

# Joint Regional Planning Panel

(Sydney East Region)

*Supplementary Report to Panel Meeting held on 14 August 2014*

<b>JRPP Number:</b>	2013SYE107
<b>DA Number:</b>	DA-2014/194
<b>Local Government Area:</b>	ROCKDALE CITY COUNCIL
<b>Proposed Development:</b>	Integrated Development - Construction of a part nine (9) & part eleven (11) storey mixed-use development comprising of five (5) commercial/retail units occupying 293 square metres, 140 residential units and car parking at basement and ground levels for 188 vehicles
<b>Street Address:</b>	1-5 Gertrude Street & 10-18 Princes Highway, Wolli Creek NSW 2205
<b>Applicant/Owner:</b>	Pheonix Builders Pty Ltd
<b>Number of Submissions:</b>	One (1) against
<b>Recommendation:</b>	Deferred Commencement Approval
<b>Report by:</b>	Shaylin Moodliar – Senior Development Assessment Planner

## PRECIS

At its meeting on 14 August 2014, the Sydney East Region Joint Regional Planning Panel (JRPP) considered the application and resolved to defer the determination to enable amendments to the plans demonstrating compliance with the floor space ratio controls.

The applicant has submitted amended plans on 29 August 2014 and re-submitted architectural and GFA calculation plans on 1 September 2014.

This report provides a brief summary of the amended plans submitted in response to the matters identified by the JRPP and provides an assessment of the changes to the proposal, specifically, the floor space ratio under the RLEP 2011, building depth and separation, apartment unit mix and size and other relevant provisions of the RFDC and the relevant objectives of the RDCP 2011.

As requested by the JRPP, the gross floor area (GFA) of the proposal has been reduced. This has been achieved by reducing the depth of both buildings, reducing the size of the commercial component, other minor modifications such as identifying services areas on the floor plans, which are not to be included in the GFA calculation; and by reducing the size of all three ground floor lobby entry areas.

The proposed modifications to the design to achieve a reduction in GFA are considered satisfactory, however, the reduction in gross floor area to the lobby entry areas results in insufficient residential amenity within the buildings. To improve the residential amenity within the development site, it is recommended to increase the lobby entry areas by 54 square metres.

As a result, the proposed gross floor area is 10 977.8m<sup>2</sup>. Overall, the proposal as amended exceeds the maximum gross floor area by approximately 109.6m<sup>2</sup> across both zones. The additional GFA is only marginal. The proposed variation to the FSR has been assessed within the parameters of cl 4.6 in RLEP 2011 and is supported.

## **OFFICER RECOMMENDATION**

i. That Development Application No.DA-2014/194 for the construction of a part nine (9) & part eleven (11) storey mixed-use development comprising of five (5) commercial/retail units occupying 293 square metres, 140 residential units and car parking at basement and ground levels for 188 vehicles be granted deferred commencement consent by the Joint Regional Planning Panel subject to the following deferred commencement conditions.

*The consent shall not operate until you satisfy Council about the following matters:*

1. *The submission of an amended landscape plan addressing the following:*
  - a. *Details to show landscape levels, planter details, proposed soil depths and a full plant schedule (including proposed plant numbers) as per the requirements of the RDCP 2011.*
  - b. *A garden maintenance storage area and amenities facilities for the residents to be provided within the communal open space area.*
2. *The submission of a complete schedule of finishes (including details where external louvers or screen panels to the windows/balconies are provided), render colours, balustrade colour/finishes, window frame samples and details, type of paving for the entry and balconies/courtyards, internal fencing/privacy screen details surrounding the open space on the ground floor apartments and paint colours/finishes.*
3. *The submission of an acid sulphate soil assessment and management plan.*
4. *The property at Lot 56 in DP 4301 (1A Gertrude Street, Wolli Creek) must be acquired from Rockdale City Council. As such, you are required to submit proof of registration of ownership of the land from the NSW Land and Property Information Office to Council*

ii. That the Joint Regional Planning Panel support the variation to the height of buildings contained in clause 4.3 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.

iii. That the Joint Regional Planning Panel support the variation to the floor space ratio contained in clause 4.4 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.

iv. That the NSW Department of Planning be advised of the Joint Regional Planning Panel's decision.

v. That the objector be advised of the Joint Regional Planning Panel's decision.

## **AMENDED PLANS**

The plans have been amended as follows:

1. *The depth of all the buildings on the site has been reduced by 400mm along their facades resulting in a 482.5 sqm less gross floor area across the development site;*
2. *The lift core structure servicing the building along Princes Highway will be re-positioned 400mm closer to the Princes Highway boundary;*
3. *The lift core structures and fire stairs along the eastern boundary are re-positioned 400mm closer to the Gertrude Street boundary which will reduce the width of the car parking space No.58 to 2m wide x 5.4m long.*
4. *The corner commercial space on the ground floor has been reduced by 15 m<sup>2</sup> on the Gertrude Street frontage. As amended, the commercial/retail floor space of each tenancy is broken down in the following manner:*

<b>No. of commercial/retail tenancies</b>	<b>Size</b>
1	46 m <sup>2</sup>
2	46 m <sup>2</sup>
3	50.5 m <sup>2</sup>
4	53.2 m <sup>2</sup>
5	97.3 m <sup>2</sup>
<b>Total commercial/retail floor space</b>	<b>293 m<sup>2</sup></b>

5. *Reduce the size of all three (3) lobby areas in the following manner:*
  - *The entry lobby area 'A' originally proposed an area of 39 sqm, the applicant seeks a reduction in the lobby area 'A' to approximately 18.5 sqm in size.*
  - *The entry lobby area 'B' originally proposed an area of 48.5 sqm, the applicant seeks a reduction in the lobby area 'B' to approximately 18.5 sqm in size.*
  - *The entry lobby area 'C' originally proposed an area of 54.5 sqm, the applicant seeks a reduction in the lobby area 'C' to approximately 31 sqm in size.*
6. *Reduce the size of the ground floor apartment C.03, C.04 & C.05 to include a walkway behind the ground floor residential units. Specifically, the ground floor one-bedroom apartments (C.03, C.04 & C.05) have been reduced in width by 2.4m, each accommodate 50 square metres of total internal floor space, which results in a 2m wide corridor from the ground floor level car park to the western fire exit stairs at RL 2.85 fronting Gertrude Street.*
7. *Reconfiguration of service shafts for ducting to include two (2) new carpark exhaust ducts through each of the buildings with an outlet on each of the rooftop terraces (which is not included in the gross floor area calculation).*
8. *Water and gas meters provided on each residential level (which is not included in the gross floor area calculation).*
9. *Garbage room within the ground floor level adjoining the lift core to lobby area C has been relocated within the residential car parking space area on the ground floor level (which is not included in the gross floor area calculation).*

## PLANNING CONSIDERATION

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

### Residential Flat Design Code (RFDC)

The amended proposal has resulted in a reduction to the size of the apartments across the development site. The proposed amendments have been assessed and the following issues are relevant to determine compliance of the amended proposal with the relevant provisions of the RFDC.

Requirement	Comments	Compliance with the requirement and objectives
<b><i>Building Depth</i></b>		
Maximum internal depth of building – 18m from glass line to glass line. Where greater than 18m depth, must justify how satisfactory daylight and ventilation is achieved	<p>The building depth is greater than 18m (a maximum building depth ranges from 19.565 metres to the R4 zoned portion of the building along Gertrude Street to 22.6 metres to Building A) from the glass line to glass lines (excluding balconies).</p> <p>Adequate daylight access is achieved to south-facing apartments and the proposal has two rooftop terraces.</p>	Minor variance, but considered satisfactory, considering adequate daylight and ventilation is achieved
<b><i>Building Separation</i></b>		
<p>Building separation distances nine storeys and above:</p> <ul style="list-style-type: none"> <li>- 24m between habitable rooms/balconies</li> <li>- 18m between habitable rooms/balconies</li> <li>- 12m between non-habitable rooms</li> </ul> <p>five to eight storeys:</p> <ul style="list-style-type: none"> <li>- 18m between habitable rooms</li> <li>- 13m between habitable/balconies and non-habitable rooms</li> <li>- 9m between non-habitable rooms</li> </ul>	<p>There is a nil to 500mm separation from Building A to the No.20-22 Princes Highway boundary, which is considered satisfactory due to the B4 Mixed Use zone boundary.</p> <p>There is an internal separation ranging from 7.81-11.69m between the external walls of between both buildings, which are within the B4 zone.</p> <p>There is a 15m separation from the balconies of Building A to the north-facing balconies of No.20-22 Princes Highway.</p> <p>There is a 17.5-25.5m building separation between Building A and No.20-22 Princes Highway, Wolli Creek and a 41.9m separation between the balconies of the building along Gertrude Street and the balconies of the No.20-22 Princes Highway, building.</p> <p>As per the Panel recommendations in its meeting on 14 August 2014, the building height is considered reasonable. Despite this recommendation there is a nil separation to the common R4 zone boundary between the building fronting Gertrude Street and No.7 Gertrude Street boundary.</p>	<p>Major variances required, but considered satisfactory within the B4 zone.</p> <p>Proposals along the R4 zoned lands along Gertrude Street are encouraged to provide a zero building separation envisaged within the Wolli Creek Special Precinct.</p>
<b><i>Apartment Layout</i></b>		
Various	Amended plans indicate the provision of a range of unit types which do not specifically fall within the categories of apartment types nominated by the RFDC or RDCP 2011.	No, but considered satisfactory

	<p>Bedrooms, balconies, studies and dwellings do not therefore strictly comply with the numerical provisions of the RFDC. The proposed development provides for a range of unit sizes and types within the development ranging from studio (46 m<sup>2</sup>) to 3-bedroom dwellings.</p> <p>Amended plans provide the following apartment unit internal sizes:</p> <ul style="list-style-type: none"> <li>- 1 bedroom units with internal floor space ranging from 50-70 m<sup>2</sup>;</li> <li>- 2 bedroom units with internal floor space ranging from 70-80 m<sup>2</sup>; and</li> <li>- 3 bedroom units with internal floor space ranging from 95-113 m<sup>2</sup>.</li> </ul> <p>The above apartment sizes are considered to be satisfactory in providing adequate internal residential amenity to the occupants and meet the rule of thumb apartment sizes nominated by the RFDC.</p> <p>The configuration, layout and design of units, their overall size and spaces are practical and will allow future users to furnish their units in a variety of ways. Habitable areas, bedrooms, bathrooms, studies and balcony sizes are satisfactory in dimensions and are appropriately provided with ventilation, solar access and outlook in order to maximise amenity to future occupants.</p>	
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## Rockdale Local Environmental Plan 2011 (RLEP 2011)

### *Clause 4.4 – Floor Space Ratio (FSR)*

The amended proposal has sought to reduce the gross floor area by 482.5 square metres across the development site.

The B4 zone land at 10-18 Princes Highway & 1 Gertrude Street has a permissible maximum gross floor area of 8351.46 m<sup>2</sup> and a maximum FSR of 3:1. The amended proposal has a gross floor area of 8437.4 m<sup>2</sup> and is approximately 85.94m<sup>2</sup> (or 1.02%) over the maximum gross floor area. The resulting FSR is 3.03:1.

The R4 zone land at 1A, 3 & 5 Gertrude Street has a permissible maximum gross floor area of 2516.7 m<sup>2</sup> and a maximum FSR of 2.2:1. The amended proposal has a gross floor of 2540.4m<sup>2</sup> and is approximately 23.7m<sup>2</sup> (less than 1%) over the maximum gross floor area. The resulting FSR is 2.22:1.

The permissible GFA across the subject site is 10 868.2 m<sup>2</sup>. Overall the gross floor area across the site is 10 977.8 m<sup>2</sup>. The proposal exceeds the maximum gross floor area by approximately 109.6 m<sup>2</sup> of gross floor area across both zones.

The additional floor area pertains to the corridor, which provides access to residential units C.03, C.04 and C.05 at the ground floor level and the reduction in size to all three ground floor lobby entry areas.

A minor breach of approximately 109.6 m<sup>2</sup> of GFA across both zones to the FSR controls is worthy of support in the context of clause 4.6 for the following reasons:

- The increase in the area at the entrance (lobby entry areas) is appropriate given the scale of the proposal. The lobby entry areas as amended are of a reasonable size and provide better opportunity for residents to meet. They improve the residential amenity within the buildings.
- In assessing the reasonableness of the amended proposal, it is appropriate to consider the breach to the gross floor area to the overall scale of the building. The minor breach to the gross floor area is internal and contributes in a positive manner to the residential amenity of the occupants of the building.
- The amended proposal is considered to be of an appropriate bulk, scale and height for the development site. The floor space ratio of the amended proposal is not considered excessive and will provide an appropriate visual relationship between the development site and the emerging high density residential character along Gertrude Street.
- The proposal complies with the objectives of the floor space ratio controls and the zone objectives.
- Compliance with the development standard across both zones in this instance is unreasonable and unnecessary given the above.

### **Rockdale Development Control Plan 2011 (RDCP 2011)**

The proposed amendments have been assessed and the following issues are relevant to determine compliance of the amended proposal with the objectives of the RDCP 2011.

#### *Part 4.5.1 Housing Diversity and Choice*

The following table shows the apartment mix and breakdown of unit type provided under the original proposal with 135 units and the proposed amendments with 140 units.

	<b>DCP requirement</b>	<b>Original Proposal (135 units)</b>	<b>Amended proposal (140 units)</b>	<b>Complies</b>
Studio/1-bed	10%-30% of development	36.3% - 49 units	<b>37.1% - 52 units</b>	No
2-bed	50%-70% of development	56.3% - 76 units	<b>55.7% - 78 units</b>	Yes
3-bed	10%-20% of development	7.4% - 10 units	<b>7.2% - 10 units</b>	No
<b>Total</b>		100% - 135 units	<b>100% - 140 units</b>	

The amended proposal provides an adequate apartment mix of two-bedroom units, however, the amended proposal provides a shortfall of 4 x three-bedroom units and 10 studio/one-bedroom units over the maximum studio/one-bedroom units requirement as recommended in the RDCP 2011.

The above variation is deemed to be minor and is considered satisfactory given the proposed apartment unit mix is comparable to other mixed-use developments in the city.

#### *Part 4.6 Car Parking, access and movement*

The amended proposal provides 155 residential car parking spaces which equates to a surplus of five (5) residential car parking spaces. The re-positioning of the lift core structures and fire stairs along the eastern boundary within the basement floor level results in a reduction to the width of the car parking space No.58 to approximately 2m wide x 5.4m long.

A condition of consent will be imposed to ensure car parking space No.58 is converted into a motorcycle space.

The surplus of four (4) residential car parking spaces is not supported as they would further contribute to the GFA within the development site. A condition of consent is recommended so that car parking spaces 11, 12, 67 and 68 be deleted to create a better separation between the building and the boundary at the rear. This also creates opportunities for deep soil planting.

Given the above, the proposal as amended is satisfactory in regard to Part 4.6 of the RDCP 2011.

#### *Part 5.3.14 Retail/Commercial uses*

The original proposal sought to provide 3.5% (308m<sup>2</sup>) of the GFA for future commercial/retail uses. The amended proposal reduces the commercial floor space by 15m<sup>2</sup> from the original proposal and will provide 3.5% (293m<sup>2</sup>) of the GFA for future commercial/retail uses, which equates to a deficiency of 6.5% or 547m<sup>2</sup> of commercial/retail floor space uses. The proposal will introduce customers to activate the Princes Highway street frontage. Given the location of the site adjacent to the Wolli Creek Town Centre, the size of the commercial/retail tenancies as proposed is considered reasonable.

### **PUBLIC EXHIBITION**

The amended application was not publicly exhibited as this was not required by the Joint Regional Planning Panel.

### **CONCLUSION**

The proposal has been amended, generally to satisfy the JRPP recommendations.

The reduction in GFA has resulted in reduced apartment sizes and has also resulted in the minor relocation of the lift cores closer to the Gertrude Street and Princes Highway boundaries which has reduced the apartment sizes and the footprint of the building within its central part of the development site.

These additional changes do not create additional impacts and are consistent with the previous recommendations of the planning report considered by the panel at its meeting on 14 August 2014.

The proposed variation to the FSR requirements is supported within the parameters of CI 4.6 in RLEP 2011. A condition of consent has been recommended to include wider, more usable lobby entry areas on the ground floor and the deletion of four (4) residential car parking spaces.

As such the proposed development at 10-18 Princes Highway and 1-5 Gertrude Street, Wolli Creek is recommended for approval as a deferred commencement consent subject to the conditions of consent attached to this report.