

Joint Regional Planning Panel

(Sydney East Region)

Meeting Date: 12 July 2012

JRPP Number:	2012SYE040
DA Number:	DA-2012/293
Local Government Area:	ROCKDALE
Proposed Development:	Demolition of existing structures and erection of a mixed use development comprising two separate buildings being ten and eight storeys both with roof terrace, including ground floor retail, 76 residential units (including 8 work/live units) and ground and basement car parking for 106 vehicles
Street Address:	564 Princes Highway, ROCKDALE NSW 2216
Applicant/Owner:	Mecone Pty Ltd
Number of Submissions:	One (1)
Recommendation:	Approval with conditions
Report by:	Michael Maloof

Précis

As the capital investment value of the proposed development exceeds \$20 million, the proposal is to be determined by the Joint Regional Planning Panel (JRPP).

Council is in receipt of a development application seeking consent to demolish the existing structures and construct a multi storey mixed use development comprising two buildings being, Building A (10 storeys) fronting Princes Highway and Building B (8 storeys) fronting Chapel Lane. The proposal comprises a total of 76 residential units (36 x 1 bedroom, 38 x 2 bedroom & 2 x 3 bedroom units), including 8 units on the first floor of each building which can be work/live units and 2 adaptable units in Block B. Block A has a total of 44 units + 5 live/work units and Block B has 24 units + 3 live/work units).

The development also includes a commercial tenancy fronting the Princes Highway, two basement levels containing a car park for 106 vehicles, and associated landscaping and communal open space at podium level between the two buildings.

The site is located within the Rockdale Town Centre and is currently zoned B2 Local Centre. The maximum FSR currently permitted for this site is 4:1 in accordance with Rockdale LEP 2011. The maximum permitted height limit on the site is 40m under the Rockdale LEP 2011. The proposal complies with these controls.

The original application has been publicly notified from 10 April 2012 to 26 April 2012. Council received one submission objecting to the scheme during the notification period.

The site is located on the eastern side of Princes Highway with a secondary frontage to Chapel Lane at the rear. The site adjoins commercial properties in the town centre which contain mixed use developments. A single storey commercial development adjoins the southern boundary, however a recent approval granted by Council has shown this site can be redeveloped independently. Opposite the site to the west on the other side of the Princes Highway is the Arena Development which is a large mixed use development which overlooks the site.

The current proposal contains the same general layout of the previously approved development (DA-2012/232) on the site. However, in comparison the current proposal seeks to increase the density of the development on the site including an extra storey for each building, reduce the car parking from two and a half to two basement levels (from 107 to 106 spaces), increase the number of residential dwellings from 59 to 76 units, alter the commercial floor space and replace with ground floor car parking at the rear, increase the number of residential units by one (1) on each floor in the rear building on levels 2 to 7, and retain the same separation between buildings. The car parking will change from 68 to 78 residential parking spaces, 26 to 27 retail spaces, 12 to 15 visitor spaces, 1 car wash bay and 12 motorcycle spaces with storage areas.

Officer Recommendation

1. That DA-2012/293 for the demolition of the existing structures and erection of a mixed use development comprising two separate buildings being ten and eight storeys both with roof terrace, including ground floor retail, 76 residential units (including 8 work/live units) and ground and basement car parking for 106 vehicles be approved pursuant to Section 80(1)(a) of the Environmental Planning and Assessment Act 1979 and subject to the conditions of consent attached to this report.
2. That the objector be notified of the Joint Regional Planning Panel's decision.

Report Background

On 14 July 2011 Council issued a development approval (DA-2011/232) which was granted by the Joint Regional Planning Panel (JRPP) which sought to demolish the existing structures and erect a mixed use development comprising two separate buildings being nine and seven storeys both with roof terrace, including ground floor retail, 59 residential units (including 9 work/live units), and two and a half basement car parking levels for 107 vehicles. The

proposal comprised 17 x 1 bedroom, 33 x 2 bedroom & 9 x 3 bedroom units, including 5 units on the first floor which can be work/live units and 2 adaptable units.

Since that time the development controls applying to the subject site have been made less stringent with an increase in floor space ratio (4:1) and height (ten storeys) and changes to the minimum dwelling sizes and fewer car parking spaces. The current application seeks to benefit from these changes and increase the proposed density of development on the site.

PROPOSAL

Council is in receipt of a development application (DA-2012/293) at 564 Princes Highway, Rockdale NSW 2216, which seeks consent to demolish the existing structures and the construction of a multi storey mixed use development comprising two buildings being, Building A (10 storeys) fronting Princes Highway and Building B (8 storeys) fronting Chapel Lane over two basement car parking levels. The minimum building separation on site between Building A and Building B is approximately 9m.

The proposal comprises a total of 76 residential units (36 x 1 bedroom, 38 x 2 bedroom & 2 x 3 bedroom units), including 8 units on the first floor of each building which can be work/live units and 2 adaptable units being those numbered 106 and 108 on level 1 of building B.

The development comprises one (1) commercial tenancy fronting the Princes Highway (565m² retail), loading dock and adjacent car park on ground level with two basement car parking levels totalling a car parking capacity for 106 vehicles. Associated landscaping and communal open space is provided at podium level between the two buildings and along the northern side boundary at the rear of the site.

A total of 106 car parking spaces are proposed within the ground and two basement parking levels comprising 78 residential parking spaces, 27 retail spaces, 15 visitor spaces, 1 car wash bay and 6 motorcycle spaces and 10 bicycle spaces with storage areas. The ground floor at the rear will include Chapel Lane access to the loading dock for 1 large rigid vehicle. The proposal will include a lobby to each street frontage along with fire exits on the site.

Excavation to a maximum depth of 7m is proposed, in order to provide for basement car parking on site. The proposed basement will comprise parking areas, stacked car parking, residential storage cages, plant rooms, lift access and fire stairs, along with bicycle storage, motorcycle parking and a garbage room for the development.

EXISTING AND SURROUNDING DEVELOPMENT

The subject site contains a four storey commercial building occupying the entire site with ground floor retail, a first floor car parking level and three storeys of commercial uses above. The existing building contains a pedestrian arcade with access from Princes Highway and vehicular access from Chapel Lane via the rear driveway ramp and loading dock.

The subject site is located within the Rockdale Town Centre and is bound by the Princes Highway to the west and Chapel Lane to the east. The adjoining properties to the north include a mixed use development at Nos. 558-560 Princes Highway and other one and two storey commercial buildings further to the north. The adjoining property to the south includes a two storey commercial building at No. 570 Princes Highway and an eight storey

mixed use development at No. 572 Princes Highway. The property at No. 570 contains a development consent (DA-2006/119) granted by Council on 23 February 2007 to erect a nine storey mixed used development with basement car parking.

The subject site is generally surrounded by various mixed use developments within the town centre (for example the Arena development opposite to the west) and a range of smaller commercial businesses with a public car parking area to the east on the opposite side of Chapel Lane.

PLANNING CONSIDERATION

The proposed development has been assessed under the provisions of the Environmental and Planning Assessment Act, 1979. The matters below are those requiring the consideration of the Joint Regional Planning Panel.

Section 79C (1) Matters for Consideration - General

Provisions of Environmental Planning Instruments (S.79C(1)(a)(i))

State Environmental Planning Policy No.55 - Contaminated Land (SEPP 55)

The subject site is zoned Local Centre, contains a commercial building and has a history of development approvals for commercial office use. Council's records indicate that the site has no history of contamination and given the previous uses carried out on the site, the proposal is considered to be acceptable in respect to the requirements of SEPP 55. In this regard, should any new information be discovered during construction the applicant is to notify Council as the regulatory authority for the management of contaminated land. This has been addressed through the imposition of a condition of development consent.

State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65)

The proposal was referred to the Design Review Panel on 7 June 2012. The panel advised that the proposal was well designed and raised no issues in respect to its context, scale, built form, density and aesthetics. The panel did have some comments relating to landscaping, amenity and social dimensions. The following is an extract of these comments along with the recommendation made by the panel in respect to the scheme:

Landscape

The Landscape Plan prepared by Site Design provides a richly varied communal open space on podium level, enhanced with turf areas, planter beds and a water feature. The spaces allow for gatherings and quieter contemplation and further refinement of the materials selection and attention to detailing should maximise their functional and aesthetic impact. The addition of more seating and barbeque facilities would improve the amenity of the space. To improve the relationship between the private and common areas, consideration should be given to more screen planting to Unit 105 and greening up the southern wall facing the open courtyard next to the lobby entrance.

Given the intricacy of the design, the Panel anticipates that the landscape will require a commitment to a higher level of maintenance. The inclusion functional “green roof” gardens is fully supported although the designs appear ‘ad hoc’ and further consideration of their amenity and functionality is required. Some shelter should also be provided at the roof level. An alternative to turf may also be preferred for maintenance reasons.

Amenity, Safety and Security

Whilst the through site link is an asset for the development and the area, in its current form it appears too long and narrow and possibly presents issues of safety and security. This could be alleviated by increasing its width at the eastern lobby to make it more comfortable. Similarly the entrance zone off the Princes Highway could be widened (to the rear line of the lobby), and allowance be made for small scale retail spaces with glazed shopfronts to open out into the through-site link. This would reduce the apparent length of the link, and incorporate activity and interest with retail activities such as jewellers, stationers, tailors and possibly café uses with seating as part of the ‘link’ environment.

Social Dimensions

The proposal contains a good mix of well-designed apartments which will provide for a range of residential interests. The Panel’s suggestion of having small scale retail space would improve the social dimension of the site link enormously. Such a link could also have art works, community notices etc.

Recommendation:

There appears to be no major issues of concern that would prevent support of this proposal. It is recommended that the applicant be requested to give detailed design consideration to the through-site link and demonstrate to Council’s satisfaction the approach to improving the safety and character of this link.

The applicant has confirmed that additional seating can be provided to improve the communal area on the podium level and a landscape management plan being submitted with the construction certificate for the site. This can be addressed as a condition of development consent. The applicant also confirmed that additional shelter will be provided on the roof terrace and the arcade will be increased in width with the commercial floor space being redesigned to active the arcade frontage.

Based on the above, conditions of development consent are to be imposed where possible and the proposal will be improved with regard to the comments raised. Accordingly, the comments from the DRP have been satisfactorily addressed and the proposal is acceptable in this regard.

State Environmental Planning Policy - Building Sustainability Index (BASIX) 2004

The applicant has submitted a BASIX Certificate for the amended development. The Certificate number is 317678M_03. The commitments made result in the reduction in energy and water consumption shown below.

Reduction in Energy Consumption	20
Reduction in Water Consumption	41
Thermal Comfort	Pass

A condition is proposed on the consent to ensure that the BASIX requirements are adhered to.

State Environmental Planning Policy (Infrastructure) 2007

The subject site fronts onto the Princes Highway which is a State Road. As such the following clauses from SEPP Infrastructure apply:

Clause 101 - Development with Frontage to Classified Road / Clause 102 - Impact of Road Noise or Vibration on Non Road Development

The above mentioned clauses require that the consent authority not grant consent to development on land that has a frontage to a classified road unless it is satisfied that, vehicular access to the land is provided by a road other than the classified road and that the development is appropriately acoustically mitigated in respect to potential traffic noise, vibration & emissions.

The subject site comprises a west facing frontage to Princes Highway and eastern frontage to Chapel Lane to the rear. The proposal seeks to provide vehicular access from Chapel Lane to the rear, in order to ensure the uninterrupted operation of the Princes Highway, which is a classified road, is not affected by the development.

The proposal has been accompanied by an Acoustic Report, prepared by Acoustic Logic Consultancy, dated 12 March December 2012. The report considered the impact of external noise intrusion into the development, including traffic and aircraft noise and any noise emission from the proposed development to any affected neighbours.

The report concluded that the proposed development is acceptable provided that noise control measures as outlined in the Acoustic Report are incorporated into the construction of the development. The proposal will be conditioned to ensure the acoustic treatments are incorporated into construction. The proposal is considered to satisfy the requirements of both clause 101 and 102 of the SEPP.

The current application was not required to be referred to the Rockdale Traffic Development Advisory Committee as the previous similar development application (DA2012/232) was referred on 9 March 2011. At the time the Rockdale Traffic Development Advisory Committee resolved to support the application subject to the following:

- 1 Notwithstanding previous contributions paid to Council in respect to this site the proposal should comply with the requirements of the Council's Loading & Parking Code (with reference to the draft DCP 2011), such as the retail parking demand cannot safely be accommodated by use of Council's existing car park and the residential parking demand cannot be satisfied given the 3 hour limit in the Council car park.*
- 2 The reversing of trucks in Chapel Lane to or from the loading dock is not supported as the proposed movement is not safe for both pedestrians and vehicular movement and is inconvenient to other users of the Lane.*

- 3 *Servicing the site, such a waste disposal and removal vans, needs to be further considered in respect to Chapel Lane by the Council's Assessment Officers.*

Under the Section 94 Contributions Plan 2004 the proposed development benefits from 37 additional on site car parking spaces that Council received a contribution in lieu of and provided the spaces within the surrounding precinct. Notwithstanding this, the proposal contains 106 spaces in connection with the entire use and Council's DCP 2011 would ordinarily require a minimum total of 107 on site car parking spaces. Given the contributions paid previously for 37 spaces, the proposal is considered acceptable and generally complies with Council's parking requirements. Accordingly, the current proposal is considered acceptable and complies with Council's requirements.

In respect to item 2 above, the proposal will involve trucks driving down the lane in a forward direction and then stopping to reverse into the loading dock at one point adjacent to the rear of the site within Chapel Lane. The proposed use of the site will not generate a significant number of truck movements. The proposal in general was supported by the RTDAC, (barring the reversing element although this is no different to the existing commercial uses on the adjoining properties within Chapel Lane). The lane currently has available capacity to accommodate the reversing of vehicles into the site without resulting in any unreasonable impacts in respect to road safety or the free flow of traffic within the lane. Accordingly, the proposal is not considered unreasonable in respect to truck reversing and loading.

Council's Development Engineer has considered access provided to the site for waste disposal and removal vans and raises no objection to the proposal in respect to this vehicular access being conducted from Chapel Lane.

Rockdale Local Environmental Plan 2011 (RLEP 2011)

The site is zoned B2 Local Centre under the provisions of RLEP 2011. Development for the purpose of shop top housing is permissible with consent. The relevant clauses that apply to the proposal are below.

Unlike the previous application, the current proposal complies with the controls in the Rockdale LEP 2011 and does not contain any variations under clause 4.6 of the Rockdale LEP 2011. The proposal complies with the requirements of the Rockdale LEP 2011 as outlined in the table below:

Clause	Control	Requirement	Proposed	Complies
2.2	Zone	B2 Local Centre	Permissible	Yes
4.3	Height	40m	37.08m	Yes
4.4	FSR	4:1	4:1	Yes
5.9	Preservation of trees	Particular provisions	No trees on or adjacent to the site	N/A
5.10	Heritage conservation	Particular provisions	Not a heritage property or within a heritage area	N/A
6.1	Acid sulfate soils	Particular provisions	Excavation work is not below 5AHD thus not affected	N/A

Clause	Control	Requirement	Proposed	Complies
6.2	Earthworks	Particular provisions to be considered relating to drainage, soil, use, fill, relics, watercourse and so on.	The proposal involves excavation and is acceptable in respect to these provisions	Yes
6.3	Aircraft Noise	Particular provisions	Acoustic report submitted to address these provisions	Yes
6.4	Airspace operations	Particular provisions	Referred to SACL and no objections subject to conditions	Yes
6.5	Foreshore building line.	Particular provisions	Not affected	N/A
6.6	Flood planning	Property is not flood or overland flow affected	N/A	N/A
6.7	Stormwater	Particular provisions	Stormwater drainage provided on the site	Yes
6.8	Biodiversity protection	Particular provisions	Not affected	N/A
6.9	Riparian land, watercourses and artificial water bodies	Particular provisions	Not affected	N/A
6.12	Essential Services	Provision of water, electricity, management of sewage, stormwater, and suitable road access	The site contains these and the proposal makes provision for them in the redevelopment of the site.	Yes

The proposed development is consistent with the objectives of and satisfies the general requirements outlined in the Rockdale LEP 2011. In this regard the proposal is considered acceptable subject to the imposition of the relevant conditions.

Provisions of any Draft Environmental Planning Instruments (S.79C(1)(a)(ii))

There are no draft environmental planning instruments that currently apply to the scheme.

Provisions of Development Control Plans (S.79C(1)(a)(iii))

Rockdale Development Control Plan 2011

The proposed development generally complies with the development controls in the Rockdale DCP 2011 apart from the following:

Private Open Space

All of the minimum balcony areas and dimensions provided comply with the requirements of clause 4.3.2 of Council's DCP 2011 (as referred to in the Residential Flat Design Code) apart from one unit on levels 2 to 7 of the rear building. This unit is a small one bedroom with study that has a balcony measuring 6m². While this does not comply with the minimum area of 10m² under the DCP, this shortfall is not considered unreasonable given the dwelling faces north, has a linear design with a large usable internal floor space and achieves an

acceptable amount of daylight and natural ventilation being located at the end of the level. Accordingly, the proposal is considered acceptable in respect to private open space.

Soft Landscaping

The proposal contains nil soft landscaping as the building will cover the entire site, however it will contain generous landscaped area and ample common open space area on the podium level which is capable of accommodating large shrubs and sufficient landscaping to soften the development and provide an appropriate level of amenity for the future occupants of the building. In this regard, the scheme complies with the communal open space requirement and is considered acceptable in respect to soft landscaping.

Building Separation

The proposal will include a suitable building separation having a minimum of 9m to allow adequate light penetration into the rear of the front building and allow solar access to the common open space areas on the podium level. This is considered acceptable given the design and orientation of the dwellings and the use of louvers on the balconies of each unit between the buildings.

Solar Access

The amendments to the scheme have increased the solar penetration to the proposed units and allowed the majority of units to benefit from more than 3 hours of solar access and comply with Council's requirements under the DCP. This is largely a result of the orientation of the site. Notwithstanding, over 66% of the proposed units will contain sufficient solar access with the remainder containing more than 2 hours of direct sunlight. As such, the proposal is considered acceptable in respect to solar access.

Housing Mix

The proposal contains less three bedroom and more one bedroom units than required under the DCP 2011. The proposal provides 2 x 3 bedroom (3%) and 36 x 1 bedroom (47%) which should be increased and reduced to 20% and 30% respectively. However, the proposal does represent a good unit mix which will encourage residents of different age groups and lifestyles. In this regard the DRP confirmed their support for the original mix which sought a similar non compliance with the DCP 2011. In this regard, the proposal is not considered unreasonable and the unit mix is considered acceptable in this instance.

Council's DCP requires the provision of 10% of units to be adaptable when more than 30 units are proposed to be erected with associated car parking. Further, the DCP encourages compliance with AS4299 and barrier free access to at least 20% of the dwellings. The proposal will provide 2 adaptable units for the development (units 106 and 108 within building B fronting Chapel Lane) and does not comply with this requirement. However, the proposal also has full compliance with AS4299 and barrier free access to 100% of the units. Accessible parking to accompany these units is also provided within the basement parking level. Despite the non compliance with the number of units, the proposal is considered acceptable given that barrier free access is provided to all dwellings and the proposal complies with AS4299, the Residential Flat Design Code and all other access requirements

contained in DCP 2011. In addition, conditions of consent are to be imposed to ensure compliance with DCP 28 and Disability Discrimination Act requirements.

Car Parking

The application is required to provide 107 on site car parking spaces in connection with the entire proposed development under DCP 2011. The proposal will provide 106 spaces within the ground and basement levels. The applicant relies on a sharing arrangement with the commercial and visitor spaces which can be considered under the DCP. However, the site benefits from contributions previously paid under Section 94 for 37 car parking spaces. Given the proposal is deficient by only space and the applicant has submitted a traffic and parking report to show that the scheme will not result in any significant adverse impacts in respect to traffic and parking, the proposal is considered acceptable and consistent with the objectives outlined in Council's DCP in relation to traffic and parking.

Rear Setback

The proposal will contain a 0.9m wide right of footway along the rear boundary of the site and have the rear building hard up against the rear south eastern corner of the site. This is not considered unreasonable given it provides substantial building separation, legibility to the rear, appropriate pedestrian and vehicular access to Chapel Lane and a similar building on the adjoining property has been previously approved to contain a nil setback along the side and rear boundaries. As such, the proposed variation to the rear setback is considered acceptable in this instance.

Minimum 10% of GFA to be retail/commercial

The applicant has provided a ground floor retail area of 565m² and level 1 work/live units with a floor to ceiling level of 3.3m for adaptation for commercial use of 674m². The total floor area of 1,239m² represents 17% of the GFA and therefore complies with this requirement.

Other Matters

The proposal complies with the remaining requirements under Council's DCP which include crime prevention and security, stormwater drainage, communal open space, energy efficiency and privacy. Some of these controls are discussed in more detail later in this report. Overall, the proposal is considered acceptable in respect to the relevant provisions of the Rockdale DCP 2011.

Any Planning Agreement that has been entered into under section 93F, or any draft planning agreement that the developer has offered to enter into under section 93F (S.79C(1)(a)(iiia))

The proposal does not include any Voluntary Planning Agreements (VPAs) and section 93F does not apply to the application.

Provisions of Regulations (S.79C(1)(a)(iv))

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Only clause 92 is relevant to this application. It requires the consent authority to consider the provisions of AS 2601:1991 - Demolition of Structures when demolition of a building is involved. In this regard a condition of consent is proposed to ensure compliance with the standard.

Impact of the Development (S.79C(1)(b))

Context and Setting

The proposal has been designed in response to the desired future character of the locality as anticipated by DCP 2011 for the town centre and is generally commensurate with the nature of mixed use development on the surrounding lands. Although the proposal contains a detached building to the rear, the site and adjoining lands lend themselves to the design submitted. Similarly the proposal achieves a satisfactory relationship with existing adjoining mixed use development in that it continues the scale and bulk of buildings along the eastern side of the Princes Highway. This is reflected in the approval for the adjoining land to the south which contains a similar detached building form to the rear. Overall the proposal is considered to set a good quality standard for the future mixed use developments in the Rockdale Town Centre precinct.

Views and Vistas

The existing multi storey building on the site benefits from views to the east out over the surrounding undulating lands with distant interrupted views out over Botany Bay and the horizon. It also contains views to the west over the balconies and common areas of the Arena development. The proposed development will retain these existing views from the balconies facing the rear lane and front of the site respectively. However, the increased building height will intrude somewhat into the existing views to the east from the development to the west on the opposite side of the Princes Highway which includes the Arena development. While the view intrusion is limited to the upper most five storeys, the extent of the view intrusion is not unreasonable as any redevelopment would occupy the full width of the site and result in the same affectation and the proposal is consistent with the height of buildings in the surrounding precinct. Small view corridors to the east will remain over some of the adjacent properties which have not yet been redeveloped while existing views from the buildings to the west in other directions will remain unaffected. Given the attached row of commercial buildings, it is not appropriate to set the building back from the side boundaries of the site to create view corridors between buildings.

In this regard, it is considered that the proposal is not unreasonable in respect to the degree of view intrusion. The proposed building will make a positive contribution to the existing vista along the Princes Highway whilst adding to the diversity of styles along the main road frontage. Given the above, the proposal is considered acceptable in respect to views and vistas.

Land Isolation

Council must be satisfied that adjoining parcels not included in their development site will be capable of being economically developed. The adjoining property located to the south of the subject site at No. 570 Princes Highway is zoned B2 Local Centre and has not yet been

developed. The adjoining property currently contains a single storey commercial building at the front of the site with an open yard area at the rear. Although the width of this adjacent property is only 14.5 m, Council granted a previous consent (DA-2006/119) on 23 February 2007 which permits the redevelopment of the property for the purposes of a mixed use development containing commercial units on the ground floor and 14 residential units above and to the rear with vehicular access from the rear lane. The applicant has submitted information confirming this and as such, sufficient information has been given to demonstrate the adjoining property can be redeveloped on its own.

In addition, the applicant previously submitted correspondence which demonstrates that the adjacent owner is not willing to include their property in the development scheme at this time. The applicant has submitted sketches of the approved redevelopment for the adjoining property. The plans demonstrate that the adjacent property is capable of being economically developed.

Privacy

The site is surrounded by buildings of similar height, scale and mixed use within the Rockdale Town Centre. The only exception to this is the building on the adjoining property to the south. However, a recent approval has been granted by Council which includes a similar mixed use development with two detached built forms which is commensurate with the proposed development. As such, the proposal is considered to have adequate privacy measures and be of a design which is not considered unreasonable in respect to the resulting internal amenity and external privacy conditions for the site. The proposal is not likely to result in any significant privacy impacts on the proposed dwellings or the existing dwellings on the adjoining properties in the vicinity of the site. Similarly the proposal benefits from its relationship with the existing neighbours to the west on the opposite side of the Princes Highway. The proposal is consistent with the nature of developments in the area. As such the proposal is considered satisfactory in relation to amenity and privacy.

Overshadowing

Although the proposal contains a significant number of single aspect apartments the proposed dwellings contain an east/west orientation for the front building and a northern orientation for the rear building. The proposal generally complies with the minimum solar access requirements for each unit. Although this attribute of the development could be improved, the layout of the buildings is in response to the established building forms within the street block and the nature of the previous approval on the adjoining property to the south. In this regard, the proposal is consistent with the remaining building forms and complies with the height controls.

An inspection of the shadow diagrams submitted with the application indicates that the proposal is likely to result in a minor increase in overshadowing when compared with the existing shadows cast by the buildings on adjoining properties. The shadows to be cast by the development are not considered to be excessive and will be over the Princes Highway in the morning and properties to the south later in the day during mid winter.

The proposal meets the general overshadowing controls under DCP 2011 and the minor impact on the adjacent residential properties is considered to be acceptable being limited only

to mid winter. As such it is considered that the proposal is satisfactory having regard to solar access and overshadowing.

Parking and Traffic

Parking has been addressed previously in this report and is considered to be acceptable in respect to the requirements of Council's DCP 2011.

A Traffic Report was prepared by a Traffic Consultant and submitted with the development application. The report was considered by Council's Development Engineer and concluded that the development will not unsatisfactorily affect traffic efficiency in the surrounding road network. Council undertook its own assessment of traffic generation and concluded that the traffic generated by the development would be lower than the levels predicted by the Traffic Report. Accordingly, the proposal is considered acceptable in respect to traffic matters.

Noise

A detailed noise report has been submitted with the application being prepared by Acoustic Logic Consultancy dated 12 March 2012. The report recommends measures to minimise noise impacts. The recommendations of the noise report are proposed as conditions of consent. Subject to compliance with the recommendations of the report, the proposal is considered to have minimal affectation from the noise sources surrounding the site.

Wind Impact

A Wind Assessment report prepared by WindTech dated 30 November 2010 and an addendum letter date 5 March 2012 (for the revised scheme) was submitted to Council with the application. The report concludes that "wind conditions for all areas within and around the development will be suitable for their intended uses and within the respective recommended criterion" when the principle recommendations detailed in the conclusion of the report are undertaken. In this regard, a condition will be imposed recommending the adoption of the recommendations and that the development complies with AS/NZS 1170.2:2011 (Wind Actions) in respect to wind.

Suitability of the Site (S.79C(1)(c))

The commercial zoning of the site, its prominent location and proximity to public transport make the site ideal for the high rise mixed use development as proposed. Surrounding development on Princes Highway and Chapel Lane indicate that the locality is currently undergoing transition from lower scale to higher density development. The proposed development is considered to be consistent in bulk, scale and form with existing and emerging approved high rise developments surrounding the site.

There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development. The subject site is considered to be suitable for the development proposed.

Public Submissions (S.79C(1)(d))

Adjoining owners were notified of the proposed development application in accordance with Council's Development Control Plan No. 50 - Community Engagement in Development Decisions. Council received one submission regarding the application during the public notification period. The submission received outlined the following issues:

- 1. New developments are putting increased pressure on existing residents including increased traffic and public transport impacts*

Comment: The Rockdale Town Centre is located at a major transport node with access to numerous forms of public and private transport. As such, the town centre is capable of accommodating increased densities with a greater reliance on public transport infrastructure. While higher densities will increase traffic loads during peak periods, the current proposal represents a small and acceptable increase in the residential density for the site.

- 2. Rockdale Council should see all aspects of a development not just the benefits good for somebody.*

Comment: The proposal will provide a range of benefits to a range of people, not just the owner of the land. Such benefits include the supply of new residential housing in the precinct, upgrading the existing building fabric, ensuring new housing has adequate amenities and essential services, provision of new dwellings with increased access to public transport and better utilisation of natural resources. As such, the proposal is considered to be of substantial benefit to the community and will make a positive contribution to the locality.

- 3. Increased densities in a small area will degrade living quality*

Comment: When new multi storey buildings are well design and constructed they can achieve higher densities whilst providing synergistic benefits to their occupants. These include an overall reduction in energy consumption, less travel distances for residences, better access to commercial services, improved aesthetics of the built fabric and a contribution to the social environment with additional residents within the local precinct.

- 4. Rockdale is becoming more dangerous and families are better off outside the town centres*

Comment: Most suburbs in Sydney undergo increases in residential densities across the board and as a result, crime may increase in some areas. Rockdale has a range of housing types and offers residents a mixture of residential forms. Individuals can chose to relocate to any residential density they prefer and receive the benefits of that density whether they are within the town centre or the outer suburbs.

- 5. Based on the above matters I disagree with further developments being approved in the Rockdale Town Centre*

Comment: The Rockdale LEP 2011 controls the use of land in the town centre through a regulatory zoning system. The zone map restricts the use of land but also makes provision for additional uses when land is underutilised. The zones applying to the land enable increased capacity based on community demand. As such, it would not be in the

best interests of the community for Council to cease consideration of any further redevelopment proposals in the town centre.

Public Interest (S.79C(1)(e))

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity. The proposed building is a high quality building that will add architectural value to the existing streetscape. Furthermore, the proposal is not considered to result in unreasonable amenity impacts on surrounding properties, other than what could reasonably be expected within a higher density living environment. As such it is considered that the development application is in the public interest.

CONCLUSION

The proposed development has been considered under Section 79C(1) of the Environmental Planning and Assessment Act, 1979. The application seeks to demolish the existing structures on site and construct a mixed use development comprising two buildings over two basement car parking levels.

Consideration has been given to the applicable planning instruments as part of this assessment. Despite the proposed increase in density, the proposal is considered acceptable given its consistency with the objectives and compliance with the development controls applying to the site. The proposal is not likely to have any significant adverse impacts on neighbouring properties and is therefore considered reasonable.

It is recommended that the proposed mixed use development application (DA-2012/293) at 564 Princes Highway Rockdale be approved by the JRPP subject to the imposition of recommended conditions of development consent.