

a submission to the
joint regional planning panel
by
leichhardt council



submission to the joint
regional planning panel



leichhardt police station

prepared for

Leichhardt Council



prepared by

willana
associates

contact

Stuart Harding

PO Box 170
Randwick NSW 2031

p: (02) 9399 6500

f: (02) 9399 6555

www.willana.com.au

Job No: 9071t

June 2011

© Willana Associates Pty Ltd 2010
ABN 93 868692799

1 introduction

Leichhardt Council commissioned Willana Associates Pty Ltd (Willana) to provide an independent appraisal of the Leichhardt Police Station proposal at 29 Derbyshire Road, Leichhardt. As a result of this assessment Willana have identified various issues which remain unsatisfactorily resolved in respect to the development.

As a result, Willana were requested to articulate a number of concerns to the Joint Regional Planning Panel (JRPP) to assist in their deliberations regarding the development application. This submission outlines the concerns of Council and seeks the support of the JRPP in pursuing a development that meets the planning controls for the Site and that has minimal impacts to the surrounding community. In addition to the review of the application by Willana Associates, Leichhardt Council engaged GTA Consultants to undertake an independent Parking and Traffic Report and NBRS+Partners to undertake a Peer Review of the Heritage Aspects of the Development. These independent reports verify that the development in its current form is inappropriate. These findings are referred to in this report and form part of the planning review of the application.

The submission demonstrates that the development, as proposed, has a number of outstanding issues that prevent the granting of development consent. Importantly, the submission has the benefit of the knowledge that is brought to the decision making process by various Councillors that represent the residents of the Leichhardt area.

2 the site and locality

2.1 The Proposal

The development application proposes the major redevelopment of an area of land that currently contains two heritage items related to the operations of the Sydney trams. The proposal includes the construction of a three storey police station, with associated carparking and van dock. The Site has been temporarily used as a spill over area for Sydney bus parking, an indication of the demand for parking within the area. The proposal for development includes the incorporation of the existing heritage items.

2.2 The Site

The subject Site is located at 29 Derbyshire Road, Leichhardt also known as lot 3 plan 1159702 (the Site).



Map 1: The subject Site, source: <http://www.nearmap.com/>

The Site currently contains two buildings, the Cable Stores and the Traffic Office, the Site also contains an area of bitumen which is described in the Conservations Management Plan as the SRA Tramways Depot, which is currently used as a bus parking area. The peer review report by NBRSP+Partners states that the subject site has a *“Local level of significance given the place would has significance pertaining to the local area within the wider context of the greater area of Sydney”*.

There is little vegetation on the site, the exception being a small area of vegetation at the southern boundary.

The Locality

There are a number of road closures around the Site affecting connectivity with other parts of the Locality. Derbyshire Road is cut off adjacent to the Sydney Secondary College, and does not allow through traffic. The easterly extension of William Street is contained partially within the bus depot to the north of the Site and is not designated for public traffic. There is parking along Derbyshire Road in a southern direction only and the street itself is constrained.

To the north of the Site is the Leichhardt Bus terminal. The terminal site contains a number of heritage significant buildings. The operations of the buses result in a significant amount of bus noise and traffic in and around the bus terminal.

To the west of the Site is Pioneer Memorial Park. The park contains only a few buildings related to the operations of the park. The western side of the park has a more structured formal layout and the eastern side, which adjoins the Site, is more informal with larger and more casual landscaping. The park is listed on the local heritage register for its significant landscaping design.

To the south of the Site is the Sydney Secondary College, Leichhardt campus. The campus contains a number of buildings ranging in height and design. There are no heritage significant buildings within the campus. The road reserve at the Derbyshire Street frontage of the school appears to be directly for school use and secured outside of school hours. There is a cul-de-sac to the south of the subject Site that has a driveway access for the school.

To the east of the Site is a playing field that was formally part of the tram SRA operations area. The playing field are provided with goal poles and soccer nets.

The photos over the following pages illustrate the current state of the Site and the surrounding locality.

Photos of the Site



Photo 1: Cable stores building looking north from the cul-de-sac off Derbyshire road.



Photo 2: The traffic stores building.



Photo 3: Sydney Secondary College looking south from the Site.



Photo 4: Derbyshire Road looking north, with the Cable stores on the east and the Pioneer Memorial Park on the west.



Photo 5: The Leichhardt Bus Depot to the north of the Site, with the bus only extension of William Street in the foreground.



Photo 6: The Leichhardt Bus Depot to the north of the Site, with the bus only extension of William Street in the foreground.



Photo 7: Pioneer Memorial Park looking south across Derbyshire Road.



Photo 8: Playing field adjoining the Site to the west, in the background the traffic office is visible.

3 the issues

The Site is zoned 5(A) Special Uses. As a result there is an absence of definitive numerical controls against which to assess the development, in particular, side setbacks, overall height controls and floor space ratio requirements. Notwithstanding, there are specific acceptable standards and guidelines for development that relate to matters such as traffic and parking which are key issues for this proposal.

In addition, the presence of the heritage items on the Site triggers a rigorous assessment against acceptable heritage provisions for conservation and management. This requirement has led Council to commission further specialist assessment against the heritage conservation provision of the planning controls and best practice approaches to conservation. An important element of the assessment of the acceptability of the proposal is in relation to the character of the Site and surrounding locality. This has been addressed in the compliance tables below.

The two key specialist reports relate to the traffic and parking as well as the heritage conservation of the Site, highlight fundamental problems with the available on site parking and the way in which the adaption of the heritage items has been undertaken.

3.1 Heritage

The heritage impacts of the proposal have been identified in the compliance tables below. Clauses in both the Local Environmental Plan and the DCP were not satisfied by the proposed development. A report entitled *Peer Review of the Heritage Aspects of Development Proposal DA (D/2010/663)* has been undertaken by NBRA+Partners. The report suggests the following;

- Both the Cable Stores Building and the Traffic Office (also known as the tram Depot Office) are both of significant local heritage value.
- The locality which contains the Leichhardt Bus Depot and Pioneer Memorial Park also has considerable heritage value.
- The northern and southern facades of the Cable Stores Building have high heritage significance.
- The proposal will not respect these facades. The three-storey building obstructs appreciation of the North Elevation of the former Cable Store Building.
- The proposal also represents a compromise to the heritage significance of the locality.
- Any redevelopment of the Site should reduce the extent of development at the north east corner of the Site.

- The proposed works are not “in keeping” with the style of the existing buildings. The size and scale of the proposed development overwhelms the existing buildings.

The peer review concludes that the proposal, *“adversely affects the identified heritage significance of the property located at 29 Derbyshire Road, Leichhardt. We would recommend the heritage advice aspects of this application not be approved”*.

3.2 Parking and Traffic

The lack of proposed parking and integration with the existing transport network were also identified in the planning control assessment. A Transport Impact Assessment has independently been undertaken by GTA Consultants. The report studied the parking availability and traffic flowing in relation to the local land uses and daily practices, with particular regard for the bus depot adjacent to the Site.

The conclusions of the independent report the proposal would generate an additional 136 vehicle trips. The report made a number of conclusions, including:

- *The volume of additional traffic generated by the proposed development would not be enough to compromise the function of the surrounding road network of the operation of adjacent intersections during peak periods.*
- *The proposed development would increase parking demand in the vicinity of the development site by between 55 and 110 spaces on a given working day.*
- *The estimated parking demand associated with the proposed development could be accommodated by available on-street parking in the vicinity of the development site at 5.30 am and 11.00 am, and during school peaks.*
- *However at 5.30pm, the future parking demand associated with the proposed development would deliver a parking shortfall in the vicinity of the development of 18 spaces.*
- *Should the development be approved, the identified shortfall is likely to:*
 - *Extent the parking catchment of the proposed development to streets beyond the 350-400 metres of the development site.*
 - *With the change of shift and parking shortfall also coinciding with the time period when commuters return home from work, competition for on-street parking within the survey catchment is likely to be at the detriment of local residents.*
- *With vehicles access to and from the development proposed via a boom-gate controlled ‘bus-only’ section of William Street, there is concern that this arrangement would [cause] unnecessary delay to police vehicle in an emergency situation.*
- *As the proposed development is in proximity to high pedestrian generators such as the Sydney Secondary College, Pioneers Memorial Park and Norton Street retail precinct, as well as designated strategic on-road cycle links, the proposal could affect pedestrian and cyclist safety in the immediately surrounding the development site.*

These conclusions indicate that the proposal does not adequately consider the context of the proposal. The compliance table below indicates that the parking and traffic element also do not satisfy the relevant controls.

3.3 Landscaping

The compliance table indicated that the proposal does not comply with the prescribed controls. The landscaping for the Site is not adequate; there should be additional landscaping within the setbacks of the development. The extent of non permeable services is also in inadequate and needs to be increased.

4 section 79c assessment

Having identified some key issues with the Site, it is appropriate to then assess the lack of performance in these areas against the legislative framework. Section 79c of the Environmental Planning and Assessment Act, 1979, requires the proposal to be reviewed in relation to the relevant planning controls for the Site. This requires careful consideration against the general and specific objectives of the Leichhardt Local Environmental Plan 2000 (LLEP) which is the umbrella document upon which the assessment must rely on.

Pursuant to the LLEP, the Site is zoned for public purpose. The use, defined as “police facilities” is permissible with consent under this zone. The proposal is consistent with the allowable land use for the zone but there is an absence of development standards applying to this form of land use and building. Accordingly, the assessment is heavily reliant on the ability of the development to achieve the overarching objectives of the LLEP. The table below assesses the proposal in relation to the LLEP clauses.

Table 1: Leichhardt Local Environmental Plan Compliance Table.

Cause	Control	Comment
Part 1 Administration		
Clause 13 General objectives	(1) The general objective for ecologically sustainable development is to encourage the incorporation of the principles of ecologically sustainable development in the design and management of the built and natural environment to: (a) provide for the preservation of natural resources to ensure their availability for the benefit of future generations, and (b) minimise negative impacts of urban development on the natural, social, physical and historical environment, and (c) maintain and enhance the quality of life, both now and for the future	Elements of sustainable development are not addressed with minimal landscaping, vast areas of slab concrete. The application does not address these objectives.
	(2) The general objective for the built and natural environment and amenity is to encourage the design of buildings, structures and spaces which are compatible with the character, form	The whole of the Site and the adjoining sites are identified as heritage items according to the LLEP Heritage Map.

Cause	Control	Comment
	<p>and scale of the area to:</p> <ul style="list-style-type: none"> (a) protect and enhance the area's natural features, character and appearance, and (b) protect, conserve and enhance the area's heritage, and (c) provide an environment meeting the principles of good urban design, and d) maintain amenity and contribute to a sense of place and community, and (e) provide an environment which is visually stimulating, while being easy to manage and maintain, and (f) provide adequate access and linkages to public open space, and (g) accommodate the existing and future needs of the locality concerned, and h) protect and conserve ecologically sensitive land, particularly that which is visually exposed to the waters of Sydney Harbour and the Parramatta River and of natural or aesthetic significance at the water's edge. 	<p>This classification defines the character of the Site. The proposed additions to the heritage buildings will have an overall building height of 16.4 metres and will extinguish current views and vistas of the heritage items from the adjacent park. The proposal fails to adequately address the heritage character of the Site.</p>
	<p>3) The general objective for transport and access is to encourage the integration of the residential and non-residential land uses with public and private transport and improve access to:</p> <ul style="list-style-type: none"> (a) reduce the need for car travel and subsequent pressure on the existing road networks, and (b) maximise utilisation of existing and future public transport facilities, and (c) maximise the opportunity for pedestrian and cycle links, and (d) identify and ameliorate adverse impacts of all transport modes on the environment, and (e) improve road safety for all users, particularly pedestrians and cyclists. 	<p>The proposal includes a pedestrian crossing and on street parking for police vehicles, there is no provision of a foot paths or bike paths within the Site or in the roads surrounding. The lack of parking for the workers is inadequately addressed. The proposal does address these objectives.</p>

Cause	Control	Comment
Part 3 Heritage conservation		
Clause 15 Objectives	<p>The objectives of the Plan in relation to heritage conservation are as follows:</p> <p>(a) to protect, conserve and enhance the cultural heritage and the evidence of cultural heritage, including places, buildings, works, relics, townscapes, landscapes, trees, potential archaeological sites and conservation areas, and provide measures for their conservation,</p> <p>(b) to protect, conserve and enhance the character and identity of the suburbs, places and landscapes of Leichhardt, including the natural, scenic and cultural attributes of the Sydney Harbour foreshore and its creeks and waterways, surface rock, remnant bushland, ridgelines and skylines,</p> <p>(c) to prevent undesirable incremental change, including demolition, which reduces the heritage significance of places, conservation areas or heritage items,</p> <p>(d) to allow compatible and viable adaptation and re-use of the fabric of heritage significance,</p> <p>(e) to ensure the protection of relics and places of Aboriginal cultural significance in liaison with the Aboriginal community.</p>	<p>The proposal includes the use of a modern design. The materials and design of the proposed extensions are not in keeping with the fabric. The design does not incorporate and enhance the design of the existing building,</p> <p>The Conservation policy states, <i>"no additions should be made to the exterior that might radically alter its scale and architectural integrity,"</i> (CP4 – Conservation Management Plan). Under this clause the proposal is non compliant.</p>
Clause 16 General provisions for the development of land	1) Consent is required for all development on the site of a heritage item.	Consent is sought
	<p>(2) Consent must not be granted for any development in respect of a heritage item unless the consent authority has assessed a statement that:</p> <p>(a) describes the significance of the heritage item as part of the</p>	<p>A statement of heritage impact has been provided by the applicant. The Statement of Heritage Impact does not consider the impact of the proposed development to be negative. A review of the</p>

Cause	Control	Comment
	<p>environmental heritage of Leichhardt, and</p> <p>(b) addresses the extent of the impact of the development on the conservation and heritage significance of the item in terms of:</p> <p>(i) its fabric,</p> <p>(ii) the age of the building or structure,</p> <p>(iii) any stylistic or horticultural features of its setting,</p> <p>(iv) any potential for archaeology,</p> <p>(v) any historic subdivision pattern in the vicinity, and</p>	<p>heritage impact has been undertaken by NBRSPartners, suggesting that the proposal is inappropriate.</p>
	<p>(3) Unless the consent authority has considered a conservation management plan, it must not grant consent for development on land which is:</p> <p>(a) the site of a heritage item identified in Schedule 2 as having State significance,</p> <p>(b) the site of a heritage item that pre-dates 1840, or</p> <p>(c) a place identified in Schedule 2 as having archaeological significance. Items listed on the State Heritage Register for the time being are taken to have State significance for the purposes of the Plan, whether or not that listing is recorded in Schedule 2.</p>	<p>A Conservation Management Plan has been provided for the Site. The conservation policy sets out specific areas and elements of conservation which have not been maintained.</p>
	<p>(4) Consent must not be granted for development on land which comprises an archaeological site or is a potential archaeological site unless the consent authority is satisfied that any necessary excavation permit required by the Heritage Act 1977 has been granted.</p>	<p>The Site is not of archaeological significance.</p>
	<p><i>Use of a heritage item</i></p> <p>(6) Nothing in the Plan prevents consent from being granted for the use of a heritage item for any purpose, if</p>	<p>The proposal includes alterations to the heritage item visually, aesthetically and structurally. The proposal does</p>

Cause	Control	Comment
	the consent authority is satisfied that: (a) the proposed use would not adversely affect the heritage significance of the item, and (b) the proposed use will ensure the conservation of the heritage item, where it is a building, and (c) the amenity of the area will not be adversely affected.	not comply with this clause.
	<i>Development in the vicinity of a heritage item</i> 7) Consent must not be granted for development on land in the vicinity of a heritage item, unless the consent authority has made an assessment of the effect the carrying out of that development will have on the heritage significance of the heritage item and its setting as well as on any significant views to and from the heritage item.	The proposal, being visually intrusive with an overall height of 16.4 meters and minimal setbacks and no significant vegetation to soften the building, would negatively impact on the surrounding heritage items, in particular it would impact visually on Pioneer Park to the west of the Site. The proposal does not comply with this clause.
<i>Part 7 Community uses</i>		
<i>Clause 27 Objectives</i>	The objectives of the Plan in relation to community uses are to facilitate the equitable provision and improve the range, quality and distribution of community and cultural facilities and services to meet the needs of residents, workers and visitors.	The design of the proposal would negatively impact on the community through compromising the integrity of a significant heritage item.

The proposal was also reviewed in relation to the *Leichhardt Development Control Plan 2000*. There were a number of non compliances with the development controls. The non compliances are included in Table 2.

Table 2 : Leichhardt Development Control Plan Compliance Table

General Information	Control	Comment	Compliance
4.0 Urban form and Design	<p>The proposal should address the design principles Including</p> <ol style="list-style-type: none"> 1. undertaking a site analysis; 2. ensuring the design of the proposal relates to the site and the prevailing street subdivision pattern; 3. having regard to the bulk, size, heights, massing and proportions of the proposed buildings in relation to surrounding development, and ensuring that adequate space is provided around buildings to provide an appropriate setting; 4. ensuring that the car parking provided is appropriate to the development and Site circumstances and that the layout is sympathetic and practical; 5. ensuring that the elevational detail and materials are sympathetic to the surrounding development; 6. consideration of front walls, fences, outbuildings, landscaping and building entries, site facilities and utility installations. 	<p>The proposal has no regard for the bulk, size heights massing and proportions of the existing buildings on the Site or the building surrounding the Site. The proposal does not provide adequate setbacks particularly to the north and south of the Site where there are virtually no setbacks from the streets at all.</p> <p>No fencing detail has been provided.</p>	NO
A5.0 Amenity	<p>Reasonable amenity should be ensured to future occupants of new development and maintained to residents in their existing homes. It is not the function of the planning system however, to ensure the protection of one person's</p>	<p>The proposal is adjacent to the Pioneer Park which is described in the Leichhardt DCP as the main park in the area and is listed as being of heritage significance. The design of the proposal</p>	NO

General Information	Control	Comment	Compliance
	amenity to the detriment of another, but to balance the needs of the community as a whole.	does not account for view corridors across the park linking the green space located at the rear of the subject Site, or the views of the two heritage items on the Site.	
	The amenity of a resident is determined by many factors including urban form and design, access to services and the principles of ecologically sustainable development. However, specifically, solar access, private open space, visual privacy, acoustic privacy, access to views and the activities of non-residential development are seen to impact directly on the enjoyment of residential amenity.	The built form will not enhance residential amenity.	NO
A 7.0 Heritage Conservation	Retain the existing fabric wherever possible, and maintain rather than replace the fabric.	<p>The existing fabric will be predominantly maintained for the tram sheds building, on the north of the Site. Only minor works will be undertaken for that building.</p> <p>For the Cable Stores, the existing fabric will be significantly affected by the alterations and additions. The built form and fabric will not be visually accessible to the community.</p>	NO
A 8.0 Parking Standards and controls	Minimise any alterations to the building and setting required for occupation.	The alterations have not been minimised.	NO

General Information	Control	Comment	Compliance
	Changes to a building's fabric are to be complementary to the architectural period and style of the building.	The proposal is not complimentary to the architectural period or style.	NO
	Developments that are not tabled will be assessed having regard to the following criteria and any demonstration of parking requirements from surveys of comparable establishments: the person capacity of the premises; the proportion of visitors or patrons likely to arrive by car; the availability and level of service of public transport (AMCORD research suggests proximity of 400 metres or less to rail stations and main bus routes may reduce parking for residential uses by at least 25%); the number of full-time and part-time employees; the hours of use; the location of the premises particularly in relation to schools, local services, employment, retail and recreational facilities and where these services will reduce the need for vehicle use; the number of occasions during the year when the facility is fully used; the availability and affordability of public parking; the availability of additional parking areas to cover peak demands.	Parking surrounding the proposed development is limited and as stated in the GTA Consultant's report. Considering the proposal is for a possible 98 staff the allocation of parking is inadequate.	NO

General Information	Control	Comment	Compliance
	Bicycle storage facilities should be secure having regard to the type of use and visibility of the parking areas.	There will be the provision of storage of bicycle storage for the police bikes. There was no indication that additional bike storage would be provided.	NO
	Bicycle storage facilities should be located in convenient locations, be clearly visible and accessible to pedestrian entries so as to encourage their use.	Bike storage for employees is not proposed.	NO
A9.0 Advertising and signage	Clear sightlines must be maintained between parking areas, public roads and paths.	Details of Site lines have not been provided, the fence proposed for Derby street may obstruct vision and additional provision of detail is required.	Additional information required.
	Plants species used for landscaping in and near parking areas should not be prone to drop fruit, branches, sap or bark and should have minimum long term maintenance requirements.	The landscaping is minimal and will not impact.	YES
	Car Parking areas shall be well lit and visible allowing for casual surveillance.	There is no detail on lighting.	NO – additional information required
	Car parking areas are to be well ventilated if enclosed as well as being safe and secure. Hidden and enclosed areas should be avoided. In areas where this is not possible such as staircases and lift lobbies, mirrors or similar devices should be used.	There is no detail on the ventilation of the enclosed garage areas.	NO – additional information required

General Information	Control	Comment	Compliance
	Large parking areas must be broken up with the use of soft and hard landscaping features and different surface treatments.	There is no provision of soft and hard landscape features; the frontage of the Site is dominated by hard stand areas.	NO
	Parking spaces shall be provided in accordance with Council's Parking Policy. Council may permit a departure from the Parking Policy if the applicant can demonstrate that the departure will not be inconsistent with the principles of the plan and will not detrimentally affect amenity.	No justification of the variation from the policy has been provided.	NO
	Where a development proposal involves additions to an existing building, a change in use or an intensification of use, the required parking is to be based on the generated demand arising from the additional component or intensification of use as assessed by Council.	The use is being intensified; the provision of parking has not been adequately justified. The Independent Traffic and Parking report indicates that the proposal fails to address the demand.	NO
	Additional parking provision may not be required if the redevelopment does not result in any increased floor space and the use of the building is not significantly changed in the opinion of Council.	The development results in a significantly increased floor space.	NO
	Minimum dimensions for parking for persons with disabilities shall be 3.2 metres by 5.4 metres.	No disabled parking is provided.	NO

General Information	Control	Comment	Compliance
	Unimpeded access shall be provided between each parking space for disabled persons and the adjoining walkway.	No disabled parking is provided.	NO
	Parking spaces for disabled persons shall be located close to wheelchair accessible entrances or lifts.	No disabled parking is provided.	NO
	Parking spaces for disabled persons shall be identified by a sign incorporating the international symbol of access for persons with disabilities. The sign shall be readily visible from a vehicle at the entrance to the carpark, or guide signs indicating the direction of the parking spaces shall be provided.	No disabled parking is provided.	NO
	Parking spaces for disabled persons shall be provided in accordance with Development Control Plan No. 32 – Design for Equity of Access and Adaptability.	No disabled parking is provided.	NO
Leichhardt LEP Neighbourhood Profiles	The Parachute Regiment and ELMEC sites located along the Hawthorne Canal and the Leichhardt Bus Depot and tram shed located off Derbyshire Road are significant features within the Helsarmel Distinctive Neighbourhood.	The proposal will significantly alter the heritage fabric of the buildings.	NO
	Building Envelope Building wall height is to be a maximum of 3.6m, with the exception of development along Darley Road where there is potential for higher more dense development a	The proposal will have a height of 13.7m	NO

General Information	Control	Comment	Compliance
	building envelope of 6.0m shall apply.		

As indicated in both **Table 1** and **Table 2** the proposal is inconsistent with the relevant controls and fails to adequately address the objectives of many of these sections of both the Local Environmental Plan and the Development Control Plan.

5 conclusion

This report has reviewed development application 2010/663, for 29 Derbyshire Road, Leichhardt. The proposal is for a 24 hour police station on the Site. The Site currently contains two heritage buildings and the whole Site is listed as a heritage item. As demonstrated by this report the proposal for the Leichhardt Police Station at 29 Derbyshire Road is incompatible with relevant planning framework for the subject Site.

Two major issues with the application were identified, being traffic and parking and heritage impact. The proposal has been independently reviewed by a Heritage Consultant and a Traffic and Parking Consultant. Both independent reviews of the application indicate that the proposal has not adequately addressed these issues. Additionally the relevant clauses of both the Leichhardt Local Environmental Plan and the Leichhardt Development Control Plan were considered generally inconsistent with the proposal.

The planning review has highlighted a number of unsatisfactory outcomes to the extent that the current proposal does not meet the required planning framework to the extent that the scheme does not warrant development consent.