal does not satisfactorily meet these objects.

3.7. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle;*
- (b) *inter-generational equity;*
- (c) *conservation of biological diversity and ecological integrity; and*
- (d) *improved valuation, pricing and incentive mechanisms.*

From a broad land use perspective, the proposed mix of residential, retail and commercial uses within an established urban area with good access to public transport, amenities, services and employment represents sustainable development. However the scale, density and design of this specific development is considered to be unsustainable due to impacts associated with traffic and transport.

The assessment has concluded that the traffic generation and access arrangements associated with this development would significantly impact upon travel times and the efficient operation of public transport within the surrounding road network, including the Victoria Road strategic transport corridor, which is inconsistent with principles of ecologically sustainable development.

Planning & Infrastructure also considers the scale and density of the development to be unsustainable with respect to such impacts, noting the direct correlation between density, land use, car parking requirements and resultant traffic generation.

Noting the significant issues associated with traffic and transport, and to a lesser degree, the built environment, Planning & Infrastructure considers that the proposal is inconsistent with some of the key principles of ESD.

Planning & Infrastructure's detailed consideration of relevant of ESD principles is included at **Appendix F**.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

4.1.1 Environmental Assessment

Under section 75H(3) of the EP&A Act, the Director-General is required to make the EA of an application publicly available for at least 30 days. Planning & Infrastructure publicly exhibited the EA for an extended period of 62 days from 18 April 2012 until 18 June 2012. The EA was made available on Planning & Infrastructure's website, and at Planning & Infrastructure's information centre, Leichhardt Council office and the Balmain Library. Planning & Infrastructure also advertised the public exhibition in the Sydney Morning Herald and Daily Telegraph on 18 April 2012 and in the Inner West Courier on 19 April 2012. Surrounding landholders and relevant State and local government authorities were notified in writing.

A model of the proposal was also available for public viewing during the exhibition of the application.

Planning & Infrastructure received 15,023 submissions during the exhibition of the EA comprising 12 submissions from public authorities and 15,011 submissions from the general public and special interest groups.

4.1.2 Preferred Project Report

Given the nature and extent of the revisions contained within the Preferred Project Report (PPR), Planning & Infrastructure considered it appropriate to also formally exhibit the PPR. The PPR was publicly exhibited through the same measures as the EA between 7 November 2012 and 10 December 2012 (34 days).

Planning & Infrastructure received 12,546 submissions during the exhibition of the PPR comprising 10 (including RMS) submissions from public authorities and 12,536 submissions from the general public and special interest groups.

A summary of the issues raised in submissions to the EA and PPR is provided in **Sections 4.2** and **4.3** below.

4.2. Public Authority Submissions

Twelve submissions were received from public authorities in response to the EA and a further 10 (including that from RMS) submissions in response to the PPR. Submissions were received from Leichhardt Council, Roads and Maritime Services, Transport for NSW, State Transit Authority, Department of Education & Communities, NSW Police, Air Services Australia, Department of Infrastructure & Transport, Sydney Airport Corporation Limited, Civil Aviation Safety Authority, Office of Environment & Heritage and Sydney Water.

Council, Transport for NSW and RMS also made submissions to the Revised PPR submitted in July 2013. Transport for NSW and RMS made a submission to additional information submitted in December 2013.

The submissions from public authorities are summarised in **Table 2**.

Table 2: Summary of Issues Raised in Public Authority Submissions

Leichhardt Council	
EA	Leichhardt Council objects to the proposal on the following basis: <ul style="list-style-type: none">inconsistency with the NSW 2021 and the metropolitan and subregional strategies;

- inconsistency with local policy including the site specific planning controls under the Leichhardt Local Environmental Plan 2000;
 - excessive height, FSR and bulk/scale;
 - architectural merit;
 - urban design;
 - sustainability;
 - internal amenity;
 - impacts on the amenity of adjoining and nearby residences;
 - visual impacts;
 - traffic impacts;
 - impacts on existing local shopping areas; and
 - social impacts, safety and pedestrian accessibility.
- Council's submission was supported by the following technical reports:
- an Economic Impact Assessment prepared by Leyshon Consulting;
 - a Traffic and Transport Review prepared by ARUP; and
 - photomontages prepared by Haycraft Duloy.

<i>PPR</i>	<p>Council reiterated previous comments and provided the following additional comments:</p> <ul style="list-style-type: none"> • does not support the proponent's justification for increased height and density and the relevance of the precedent cases put forward by the proponent; and • additional comments on the revised proposal in terms of retail impacts, traffic impacts and urban design concluding that the impacts remain significant.
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<i>Revised PPR</i>	<p>Council stated that the following critical issues have not been adequately addressed in the Revised PPR:</p> <ul style="list-style-type: none"> • the proposal does not provide adequate justification for putting aside the considered and accepted planning framework for a Major Project at the site; • the proposal continues to result in significant and permanent detrimental impacts on Rozelle and Balmain high streets; • the proposal 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 continues to result in a significant impact on surrounding residential streets and the future trading of the existing retail shopping strip characteristic of Rozelle; • the proposal continues to result in unacceptable impacts on the surrounding traffic network, including Victoria Road; and • the commitment of the proponent to returning the Tiger's Club to the site further comes into question given the size of the proposed Club has again been reduced. 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.
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Consequently, the proposal in its current form is not supported by Council and it is not considered to be in the public interest to proceed.

Roads and Maritime Services (RMS)

<i>EA</i>	<p>RMS raised the following concerns:</p> <ul style="list-style-type: none"> • the proposed 4th leg of the intersection of Victoria Road and Wellington Street would result in increased bus travel times and vehicle queues along this section of Victoria Road; • impacts of the proposal on the intersection of Victoria Road and the
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Crescent;

- recommended that Council should be consulted on potential impacts on businesses as a result of proposed removal of on street parking along Victoria Road;
- increased queuing along Darling Street as a result of the proposal; and
- increase in pedestrian activity along Victoria Road.

The RMS advised that an alternative access arrangement with a relocated left-in left-out vehicular access point separated from the intersection further to the east on Victoria Road could be considered subject to modelling.

Also, any project approval would require RMS approval for the vehicular access onto Victoria Road and the proposed changes to the signalised intersection of Victoria Road and Wellington Street.

Transport for NSW (TfNSW)

EA Requested additional information to allow for consideration of impact of proposal on the CBD Metro Corridor.

Transport for NSW and RMS

PPR Key issues include:

- A critical issue for both RMS and TfNSW is the operation of Victoria Road.
- An independent audit carried out on behalf of the RMS found that the traffic modelling is not fit for purpose. Therefore, TfNSW and RMS are not in a position to support the proposed development until such time that the applicant can adequately demonstrate that the development will not have an adverse traffic impact on the road network;
- Concerns are raised with the design of the proposed Victoria Road Wellington Street intersection. A road safety audit should be carried out to address these concerns;
- The PPR and TMAP do not address delays to bus operations on Darling Street or the growth in bus numbers over the life of the completed development;
- The proposed porte cochere accessed off Victoria Road could potentially affect bus operation on Victoria Road; and
- Bus stop location and design should be clarified.

Further to the above TfNSW provided its concurrence subject to conditions in accordance with the Infrastructure SEPP for the proposed development, noting that it is within the zone of influence of the metro running tunnels.

Revised PPR TfNSW and RMS advise that following the updated independent audit by PB and their own further review, the proposed development will have adverse traffic and transport impacts on the existing road network within the Rozelle/Balmain precinct. This is primarily as a result of the proposed intersection design and the signal rephasing to accommodate the vehicular access onto Victoria Road. These impacts include:

- Additional queuing and delays for vehicles on Darling Street, City West Link Road, Victoria Road, The Crescent and the Anzac Bridge; and
- Increased travel times for buses using Victoria Road and Darling Street.

Further to the above, the RMS identified road safety issues associated with the proposed intersection design.

Additional information TfNSW and RMS advise that the proposed development will continue to have adverse impacts on the existing road network within the Rozelle/Balmain precinct in the PM peak period. These impacts include:

- Additional queuing and delays for vehicles on Darling Street and Waterloo Street;
- Increased travel times for buses using Darling Street and Victoria Road;
- Significant queuing and delays internal to the basement car parks due to congestion on the local road network;

A number of errors were also identified in the modelling.

RMS also provided comments on the Victoria Road access and loading dock, noting the proximity of the exit to the traffic signals and short distance for queuing. Conditions were also provided in relation to the management of the loading dock.

NSW Transport Sydney Buses (State Transit Authority (STA))

- EA** STA raised the following concerns:
- impacts on bus travel times along Victoria Road;
 - access to bus stops should be updated to meet accessibility standards;
 - the development should cater for Metro rail within the site; and
 - a detailed construction management plan should be approved by Council, STA and RMS.

- PPR** Sydney Buses reiterated previous concerns raised and provided the following additional comments:
- the porte-cochere needs to be enlarged to ensure its practical functioning or removed from the proposal;
 - the proposed relocation of the bus stop on the southern side of the Victoria Road, east of Darling Street should be further considered by STA and RMS;
 - the removal of parking along Victoria Road and Darling Street is supported; and
 - additional details on construction traffic are required.

Department of Education & Communities (DEC)

- EA** DEC raised the following concerns:
- traffic impacts on the Rozelle Village Public School;
 - road and pedestrian safety is not adequately addressed;
 - cumulative impacts of the proposal and other developments in the area;
 - the scale of the proposal is out of character with the local village context, in terms of height and density; and
 - impacts the privacy and security of primary school students and the appropriateness of the gaming area and terrace facing the school.

DEC provided recommendations to minimise construction impacts on Rozelle Public School.

- PPR** DEC reiterated the concerns previously raised and also commented on the need for direct consultation between the proponent and the Rozelle Village Public School.

NSW Police

- EA** NSW Police provided the following comments:
- the club trading hours should be restricted to between 10.00am to 12 midnight (Monday to Saturday) and 10.00am to 10.00pm (Sunday);
 - Closed Circuit Television (CCTV) should be installed in and around the premises;
 - the Club should participate in the local liquor accord;
 - noise impacts from the premises should be appropriately managed; and
 - the proposed shuttle bus and taxi drop off/pick up location is not

	supported within Waterloo Street.
PPR	NSW Police reiterated the same comments provided above, with the exception of the proposed Waterloo Street drop off/pick up location which was deleted.
Air Services Australia (ASA)	
EA	ASA advised that the proposed height intrudes into the PANS-OPS airspace for Sydney Airport and cannot be approved as proposed.
PPR	ASA advised that the revised building height will not affect any airspace restrictions. The ASA has no further objections to the proposal.
Department of Infrastructure and Transport (DoIT)	
EA	DoIT advised that the proposed height intrudes into the PANS-OPS airspace for Sydney Airport and cannot be approved as proposed.
PPR	No submission provided.
Sydney Airport Corporation Limited (SACL)	
EA	SACL advised that the proposed height intrudes into the OLS and PANS-OPS airspace for Sydney Airport and cannot be approved as proposed.
PPR	Acknowledged that buildings no longer protrude into the OLS or PANS-OPS, however raised concerns that cranes may still penetrate these surfaces. Commonwealth approval would therefore still be required for the construction work to commence.
Civil Aviation Safety Authority (CASA)	
EA	CASA advised that it is unable to comment on the proposal until a direct application is made with DoIT and SACL.
PPR	No submission provided.
Office of Environment and Heritage	
EA	OEH advised that it has no interest in the proposal, with the exception of European Heritage, which is to be addressed by the OEH Heritage Branch. The Heritage Branch however has not made a submission on the proposal.
PPR	OEH advised that it has no interest in the proposal and has not reviewed the PPR.
Sydney Water	
EA	Sydney Water provided advice on connections for water and sewer.
PPR	No submission provided.

The issues raised by public authorities are addressed in **Section 5** of this report.

4.3. Public Submissions

4.3.1 Submissions to the EA

Planning & Infrastructure received 15,011 public submissions in response to the exhibition of the EA. Of the 15,011 public submissions, 9,179 (approximately 61%) supported the project, 5,797 (approximately 39%) objected to the project and 35 (<1%) provided general comments. In addition to the 15,011 submissions, a petition objecting to the proposal was also submitted to Planning & Infrastructure containing 107 signatures.

The public submissions included submissions from the following special interest groups:

- NSW Business Chamber;
- Rozelle Residents Action Group; and
- Rozelle Public School.

In addition, submissions were received from nearby property owners which included specialist economic and traffic advice:

- Anka Property Group, the applicant of a Planning Proposal at 118-124 Terry Street; and
- Abacus Property, the owner of Birkenhead Shopping Centre.

The 15,011 public submissions included:

- 2,278 individual letters of objection;
- 3,519 proforma letters of objection;
- 114 individual letters of support;
- 9,065 proforma letters of support; and
- 35 submissions providing comments.

The key issues raised in the individual public submissions of objection and support are listed in **Table 3** and **Table 4** respectively.

Table 3: Summary of Key Issues Raised in individual Public Submissions of Objection

Issue	Proportion of submissions (%)
Traffic	80
Visual impact and local character	72
Density	62
Impacts on existing retailers/businesses	58
Height	52
Social implications of high density development	49
Overshadowing	34
Impacts on amenity and village atmosphere	32
Lack of transport infrastructure	30
Capacity of local schools	18
Inadequate car parking and loss of on-street spaces	17
Impact on Rozelle Village Public School	17
Excessive retail floor space	12
Noise	10
Privacy	9

Issue	Proportion of submissions (%)
Pedestrian safety	8
Construction safety	8
Environmental impacts	8

The key issues raised in the 3,519 proforma letters of objection were:

- impacts on local business/retailers;
- height, bulk and scale;
- density;
- traffic;
- dependency on car use;
- overshadowing;
- privacy;
- poor design and internal amenity;
- insufficient community consultation; and
- social impacts

Table 4: Summary of Key Issues Raised in individual Public Submissions of Support

Reasons for Support	Proportion of submissions (%)
The return of the Balmain Leagues Club	62
Economic boost to local economy	56
Increase in retail facilities	54
Increased car parking	34
Local investment and jobs creation	33
Additional community/leisure facilities	31
Additional housing provision	28
ESD	25
Improvement to Balmain Leagues Club facilities	15
Removal of on-street parking and improvement to traffic conditions	6

The 9,065 proforma letters of support provided the following key reasons for supporting the proposal:

- return of the Balmain Leagues Club;
- improvements to traffic management, including support for removal of spaces along Darling Street;
- local investment and job creation;
- additional housing; and
- the site is ideal for redevelopment (compared to many other constrained sites in the locality).

4.3.2 Submissions to the PPR

In response to the exhibition of the PPR, 12,536 submissions were received from the public. Of the 12,536 public submissions, 5,281 (approximately 42%) supported the project, 7,236 (approximately 58%) objected to the project and 19 (<1%) provided general comments.

The 12,536 public submissions included:

- 1,632 individual letters of objection;
- 5,604 proforma letters of objection;
- 62 individual letters of support;
- 5,219 proforma letters of support; and
- 19 submissions providing comments.

The key issues raised in the individual public submissions of objection and support are listed in **Table 5** and **Table 6** respectively.

Table 5: Summary of Key Issues Raised in individual Public Submissions of Objection

Issue	Proportion of submissions (%)
Increased traffic and congestion	78
Visual impact and out of character with surroundings	69
Height	56
Density / overdevelopment of the site	55
Negative impact on small businesses	51
Negative impact on existing amenity	41
Overshadowing	32
Social problems with high density living	29
Lack of transport infrastructure	26
Inadequate parking / loss of street parking / increase traffic from car park	14
School capacity	14
Overlooking into the school grounds and construction impacts	14
Noise	14
Over 3 years of concerns during construction	14
Negative impact on environment, air quality, water quality	13
Excessive retail space	11
Traffic safety and implications for pedestrians	10
Misleading development, Club not certain to return and only 5% of floorspace for Club	10

The key issues raised in the 5,604 proforma letters of objection were:

- density and height of the proposal;
- overshadowing;
- traffic and congestion;
- lack of infrastructure to support proposal;
- excessive retail space which would negatively impact upon small business;
- safety concerns during construction;
- heavy vehicle traffic accessing the site conflicts with the use of Victoria Road; and

- taxi porte-cochere is in a dangerous position and will conflict with pedestrians and school students.

Other issues raised in objection included:

- oppose proposal, however would support a redevelopment to a smaller scale;
- increase in housing not required as Leichhardt LGA can already achieve housing targets;
- concerns over use of back streets and no right turn onto Victoria Road;
- no solution to traffic has been proposed such as an overpass or tunnel;
- loss of privacy;
- loss of views;
- inconsistent with Council policy;
- government meant to revoke Part 3A process;
- decline in nearby property values;
- set precedent for further developments;
- decision was to be made at local level not at State level;
- ambit claim;
- previous plans already rejected;
- no green space / park or playground;
- wind tunnel effect;
- height only 2 metres below airport limits;
- oppose support submissions who are not Rozelle residents; and
- property damage.

Table 6: Summary of Key Issues Raised in individual Public Submissions of Support

Reasons for Support	Proportion of submissions (%)
ESD / more sustainable living / growth	74
Increase the appeal of and boost the local economy	47
Provide community and leisure facilities	42
Return of Balmain Leagues Club	29
Provides additional housing	27
Provides jobs	24
Increases in parking	15
Convenient and reduces kilometres travelled	15
Increase retail facilities	11
Improves Club facilities	10
Improves local business	6

The key issues raised in the 5,219 form letters of support were:

- support the clubs future and return the Balmain Tigers to their rightful home;
- increase the appeal and boost the local economy and provide new jobs;
- will provide community and leisure facilities; and
- improve local business and support the local community.

4.3.3 Submissions to the Revised PPR

In response to the receipt of the revised PPR, 267 submissions were received from the public. One submission supported the project, 265 (approximately 99.3%) objected to the project and one provided general comments.

The key issues raised in the individual public submissions of objection are listed in **Table 7**.

Table 7: Summary of Key Issues Raised in individual Public Submissions of Objection

Issue	Proportion of submissions (%)
Traffic	79.8
Height / breach of the LEP requirements	69.3
Local Shopping / Business Area Negatively impacted	51.7
Overshadowing of Property, Loss of Solar Access	50.6
Bulk and Scale	43.4
Out of Character with the locality	39.7
Reduce Village Feel/Amenity	39.7
Construction Impacts on locality	31.1
Not in Public Interest	25.1
Bus Travel Times Increased	24.3
Overdevelopment of Rozelle Area	20.2
Safety concerns with Victoria road intersection	19.9
Noise	18.4
Proposed commercial Floor Space	16.1
Visual Impact	16.1
Parking impacts on local roads	15.4
Safety of Pedestrians and road users	12.7

Planning & Infrastructure has considered the issues raised in submissions in its assessment of the project, which is included in **Section 5** of this report.

4.3.3 Submissions to Additional information

The Rozelle Residents Action Group made a further submission to the additional information provided by the proponent in December 2013. This submission objects to the proposed access arrangements and the general traffic/transport impacts on the locality and wider road network.

4.4. Proponent's Response to Submissions

The proponent provided a response to the key issues raised by the submissions in response to the exhibition of the EA and PPR. Key changes to the scheme as a result of the PPR are summarised in **Section 2.1.2** of this report.

The proponent's full response to submissions to the EA and PPR is included at **Appendix C** and **D**. The revised PPR received on 15 July 2013 and additional information received on 11 December 2013 was submitted following further detailed discussions between the proponent, Planning & Infrastructure and relevant agencies.

5. ASSESSMENT

The application has been the subject of a long and comprehensive assessment process. Planning and Infrastructure has worked closely with the proponent and relevant public authorities and carefully considered all issues raised in public submissions throughout the assessment process.

The key determinative assessment issue is traffic and transport, and Planning & Infrastructure has ultimately found that the proposal cannot be supported as a result of the predicted significant adverse impacts on the surrounding road network.

Planning & Infrastructure has also carefully assessed the built form impacts of the proposal and would recommend reconsideration of the built form, if the application was to be supported. A range of other issues has also been considered, and a position has been provided on public benefits, retail economic impacts, podium form, streetscape, residential amenity, noise, car parking, overshadowing, privacy and wind impacts.

5.1. Traffic and Transport

Vehicular access to and from Victoria Road is a key component of the proposal, particularly the retail component which requires direct vehicular access from Victoria Road. However, this is also one of the greatest constraints of the site as Victoria Road is a highly congested transport corridor. Traffic conditions within the local road network surrounding the site are also highly constrained due to a range of turning restrictions onto Victoria Road. These restrictions are designed to manage local traffic and the operational efficiency of Victoria Road.

As outlined in **Section 2.2**, Victoria Road has recently been upgraded, through the duplication of the nearby Iron Cove Bridge and provision of transit lanes, to provide improved levels of service for buses along the Inner West Busway. There are limited opportunities for any further improvements to this corridor and the RMS has advised that it will not support any development which jeopardises the operation of Victoria Road, in particular the Inner West Busway.

The traffic and transport impact of the proposal is therefore the key issue in Planning & Infrastructure's assessment.

Proponent's justification

The proponent has engaged GTA consultants (formerly Halcrow) to provide a Transport Assessment for the proposal. Over the course of the assessment, GTA has worked with Planning & Infrastructure and RMS to provide an acceptable solution to accommodate the additional traffic generated by the proposal. During this time, a number of intersection designs were proposed to provide a fourth leg to the existing signalised intersection at Victoria Road and Wellington Street in order to provide vehicular access for non-residential (ie. retail, club and other uses) traffic.

However, the currently proposed vehicular access design has replaced the fourth leg at this intersection with a separate left in/left out access arrangement for non-residential vehicles from Victoria Road to the south east of the existing signalised intersection. Through movements are proposed within the existing intersection to provide entry into the site from Wellington Street. Refer to **Figure 7 (Section 2.1)**.

Access to the residential car parking levels is provided via Waterloo Street only.

The proponent proposes restricted loading dock access and additional parking restrictions/clearways on Victoria Road, Darling Street and Wellington Street to minimise the traffic generation impact on the local road network as outlined in **Table 1 (Section 2.1)**.

GTA considers that the operation of the road network in the AM and PM peak does not experience a significant decrease in performance as a result of the proposal. GTA also advises that bus travel times along Victoria Road are maintained in the AM peak and will only experience minor impacts in the PM peak.

GTA has also proposed signal re-phasing of the intersection of Victoria Road and Darling Street, to provide an additional 4 seconds of green time to the Victoria Road phase. GTA acknowledge that buses along Darling Street will experience delays, however attribute the bulk of this impact to future growth, rather than as a result of the traffic generated by the proposal or revised phasing at this intersection.

Council's submission

Council engaged ARUP to provide advice on the traffic impacts of the proposal. ARUP raised the following concerns regarding the revised PPR:

- possible modelling errors leading to underestimation of impacts on the road network;
- the cumulative traffic impacts as a result of the proposal and other developments in Rozelle and Balmain;
- impacts of additional traffic on local streets, including Terry Street and Wellington Street; and
- removal of on-street parking on Darling Street on Saturdays.

TfNSW and RMS consideration

TfNSW and RMS jointly considered the proposal and engaged Parsons Brinckerhoff (PB) to undertake an independent audit of the proponent's modelling.

TfNSW and RMS have raised strong concerns in relation to impacts on the surrounding road network, impacts on bus travel times and the vehicular access arrangements from the site. These are outlined below.

(a) Impacts on the surrounding road network

The modelling audit undertaken by PB revealed that the proposal will have a significant impact on roads surrounding the development. In particular:

- Darling Street - extensive queuing and delays during the PM peak (increase from 37 metres to 866 metres - refer to **Figure 12**) as a result of increased traffic and the proposed changes to the signal timing at the intersection of Darling Street and Victoria Road; and
- Waterloo Street - queuing and delays in the PM peak, to the extent that it will cause up to 30 minute delays exiting the proposed residential car park.

In addition, PB advised that the modelling shows extensive queuing of an additional 2.2 km on the Anzac Bridge, 2.4 km on The Crescent, 5.2 km on the City West link and 279 metres on James Craig Road during the PM peak as a result of the proposal. PB has identified that this is a result of a modelling error by the proponent's consultants, whereby the model utilises only 2 of the 3 lanes available for trips from the City West Link and Anzac Bridge into Victoria Road. When this error is rectified, it is likely that up to 1,600 additional vehicles would travel north west onto Victoria Road in the PM Peak. Therefore, the majority of the extensive queuing depicted on the Anzac Bridge and City West Link would in fact occur on Victoria Road.

(b) Impacts on bus travel times

The additional delays and queuing along Darling Street will also impact on bus travel times across a range of routes through the area. PB estimates that the worst affected bus routes along Darling Street are:

- Manning Street to Wise Street (750 metres) - a 4 minute increase in travel time (from 4 minutes to 8 minutes); and

- Manning Street to Joseph Street (800 metres) - a 5 minute increase in travel time (from 6 ½ minutes 11 ½ minutes). Refer to **Figure 13**.



Figure 12: Impacts on Darling Street queue length during the PM peak. (Source: TfNSW submission)



Figure 13: Worst affected bus routes due to queuing along Darling Street (Base Image Source: Google Maps, 2014)

This is attributed to the additional traffic generated by the development, in conjunction with the proposed revised phasing to the traffic signals at Victoria Road and Darling Street. RMS has advised that the existing traffic signal phasing has been optimised to achieve the best possible balance for high traffic volumes on Victoria Road and Darling Street. Even the minor phasing changes made by the proponent would alter this balance and effectively double the travel time through Rozelle for the worst affected bus routes in the PM peak.

(c) Vehicular Access arrangements

The RMS also raised concern that vehicles will queue for over 10 minutes to exit the retail car park onto Victoria Road. This is primarily due to the location of the exit point only 25 metres from the Victoria Road and Wellington Street intersection. This provides a very short distance for vehicles to queue before blocking the exit, and therefore cause delays. Delays are further exacerbated by pedestrians crossing the footpath across the exit driveway.

PB has also advised that congestion on Waterloo Street is predicted to be so severe that residents may experience delays of up to 30 minutes exiting the site onto Waterloo Street.

Concerns were also raised that the extensive queuing and delays within the car parks may compromise driver and pedestrian safety, with drivers potentially becoming impatient and taking risks upon exiting the site.

As a result of the significant traffic and transport impacts resulting from the development, TfNSW and the RMS do not support the proposal in its current form.

Proponent's response to TfNSW and RMS submission

GTA provided a response to the issues raised by TfNSW and RMS. GTA refuted the conclusions made by TfNSW and RMS and considered that the findings of the PB audit were incorrect and misleading. GTA provided revised modelling which corrected the errors identified by PB, and considers that the corrections result in marginal improvements to traffic conditions in the locality.

Independent Peer Review

Planning & Infrastructure engaged Aurecon to undertake an independent peer review of the traffic and transport impacts to assist Planning & Infrastructure in its assessment (**Appendix G**). Aurecon reviewed the proponent's Traffic Assessment and TfNSW, RMS and Council's submissions and provided the following comments:

- the proposal would cause adverse traffic impacts in Darling Street, Wellington Street and Waterloo Street;
- the proposal would cause significant travel time increases for buses travelling along Darling Street during peak periods;
- the proposal would cause safety issues on Waterloo Street and at the intersection of Waterloo Street and Darling Street, due to additional traffic and increased pedestrian activity;
- exiting vehicles would experience significant delays and congestion from the retail and residential car parks during peak periods; and
- the GTA model contains a number of errors which result in unexpected model performance, and significant delays and congestion immediately outside the study area.

Aurecon also reviewed GTA's response to the TfNSW and RMS submission. Aurecon advised that the GTA revised model indicates significantly less queuing from the residential car park, however the model still showed significant queuing of up to 10 minutes from the retail car park.

Aurecon advised that it considered that the majority of issues raised by TfNSW and RMS remain unresolved, specifically the queuing and delays along Darling Street and increase in bus

travel times. Aurecon therefore advised that the above comments remain relevant (with the exception of delays from the car park exit to Waterloo Street).

In summary, Aurecon generally agrees with TfNSW's and RMS' conclusions, and considers that the revised proposal does not satisfactorily address the traffic implications on the surrounding road network and transport system.

Planning & Infrastructure's consideration

Planning & Infrastructure has carefully considered the analysis provided by the proponent, Council, TfNSW, RM and Aurecon. The key issues are addressed in turn below.

(a) Impacts on the surrounding road network

The detailed assessment undertaken by TfNSW and RMS (including the modelling audit by PB) reveal that the current traffic design still has significant traffic impacts on the surrounding road network. Aurecon also agreed with the TfNSW and RMS findings, noting that the delays and congestion on the surrounding road network are a direct result of the proposed development.

The proponent has sought to demonstrate that the impacts on Victoria Road are acceptable. GTA has proposed to re-phase the traffic signals at Victoria Road and Darling Street, by reducing the phasing by 4 seconds to Darling Street, thereby allowing an additional 4 seconds to Victoria Road to offset the traffic impacts of the development.

Although this change appears minor, the RMS has advised that the current intersection phasing has been programmed to ensure optimum operation of both Victoria Road and Darling Street. The proposed re-phasing is likely to have severe impacts on Darling Street, with over 800 metres of additional queuing predicted for north-west bound traffic toward the Victoria Road intersection during the PM peak (see **Figure12**).

GTA's model has also restricted access to Victoria Road from the Anzac Bridge and City West link, thereby lessening the perceived impact on Victoria Road. This was an error in the model, with the analysis provided by TfNSW and RMS indicating that up to 1,600 vehicles on Victoria Road in the PM peak may be unaccounted for in the GTA modelling. This additional traffic is likely to have severe impacts on the Victoria Road strategic transport corridor.

It is clear that the proponent's model has sought to minimise the impact on Victoria Road, however this is at the direct expense of the surrounding road network, which is evident by the 800 metre additional queue lengths on Darling Street. The proponent's primary response to the traffic queuing and delays on the surrounding road network has been to restrict on-street parking to provide additional capacity within the exiting streets. It is considered that this alone, however, does not overcome the severity of the impacts.

On the basis of the adverse traffic impacts to the surrounding road network, as confirmed by the advice of the RMS and Planning & Infrastructure's independent traffic consultant, the Agency cannot support the proposal in its current form.

(b) Impacts on bus travel times

The impact on bus travel times is also a key concern to Planning & Infrastructure. Increases of 4 and 5 minutes to bus travel times, over 750 and 800 metre distances, are unacceptable and in direct contrast to the objectives of the Long Term Transport Master Plan, which identifies the need for improvements to public transport services and efficiency.

Further, although the increases to the bus travel times on Victoria Road are estimated by the proponent to be minor, Planning & Infrastructure is concerned that the impact would be far greater, particularly in the PM peak where PB has identified a significant modelling error in relation to the operation of Victoria Road.

Given the recent improvements to bus travel times along Victoria Road with the Iron Cove Bridge duplication and dedicated transit lanes, Planning & Infrastructure cannot responsibly recommend that a development which jeopardises the efficiency of these services along a strategic transit corridor be supported.

(c) Vehicular Access arrangements

The RMS has raised a number of serious concerns in relation to vehicular access from Victoria Road which have not been satisfactorily overcome by the proponent, despite the numerous options presented over the course of this assessment. The congestion on roads around the site and the design/location of the access points are likely to cause lengthy delays exiting the site. The Victoria Road exit point also conflicts with a pedestrian crossing, causing significant concerns for passenger and vehicle safety.

Further should the development proceed there is a risk that the internal queuing, delays, and safety issues associated with this access may necessitate amendments to the Victoria Road vehicular exit design once these problems are realised after completion of the development. TfNSW and RMS may then be pressured into accepting a greater level of access to Victoria Road, which would be likely to have further adverse impacts on the operation of the strategic transport corridor.

The access arrangements have not been satisfactorily resolved. In its current form, the design cannot provide convenient and safe vehicular egress onto Victoria Road and any redesign to resolve this issue has the potential to exacerbate predicted significant traffic impacts on the surrounding road network.

Conclusions

Whilst Planning & Infrastructure acknowledges that the site is strategically located for higher density development, a detailed analysis of traffic and transport issues reveals that the constraints of the surrounding road network pose a significant challenge to this development

The issues jointly raised by TfNSW and RMS, and confirmed by Aurecon, indicate that traffic and transport is a fundamental impediment to achieving the proposed development outcome. In particular, the traffic generated by the (primarily retail) land use mix and scale of the proposed development cannot be accommodated without unacceptable adverse impacts to the operation of both Victoria Road, and the road network surrounding it (or both). This also impacts on the operation of bus services (being the only form of public transport) in the locality.

The impacts on the Victoria Road corridor are fundamentally inconsistent with the Long Term Transport Master Plan, which seeks to reduce congestion and improve bus and car efficiency, while accommodating for future traffic growth. The intersection phasing, turning restrictions and clearways along Victoria Road are finely tuned by the RMS to provide for the optimal functioning of the corridor and surrounding road network. The proposal has critical implications on this corridor which, after lengthy and detailed consideration by Planning & Infrastructure, TfNSW, RMS and Aurecon, are considered to be insurmountable. In this regard, RMS has provided clear advice that it cannot support approval of the project on the basis of its findings which are agreed to by Planning & Infrastructure's independent traffic consultant.

Furthermore, the site access issues at Victoria Road and Waterloo Street, in relation to safety and on-site queuing, have not been resolved.

Overall, it is considered that the traffic and transport impacts are fundamentally inconsistent with the established strategic transport framework for the locality. The impacts of the development outweigh any benefits offered by the proposal and there has been no workable solution provided by the proponent to overcome the traffic and transport issues.

Planning & Infrastructure therefore cannot support the application on the following grounds:

- predicted adverse impacts on the operation of the road network surrounding the site;
- predicted adverse impacts on bus services, including significant increased travel times for routes along Darling Street; and
- the development does not allow vehicles to exit the site from Victoria Road in a safe and efficient manner.

5.2. Tower Built Form

The proposal comprises two residential towers above a podium with total building heights of 24 storeys (RL122) and 20 storeys (RL 106.92 AHD) including the podium.

The built form of the towers has been one of the key issues identified by Planning & Infrastructure throughout the assessment of this application. The original proposal, as identified in the EA, proposed tower heights of 32 and 26 storeys (inclusive of podium). In response to continued concerns raised by Planning & Infrastructure, Council and the community regarding the height, scale and bulk of the proposed towers the proponent has reduced the height and width of the proposed towers. In particular the height of the towers was reduced to 25 and 24 storeys in the PPR and then again to 24 and 20 storeys in the revised PPR.

Notwithstanding the reductions to the proposed tower height and width through the assessment process, Planning & Infrastructure notes that the maximum proposed 24 storey height remains double that allowed by the site specific LEP 12 storey height control which itself allows for a development significantly higher than the low rise 2 storey character of Rozelle. Noting this, a key issue associated with this aspect of the proposal is the appropriateness of the proposed tower height and bulk in the local context having regard to the visual impacts of the towers on the surrounding area.

Proponent's justification

Prior to the preparation of the EA, the proponent engaged Inspire Urban Design to undertake an urban design analysis of the site. Inspire notes that the site is located on a highly visible ridgetop and provides the opportunity for an iconic landmark development. The large landholding also offers an opportunity to provide additional housing close to established transport and services, supporting the proposed large scale tower development. These two objectives, established by the proponent, have been forefront in the design process for the tower forms.

The proponent provided the following justification for the proposed tower built form within the revised PPR:

- the reduction and stepping of the tower heights (to 24 and 20 storeys) reduces the visual bulk and mass of the development and responds to the topography of the land;
- the towers are setback 24 metres apart and offset to read as two separate towers when viewed from a distance and neighbouring street;
- the towers have a vertical emphasis in their form to reduce the bulk of the development; and
- the upgraded external finishes provide greater durability and light appearance to the towers.

Council submission

Leichhardt Council constituted a Design Review Panel to provide advice on urban design aspects of the proposal. The Panel has reviewed each iteration of the proposal and provides the following comments in relation to the proposed tower form:

- the proposal significantly exceeds planning controls for the site, which were developed to specifically accommodate a more substantial development on the site than currently exists;
- the proposal will cause unacceptable overshadowing; and
- the towers will appear as one form from the majority of viewpoints.

Council considers that a smaller scale development of the site could provide increased housing, employment and an attractive gateway to Rozelle. However, the proposal is considered by Council to be an overdevelopment which cannot be accommodated without adverse impacts on the locality.

Government Architect

Planning & Infrastructure sought independent advice from the NSW Government Architect to assist with its assessment of the PPR and the revised PPR (**Appendix H**).

In its review of the PPR scheme, the Government Architect noted that there is no urban design rationale for the proposed tower heights, nor does it identify any relevant precedents for towers in similar urban contexts. Further, the scale, shape and character of the proposed towers is incompatible with the lower scale surrounding urban context. The Government Architect also raised concerns regarding the width and depth of the floor plates, noting that this contributed to their adverse visual impacts to the locality and reduced internal amenity for future occupants.

In its review of the revised PPR, the Government Architect noted that the amendments to the proposal are minor in comparison with the scale of the development. Further comments included:

- the most recent height reduction is too small to have any impact;
- there have been no significant changes to the façade detailing;
- the facades are repetitive, generic and lack modulation; and
- the material selection also is more representative of a commercial development resulting in hard and bland facades.

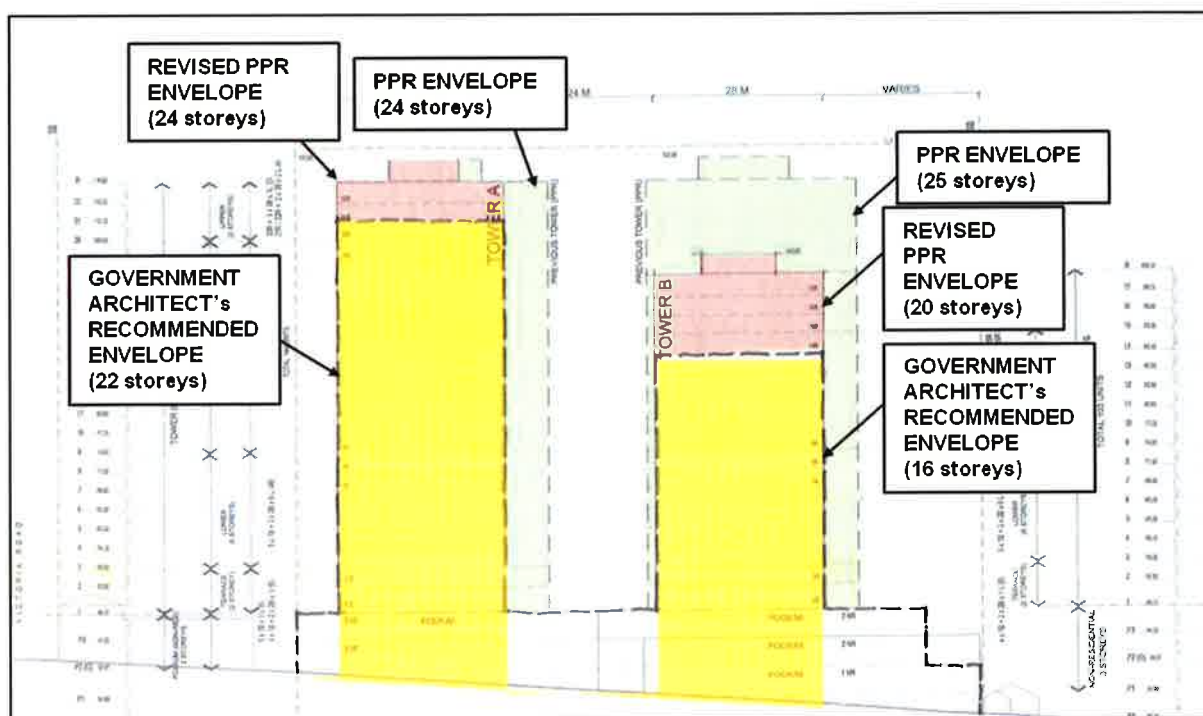


Figure 14: Government Architect's recommendation for reduction in height of towers (Source: Government Architect Peer Review)

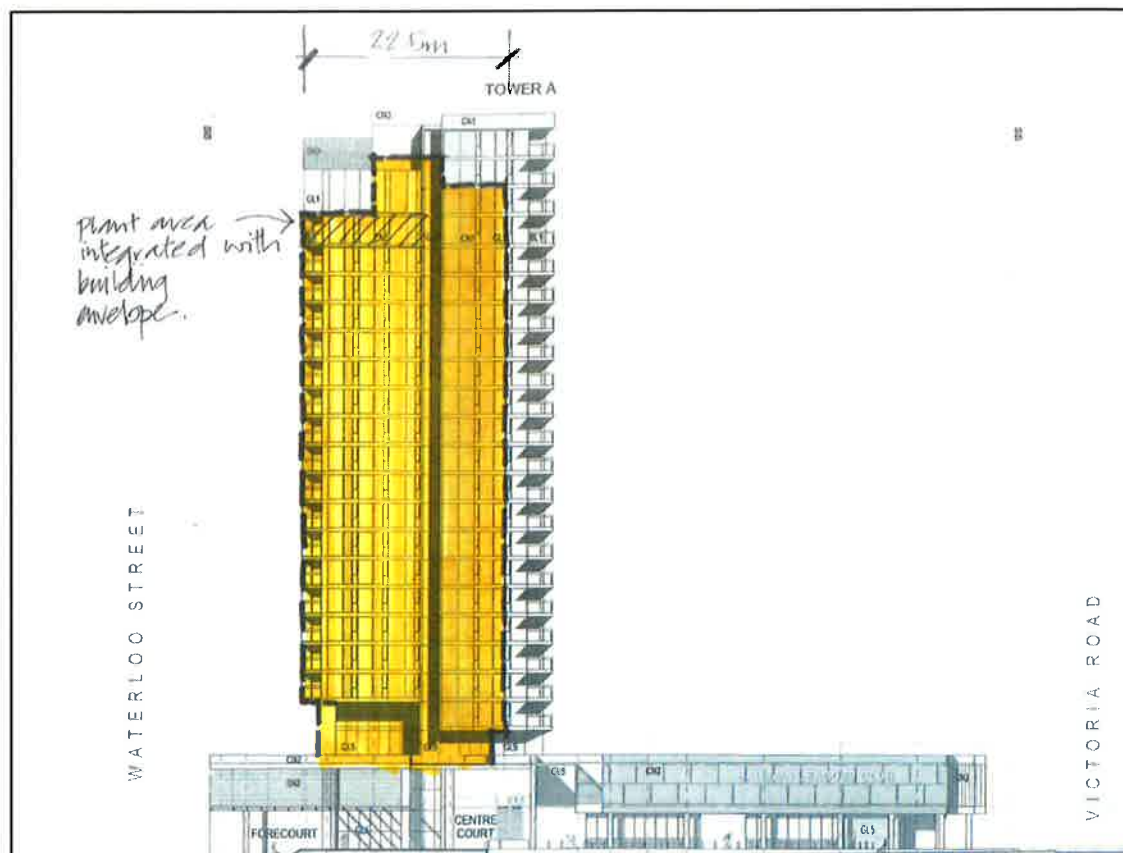


Figure 15: Recommended reduction in building depth (Source: Government Architect Peer Review)

The Government Architect provided comments and a number of recommendations in relation to height, floor plates, separation and design quality (as detailed in **Appendix H**) which are summarised as:

- the tower heights should be reduced to a maximum of 22 and 16 storeys (including podium) including rooftop plant (**Figure 14**);
- there should be further reduction to the tower floor plate depth (from 27.6 m) to 22.5 m and associated internal layout changes (**Figure 15**); and
- a range of changes to the tower form and façade treatment to improve design quality.

Planning & Infrastructure's consideration

Planning & Infrastructure accepts the premise that in urban design terms the site provides scope for a gateway or iconic landmark development for Rozelle and that such a proposal can be treated on its merits. Notwithstanding, Planning & Infrastructure raised concerns with the height and scale of the tower forms proposed both in the EA and also the PPR schemes. These concerns have noted the relationship between the proposed tower forms and the low-rise character of the surrounding area. Despite the incremental height and bulk reductions during this time, residual concerns remain that:

- the proposed tower height and bulk remains excessive in the local context; and
- the design of the proposed towers is not of a sufficient quality to justify a gateway or landmark development in the order of the scale that is proposed.

In considering the relationship of the proposal in the local context, Planning & Infrastructure notes that the character of Rozelle is unlikely to change in the medium term (to 2031) given the status of Rozelle as a village in the draft Subregional Strategy, the retention of the low rise character for the area in the recently gazetted Leichhardt LEP 2013 and the need to carefully balance the impacts of any new traffic generating development on the Victoria Road corridor. The adjoining shopfronts along Darling Street also form part of a broader heritage conservation

area covering the entire Balmain peninsula.

Noting this, any development on the site of the scale as that proposed (or even of a lesser scale as that envisaged by the applicable LEP controls) would therefore be highly visually prominent across a wide area into the foreseeable future. Planning & Infrastructure therefore considers that any gateway or iconic landmark type of development for this site requires careful design consideration in order to protect the character of Rozelle and maintain a positive visual impact for the surrounding area.

The proponent has provided limited justification for heights of the scale proposed. Rather, the photomontages provided by the proponent demonstrate to Planning & Infrastructure that the proposed towers are of a scale, height and bulk that would be visually overbearing and dominant in the immediate context and to the nearby residential streets.

Figures 16 to 18 provide an indication of the likely visual impacts of the height and bulk of the proposed towers. These images indicate to Planning & Infrastructure that the height of the proposed towers above the LEP height controls has a material visual impact (it is also noted that should the height be reduced to comply with the LEP height controls this may affect the design of the footprint of a lower building form as a result of GFA reallocation).

Figures 16 to 18 further demonstrate to Planning & Infrastructure that the proposed towers do not possess any outstanding design quality that would justify their proposed height and scale. In particular Planning & Infrastructure considers that the proposed rectilinear tower design lacks articulation and modulation, has a repetitive grid façade design and a limited material palette. Rather than providing any sense of architectural innovation that may provide a unique point of reference for this locality, the proposed form and façade design treatment provides a generic design quality with more of a likeness to commercial office towers found in a Major Centre or CBD location. This is consistent with the advice provided by the Government Architect.



Figure 16: View of the proposal from Cambridge Street (approximate LEP height control shown in red dashed) (Source: Proponent's Revised PPR)



Figure 17: View of the proposal from corner of Victoria Road and Darling Street (approximate LEP height control shown in red dashed) (Source: Proponent's Revised PPR)



Figure 18: View of the proposal from corner of Darling Street and Waterloo Street (approximate LEP height control shown in red dashed) (Source: Proponent's Revised PPR)

Planning & Infrastructure also considers that tower form and façade design fails to justify its presence as a gateway or iconic landmark development. Moreover, it exacerbates the visual bulk impacts of the towers and increases their visual dominance and overbearing relationship with the surrounding area.

The Government Architect's advice supports the concerns raised by Planning & Infrastructure in relation to height and bulk throughout the assessment process. Whilst the proponent has responded to these issues through reduced building heights, residual concerns remain in that the buildings are still of excessive height and bulk. Furthermore, minimal amendments have been made to enhance the overall appearance of the towers, respond to their context and produce a form and design worthy of landmark status.

Accordingly residual issues relating to height, bulk and design remain that would need to be further addressed in order to ensure that the proposal would achieve design excellence and urban design outcomes that are acceptable for the site.

It is also noted that the scope of such changes would be likely to give rise to the need for further assessment across a range of flow-on issues including traffic, overshadowing and residential amenity.

Given that the traffic and transport related impacts are so fundamental to the determination of the proposal, Planning and Infrastructure has not pursued further changes to the tower built form (also noting that any reductions to the tower forms are not likely to remedy the identified traffic and transport impacts). If the application was to be supported, Planning & Infrastructure would recommend that the tower design be reconsidered, including reductions and amendments to tower height, bulk and form. In conjunction with design amendments to achieve design excellence, it is considered that the proposal would then have the scope to provide an acceptable contribution to the Rozelle locality as an iconic landmark building.

5.3. Other Issues

5.3.1 Public benefits

Planning & Infrastructure considers that the proposal provides a number of public benefits including:

- re-instatement of the Balmain Leagues Club;
- additional housing within an established urban area, close to transport, services and employment opportunities; and
- additional retail floor space, particularly supermarket floor space, to meet the identified demand in the locality.

It is noted that these benefits do not include those identified in the VPA negotiated as part of rezoning of the site as outlined in **Section 1.3** of this report. Planning & Infrastructure is concerned that the range of community benefits offered in association with the amendment of the LEP for a smaller scale development, are far more comprehensive than offered by the current proposal.

While the public benefits offered by the proposal are not a determinative issue in the assessment of the application, Planning & Infrastructure considers that the benefits do not justify the scale of the development. It is also noted that even the more comprehensive benefits identified in the previous VPA would not outweigh the impacts of the development as outlined in **Sections 5.1 and 5.2**.

5.3.2 Retail impacts

The proposal includes a total of 10,982m² retail floor space comprising:

- Supermarket - 3,137m²
- Mini major retailer - 1,852m²
- Specialty retail - 2,751m²
- Retail Service - 155m²
- Circulation space and food court.

The total retail floor space proposed is generally consistent with the LEP 2000 provisions which would allow a total of 10,396m² on the site (based on a FSR of 1.3:1 permitted on the Balmain Leagues Club site and a FSR of 1:1 for 17 to 19 Waterloo Street and 170 to 172 Victoria Road). The extent of the variation from the LEP is approximately 6%.

Concerns have been raised by Council and in public submissions in relation to the retail impacts arising from the proposed retail centre.

Noting the weight of concerns raised on this issue, Planning & Infrastructure engaged SGS Economics (SGS) to undertake an independent peer review of the retail impacts to assist Planning & Infrastructure in its assessment (**Appendix I**).

SGS reviewed the proponent's and Council's economic impact assessments and provided the following comments:

- the proposal is broadly consistent with centres policy as it is located adjacent to an existing shopping strip and consistent with the zone;
- there is currently an under provision of supermarket space within the local area;
- the amount of speciality floor space may adversely impact the trading performance of existing shops along Darling Street (south) and should be reduced by approximately 700m²; and
- the development should be reconfigured to minimise below ground retail floor space and provide direct and short connections to Darling Street from the new centre and basement car park.

Planning & Infrastructure considers the proposed development would have an acceptable economic impact on surrounding centres. It is evident from the assessment provided in the various reports and submissions that the proposed new supermarket would satisfy a demand for such facilities in Rozelle without adverse economic impacts on other supermarkets currently operating in the trade area.

If the application was to be supported, Planning & Infrastructure would however recommend the following modifications (in accordance with the advice provided by SGS) to ensure that the development complements the existing shopping precinct along Darling Street:

- the amount of specialty retail floor space should not exceed 2000m²;
- the proposed retail development should be reconfigured to provide improved connections to Darling Street, including making the route from the basement car park to Darling Street as direct (and short) as possible; and
- a critical mass of retail floor space is to be provided on the ground level with consideration given to relocating the proposed mini-major and/or specialty retail to ground level.

While the economic impacts are found to be acceptable, subject to conditions, when balanced against the traffic and built form impacts outlined in **Sections 5.1** and **5.2**, this does not provide sufficient grounds for approval.

5.3.3 Podium form and Streetscape

The Leichhardt LEP and DCP provides for a range of podium heights across the site as shown in **Figure 19**:

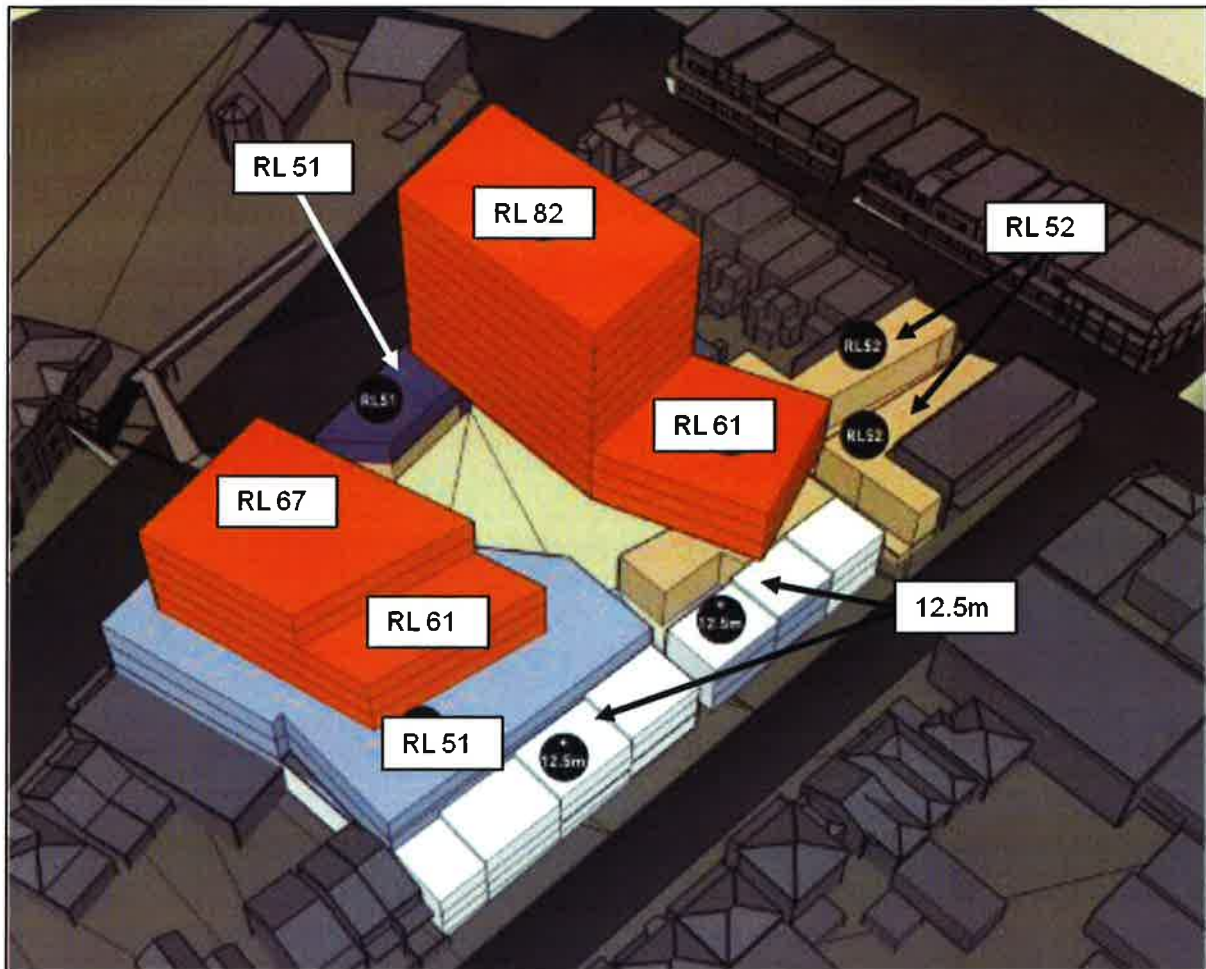


Figure 19: Height controls within Leichhardt DCP 2000 (Source: Leichhardt Council)

The proposed podium form is generally consistent with that envisaged by the DCP, with the exception of the north western portion of the proposal fronting Waterloo Street which reaches a height of 14 metres and the tennis court on the upper level of the podium fronting Darling Street. The additional height in these locations is particularly sensitive and is likely to cause adverse visual impacts and a loss of amenity for neighbouring residential properties.

Planning & Infrastructure considers that the overall podium form is generally acceptable. If the application was to be supported, Planning & Infrastructure would recommend the following modifications:

- deletion of the tennis court and fencing; and
- provision of a 6 metre setback to the second level of the podium from the north-west boundary.

It is also considered that improvements could be made to better integrate with the street at ground level including:

- a nil setback to the Darling Street frontage to provide a consistent alignment and continuity along Darling Street;
- modifications to the materials and finishes of the second storey on the Darling Street façade to incorporate windows consistent with neighbouring shopfronts and a revised colour palette more sympathetic to the heritage conservation area;

- the entire length of the pedestrian through site link from Victoria Road to Waterloo Street and the forecourt linking to the arcade should be open to the sky, with the exception of a clear glazed awning for weather protection;
- redesign of the retail floor space to provide greater activation of the Victoria Road frontage;
- alternate construction methods to delete or reduce the number of columns along the Victoria Road frontage;
- the portion of the façade between natural ground level and the finished ground level be provided with a highly textured finish to provide an improved pedestrian interface along Waterloo Street; and
- the north-western façade be improved through revised materials, articulation or other elements to break up the bulk of this elevation.

Planning & Infrastructure considers that these modifications would significantly improve the scale of the podium, streetscape and relationship of the development with neighbouring properties. Planning & Infrastructure would therefore recommend that these be applied as conditions, should an approval be granted.

5.3.4 Residential Amenity

The proposal generally satisfies the requirements of SEPP 65 and the Residential Flat Design Code (RFDC) (refer to **Appendix F**). The revised proposal provides an acceptable level of residential amenity, in terms of unit mix and size/layout, access to sunlight and natural ventilation. At least 70% of apartments achieve a minimum of 3 hours solar access and 63% of apartments are naturally cross ventilated in accordance with the recommendations of the RFDC.

The main areas of departure from the RFDC guidelines are building depth, separation distance to adjoining properties, building entry design and visual and acoustic privacy.

Planning & Infrastructure notes that the recommendations made by the Government Architect to improve the design quality of the towers, would result in a satisfactory apartment depth. Further, the building entry design, and measures to ensure visual and acoustic privacy both within the development and to adjoining properties could be resolved through appropriate conditions of approval.

If the application was to be supported, a further assessment would need to be undertaken with respect to any revised design to determine whether the proposal achieved satisfactory amenity for future residents.

5.3.5 Noise Impacts – Operational, Construction and Traffic

A key concern of Planning & Infrastructure throughout the assessment has been potential noise impacts relating to:

- construction;
- operation of the club, childcare centre and retail centre; and
- traffic generated by the development.

These issues were also raised in a number of submissions to the proposal, and Planning & Infrastructure has considered both the impacts on surrounding development, and future residents of the development itself.

Planning & Infrastructure engaged Wilkinson Murray Pty Limited (WMPL) to undertake a peer review of the likely noise impacts and measures to ameliorate any impacts (refer to **Appendix J**).

WMPL considers that construction noise could be managed in accordance with the NSW noise guidelines, subject to some further measures including:

- minimum respite periods for high noise impact works; and
- the preparation of a Construction Management Plan including consultation with Council and the local community.

To adequately address all operational noise impacts WMPL has recommended that the development comply with stringent operational noise limits. WMPL has also recommended that a detailed noise impact assessment be undertaken to determine any acoustic treatments required to achieve compliance with these noise limits.

WMPL was particularly concerned about traffic noise impacts in Waterloo Street and recommended that the proponent provide further assessment of traffic noise and mitigation measures required to provide an acceptable impact to residential properties. Possible mitigation measures suggested include courtyards, barriers, and architectural treatments which may necessitate agreements with affected property owners.

If the development was to be supported, Planning & Infrastructure would recommend that the construction, operational and traffic noise impacts be the subject of further assessment, as recommended by WMPL. These matters could be addressed as conditions, should an approval be granted.

5.3.6 Car Parking

Car parking was a key issue raised in public submissions, specifically concern about the adequacy of car parking within the site and the potential impacts of overspill parking onto local streets.

The proposal includes 488 car parking spaces which meets the maximum of 490 allowed for by Council's DCP. Planning & Infrastructure considers the car parking provision is acceptable and provides a balance between the need to ensure adequate on-site car parking for private vehicles and encouraging the use of public transport. Planning & Infrastructure notes that on-street parking restrictions in the surrounding streets will assist in minimising overspill onto local streets.

Notwithstanding, Planning & Infrastructure also notes the problems associated with delays for vehicles exiting the site onto Victoria Road and Waterloo Street (**Section 5.1**).

5.3.7 Overshadowing

A key issue raised in public submissions to the proposal was the overshadowing impacts of the proposed towers.

The proponent has demonstrated that residential properties in the surrounding area will maintain at least 3 hours sunlight to 50% of their private open space during mid winter. Planning & Infrastructure considers that the proposal would result in acceptable impacts in terms of overshadowing and accordingly this issue would not warrant refusal of the application.

5.3.8 Overlooking

The Rozelle Public School and nearby residential properties raised concern that the proposal would overlook the school playground and residences and cause a loss of privacy and amenity.

Planning & Infrastructure is satisfied that the separation distance across Victoria Road is sufficient to maintain an acceptable level of amenity to the school playground.

Further, the proposal will not result in any direct overlooking of the internal spaces of adjoining dwellings due to the elevated height of the towers above the podium. The opportunity for

overlooking into neighbouring private open space could be overcome through appropriate screening, which could be included as a condition, should any approval be granted.

5.3.9 Wind Impacts

Planning & Infrastructure has also considered the wind impacts of the development at both ground and podium level.

The Proponent's Wind Consultant has identified a number of parts of the site which may be subject to adverse wind conditions, including:

- the Waterloo Street entries;
- throughout the ground level of the development;
- residential communal open space; and
- residential apartments, including balconies.

Additional wind tunnel modeling would be required to ascertain the potential wind impacts and identify suitable amelioration measures to mitigate any impacts. If the application was to be supported, Planning & Infrastructure is satisfied that a condition could be imposed requiring design and implementation of measures to ensure acceptable wind conditions.

6. CONCLUSION

Planning & Infrastructure has assessed the merits of the project taking into consideration the issues raised by Council, public authorities and in public submissions. Planning & Infrastructure has undertaken a thorough and comprehensive assessment including engagement with the proponent, relevant public authorities and independent experts in an attempt to achieve a workable solution to enable the redevelopment of the site.

This assessment, however has concluded that the impacts of the proposal cannot be suitably mitigated and/or managed to ensure satisfactory environmental outcomes, pursuant to Section 75J of the Act.

TfNSW and RMS have identified that the traffic and transport impacts are a fundamental impediment to achieving the proposed development outcome on this site. Planning & Infrastructure has sought independent expert traffic advice which has confirmed this view. There have been no mitigation measures put forward by the proponent which are acceptable to RMS, TfNSW or Planning & Infrastructure to effectively manage these impacts. It is therefore considered that the site is not capable of accommodating a development with a land use mix and scale resulting in traffic generation of this intensity.

Planning & Infrastructure accepts that the site may provide scope for an iconic landmark or gateway development for Rozelle, and that such a proposal can be treated on its merits. However, the proposal fails to provide a satisfactory built form outcome, in terms of tower height, form and design quality and would need to be addressed to minimise the visual impacts and justify its presence as gateway development in Rozelle.

The impacts of the proposal, particularly those identified by TfNSW and RMS in relation to traffic and transport, are too significant to be addressed through a conditional approval as they would necessitate modification that would result in a project fundamentally different to the current proposal.


The proposal is considered to be not in the public interest given the significant traffic and transport implications on the surrounding road network. The application therefore cannot be supported.

7. RECOMMENDATION

It is recommended that the Planning Assessment Commission, as delegate of the Minister for Planning and Infrastructure:

- (a) **note** the information provided in this report and the recommendations of this report;
- (b) **refuse** the Major Project Application MP11_0015; and
- (c) **sign** the attached Instrument of refusal (**Appendix K**).

Endorsed by:


18/3/14
Daniel Keary
Director
Industry, Key Sites and Social Projects


18.3.14
Chris Wilson
Executive Director
Development Assessment
Systems & Approvals