

Main Points of SEPP 1 Objection

Building Height - Clause 55D(2) of Rockdale LEP 2000

1. Key Aspects of SEPP 1

Allows flexibility where compliance with a development standard is unnecessary, unreasonable and would hinder the achievement of the objects of the EP&A Act.

Non-compliance is expected to meet the objectives of the development standard. In this case there are no stated objectives of the standard, therefore need to rely on relevant objectives of the Mixed Use 10(a) zone and of DCP 62.

The proposed height in the subject DA meets all these aspects of SEPP 1.

2. The Proposal Meets the Objectives with the LEP

The proposal meets the relevant objectives which include:

- high standard of urban design,
- optimal development with minimum adverse impacts,
- streetscapes of high visual standard,
- provision of long term traffic and circulation needs for Wolli Creek and Cooks Cove, in accordance with Council's Traffic Plan,
- good building design,
- amenity of residents,
- quality of housing, and
- mixed use.

3. Major Issues

The major issue is that the heights and precise built form for the site in DCP 62 are unrealistic and not feasible, especially given the existence of the 11 storey hotel on the site and requirement for the Gertrude St extension. These massing envelopes appear to be developed in isolation to the FSR control and were prior to SEPP 65.

The DCP envelope envisages a perimeter block model of consistent building height with no clear legibility or identity within the whole. It does not acknowledge the presence of the existing hotel whose 'L' shaped geometry and 45 degree orientation sits uncomfortably with the perimeter block plan. Internal separation and overshadowing issues also exist at re-entrant corners and internal wings.

- The site cannot be reasonably, in both a financial and design sense, developed to use the available FSR within the DCP heights.
- The site cannot be reasonably developed under the DCP to allow dedication of Gertrude Street land as FSR does not fit into DCP envelopes. The building envelope within the DCP allows no design flexibility and is only able to accommodate an FSR of 2.6:1 based on the area of site 16 alone. This is well below the allowable FSR of 2.85. Further the envelopes makes no allowance for balconies and has no capacity to accommodate the floor area generated by the FSR attributed to the 1792sqm of land proposed to be dedicated to Council for the Gertrude Street extension.

- Much of the housing within the DCP envelopes would be of poor amenity due to its orientation to Marsh Street traffic or the internal courtyards. It would have difficulty meeting the amenity standards of Rockdale LEP, DCP, SEPP 65 and the Infrastructure SEPP.

4. Proposed Solution is Appropriate

Precinct/Context Issues

- Pattern of built and approved towers in Wolli Creek, airport node and Cooks Cove
- Forms a "gateway" corner to Rockdale & Wolli Creek entry from the east
- Stepping of building heights
- Although 16 storeys, it is only 9.25m higher than existing hotel building and equal in height to the Cooks Cove tower opposite side of Marsh St
- Lower than other towers in Wolli Creek

Urban Design Response

The proposal supports the principles of the Wolli Creek Master Plan, however it proposes changes to the building form in order to accommodate the existing hotel building and respond to the range of urban conditions that call for a more articulated response to that proposed in DCP 62.

Site 16 is located on the southeast edge of the Wolli Creek precinct and, unlike the majority of development sites within the precinct, is bordered by a wide range of urban conditions. In plan Site 16 can be described as forming a peninsular of buildings that project beyond the Gertrude Street edge of the urban fabric and shelters Cahill Park from the busy traffic artery of Marsh Street. Only along the site's southwest boundary does it connect to the ribbon of development sites fronting Cahill Park where the proposed urban form is defined by 4-7 storey perimeter blocks.

Buildings on the northeast and northwest boundaries of the site will face the open space of the park, while the building at the north east corner of the site will along with the northern buildings of the proposed Cooks Cove development frame the entry to the region from the east, on approach over the Giovanni Brunetti Bridge. The proposed urban form of the Cooks Cove site (as set out in the Cooks Cove Master Plan) consists of buildings stepped in height from a lower scale along the golf course at the southern edge to a higher scale along Marsh Street to the north of the site. The tallest building is located to the north adjacent to the Giovanni Brunetti Bridge. This multi-storey building, with a maximum height of RL51.00, marks the start of the Marsh Street environment.

At the Gertrude Street end of the site, the proposed 6-7 storey buildings form a visually consistent relationship with the rest of the development along the street. At the northeast corner, facing the increased scale of the visual space of the park, the river and the airport beyond, the landmark building will mark the height of and (with Cooks Cove) frame the gateway from the airport into Rockdale City. At a regional level, this gateway should be seen as part of a strong band of feature building forms aligned to the Cooks River between Wolli Creek and the International Airport. In the western part of Wolli Creek, the Proximity and Discovery Point developments achieve a height equal to 21 residential levels, having maximum heights of RL 66.25. At the International Airport, the Customs building consists of 11 commercial storeys plus plant rising to a maximum height of RL51.00.

The appropriateness of the proposed solution is illustrated in the attached diagrams.

Site Issues

- Optimal orientation and outlook to north and parklands
- Optimal amenity of units, including through ventilation, unit size and open space
- No south facing units, nor facing Marsh St traffic, nor dependent on internal courtyards
- Relationship to other buildings on-site and mix of uses
- Is not over development of the site as it uses only 85% of allowable FSR

- Does not provide significant internal over shadowing, with external overshadowing caused by the tower being limited to Marsh Street roadway.

Public Benefits

- No off-site impacts will result from the additional height such as overshadowing, privacy, parking, traffic etc
- The overall scheme provides land for Gertrude St extension, a key aspect of the traffic plan for Wolli Creek and the major access intersection to Cooks Cove. This would not be possible if a feasible scheme is not approved.
- The heights are consistent with built form of Wolli Creek as a whole.
- The proposed height allows achievement of near the optimal FSR which allows the Council-expected contributions to funding of infrastructure planned for Wolli Creek in accordance with the Section 94 Plan.

5. Conclusion

Compliance with the LEP height limit is unreasonable as the economic redevelopment of the site will not occur if restricted to the current height control. It would also be unreasonable to be forced to comply with Council's height policy of 15 March 2006 (as referred to in Rockdale LEP) now that Council had changed its height policy for the site by amending DCP 62 for the site.

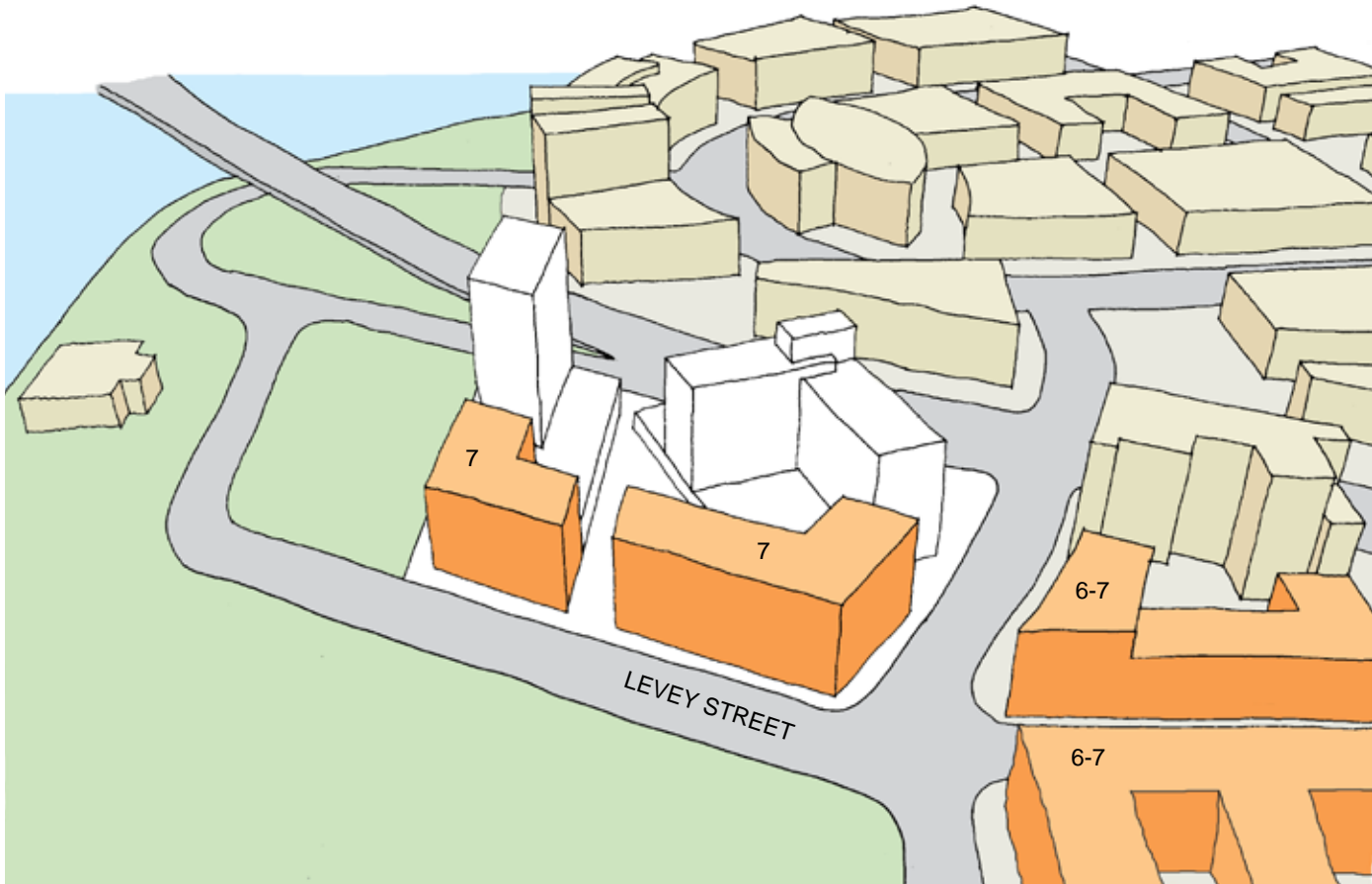
Council officers and the Design Review Panel have long recognised the problems of the LEP/DCP controls and have supported a tower element. Council has now formally amended the DCP controls to allow buildings of this height on the site.

The SEPP 1 can now be seen to be a formality due to the wording of the LEP 2000 which still refers to the DCP as at 15 March 2006, not as now adopted by Council.

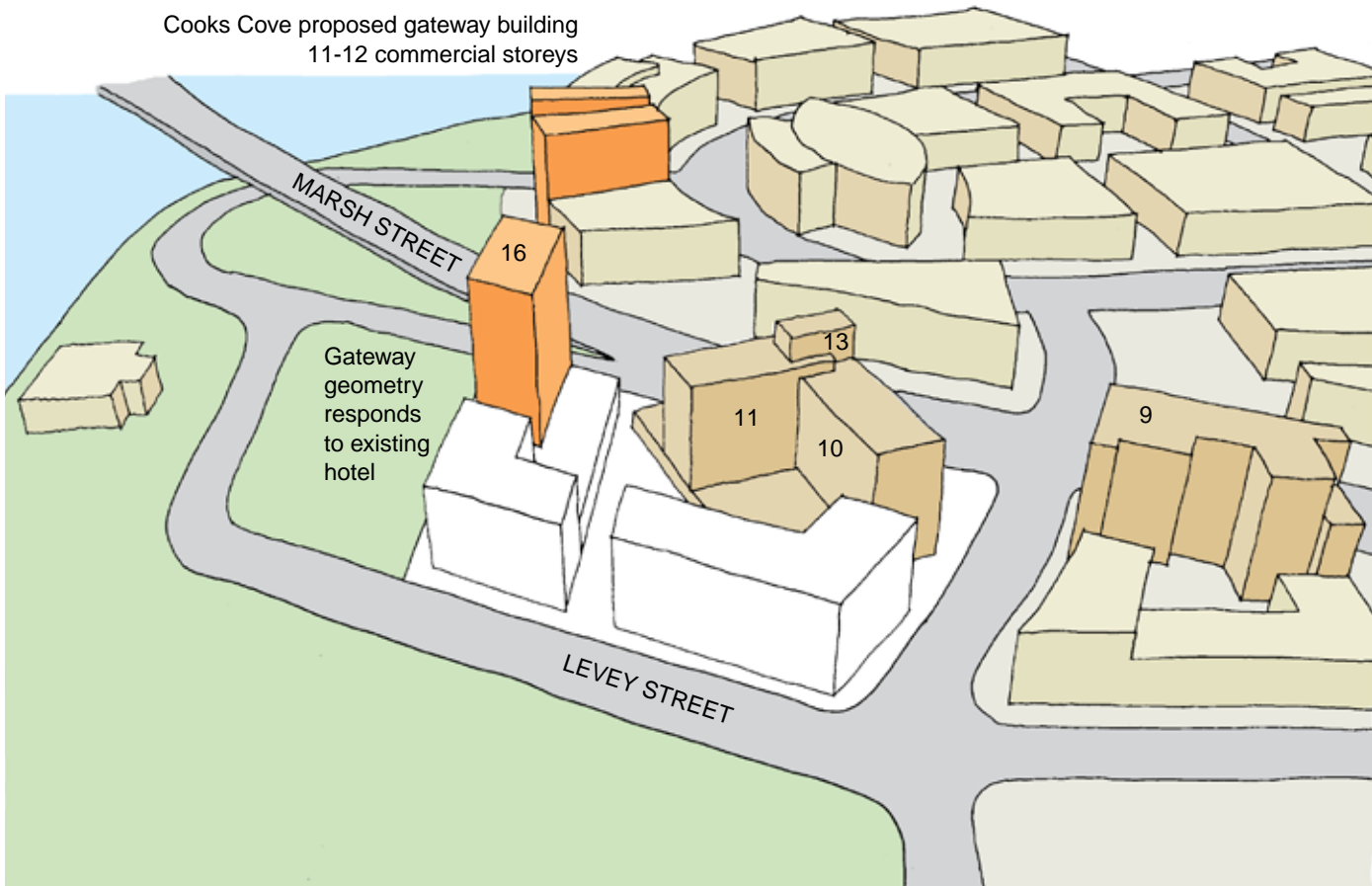
Compliance is unnecessary as a feasible and high quality proposal results from the alternative height, meeting the objectives etc of the planning controls and providing a key addition to the redevelopment concept of Wolli Creek, including the Gertrude Street extension.

Non-compliance meets the objects of the EP&A Act by allowing orderly economic development with additional public benefits and no adverse environmental impacts. Approval of the SEPP 1 objection will support Council's current policy, providing further consistency with the objects of EP&A Act.

Stage 1 DA
Masterplan Design Report
S11153 November 2009



5. Block Edge Development
Seven storey block edge development is proposed along Levey Street in accordance with the Wolli Creek Masterplan.



6. Landmark Tower
A 16 storey residential building with a maximum RL of 50.85m is proposed in the north east corner of the site. Along with the future Cooks Cove tower (RL approximately 50.0m), this landmark building will mark and frame the gateway from the airport into Rockdale City. Along Marsh Street, existing and approved buildings step up towards the gateway. The tower's orientation maximises park and river views and benefits from a northerly orientation. The location and geometry are consistent with the tower that formed part of the 2004 Stage 1 Masterplan DA.