

Joint Regional Planning Panel

(Sydney East Region)

Meeting Date: 14 August 2014

JRPP Number:	2013SYE114
DA Number:	DA-2014/203
Local Government Area:	ROCKDALE
Proposed Development:	Integrated Development - Demolition of existing structures and construction of fourteen (14) storey mixed use development comprising 5 commercial units, 185 residential units and basement car parking
Street Address:	4-6 Princes Highway & 4-10 Gertrude Street, WOLLI CREEK NSW 2205
Applicant/Owner:	Greencruise Development Group Pty Ltd
Number of Submissions:	Two (2) Against
Recommendation:	Approval
Report by:	Fiona Prodromou – Senior Development Assessment Planner

Précis

The proposal is for the demolition of existing structures and construction of a fourteen (14) storey mixed use development comprising 5 commercial units (481.7sq/m), 185 residential units (12 x studio / 15 x 1 bedroom / 31 x 1 bed + study / 111 x 2 bedroom / 16 x 3 bedroom) and basement car parking containing 250 car spaces.

The land is zoned B4 – Mixed Use under Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as commercial premises and shop top housing and is permissible with development consent.

The proposal is subject to a Clause 4.6 variation to FSR upon the subject site as a result of a discrepancy on the gazetted RLEP 2011 FSR map, which excluded the road widening component of the site from comprising FSR. This is a mapping error and Council is correcting the FSR map as part of an LEP Amendment. The variation is supported by Council as the proposal is consistent with the objectives of SEPP 65 and is satisfactory in terms of overall built form, siting, massing and scale.

The proposal indicates a minor variation to the building depth and separation at upper levels, as per the guidelines of the Residential Flat Design Code. This has been discussed within the report.

The proposal does not comply with requirements in Rockdale DCP 2011 in respect to the number of storeys, building setbacks, unit mix and size, car parking, landscaped area on site; level 1 floor to ceiling height, internal acoustic privacy, extent of basement footprint, common corridor width and amount of retail space provided within the development. These issues have been addressed within this report.

Two (2) objections have been received by Council. The issues relate to view loss, non compliance with setbacks, traffic generation, overshadowing and matters relating to public infrastructure.

The proposal has a Capital Investment Value greater than \$20 million (i.e. \$53 996 712) and as such the development application is referred to the Joint Regional Planning Panel (JRPP) for determination. The recommendation is for approval.

Officer Recommendation

1. That development application DA-2014/203 for the demolition of existing structures and construction of fourteen (14) storey mixed use development comprising 5 commercial units, 185 residential units and basement car parking containing 250 car spaces 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 NSW Department of Planning be advised of the Joint Regional Planning Panel's decision.
3. That the objectors be advised of the JRPP's decision.

Report Background

PROPOSAL

The proposed development involves the following:

Basement Level 2

114 car spaces (*including 8 accessible*) 7 motorbike & 12 bicycle spaces, and 141 storage cages. Lift access, stairwells & associated plant rooms

Basement Level 1

94 car spaces (*including 6 accessible & 30 visitor*). 4 motorbike and 10 bicycle. Lift access, stairwells, associated plant rooms, storage cages (42), 3 x garbage rooms.

Ground Floor Plan

11.3m wide vehicular entry from Gertrude Street to ground level and basement parking areas, as well as ground level loading and garbage areas. 42 car spaces (*including 4 accessible / 17 retail (1 being an accessible space) / 5 visitor*) 2 motorbike spaces are also proposed.

240.3sq/m commercial tenancy with associated north / NE facing terrace area with an impermeable balustrade to a maximum height of 1.5m along this terrace area.

95.2sq/m café & 3 x commercial tenancies fronting park (49.5sq/m / 49.7sq/m / 47sq/m). Plant rooms, substation, commercial waste area / garbage room, 2 x residential lobbies with pedestrian access off Gertrude Street, associated ramps, lifts, toilet facilities and stairway access.

Level 1 (14 units)

1 x studio / 2 x 1 bedroom / 3 x 1 bedroom + study / 7 x 2 bedroom / 1 x 3 bedroom units with NE, SE and SW facing private open space areas.

Direct pedestrian access from within level 1 to a large north east facing communal open space area incorporating seating, outdoor kitchen, pergola, pathways, planting and eastern stairwell to ground level. North west facing landscaping (accessible for maintenance only).

A light framed glass screen wall is proposed along the Cahill Park frontage of the site for the length of the development. The glass screen wall is angled and open at the upper levels to allow for ventilation to level 1 communal and private open spaces. Greenery is proposed as a design feature on the glass wall. The glass wall is to be irrigated, with plants potted into stainless steel tubs.

An impermeable 3m high impermeable glass screen is proposed along the entire length of the level 1 communal area to the NE side facing Cahill Park behind the proposed glass wall.

A 2.5m maximum high impermeable screen is also proposed along the NE side of level 1 directly in front of units U102 / U103. Two x communal open space areas with tables / chairs have been provided fronting Gertrude Street.

Gym for residents with associated change rooms and toilet facilities. Lifts, stairwell, garbage chute & plant rooms. Kitchen and car park exhaust is located to the SW of the lift core closest to Princes Highway.

Level 2 (16 units)

1 x studio / 1 x 1 bedroom / 3 x 1 bed study / 10 x 2 bedroom / 1 x 3 bedroom units with NE, SE and SW facing private open space areas. Lifts, stairwell, garbage chute & plant rooms.

Level 3 - 6 (17 units per floor)

1 x studio / 1 x 1 bedroom / 3 x 1 bed study / 11 x 2 bedroom / 1 x 3 bedroom units with NE, SE and SW facing private open space areas. Lifts, stairwell, garbage chute & plant rooms.

Level 7 (14 units)

At level 7, the development comprises the form of two separate built forms with a central communal open space. This floor comprises 2 x studio / 2 x 1 bedroom / 3 x 1 bedroom + study / 7 x 2 bedroom.

The central communal open space area, has direct access from within level 7. Level 7 communal open space area comprises garden beds incorporating trees, shrubs and grasses. Tables, chairs and an outdoor kitchen and pergola are also proposed. A 2.5m high impermeable glass screen is proposed along the NW and NE edge of this area for wind resistance.

Level 8 – 12 (13 units per floor)

1 x studio / 1 x 1 bedroom / 2 x 1 bedroom + study / 8 x 2 bedroom / 1 x 3 bedroom units with NE, SE, NW and SW facing private open space areas.

Level 13 (9 units)

1 x 1 bedroom / 3 x 2 bedroom / 5 x 3 bedroom units with NE, SE, NW and SW facing private open space areas.

A two storey light framed glass screen wall is proposed along the Gertrude Street & Cahill Park frontage of the site for the length of the development. The glass screen wall is angled and open at the upper levels to allow for ventilation to level 1 communal and private open spaces. Greenery is proposed as a design feature on the glass wall. The glass wall is to be irrigated, with plants potted into stainless steel tubs.

A total of 19 x architectural feature blades have been proposed along the Princes Highway frontage of the site. The blades are to be constructed of lightweight metal plates and are positioned at first floor level above the restaurant tenancy at ground floor, providing for a two storey expression to this part of the building.

The ground level eastern and north eastern elevations adjoining Cahill park have been provided with 3 x horizontal planters, fixed onto the external wall of the building, in order to provide for a green wall to these elevations.

Pedestrian entry to the ground level of the development in the form of ramps and steps along the NE, NW and SW sides of the site. Direct pedestrian access is available from the ground level of the site to Cahill Park via steps to the northern and north eastern side of the ground floor. A fire hydrant / booster is located at the SW side with frontage to Gertrude Street.

The proposal seeks to remove three (3) street trees within Gertrude Street, one (1) tree on site and five (5) trees located within the northern adjoining property being Cahill Park.

A number of planter boxes are proposed at ground level along the NE, NW and SW sides of the development.

Full height louvered screens are proposed to the SE perimeter of the SE private corner balconies on the eastern tower on levels 2 – 7.

Full height louvered screens are proposed along the SE perimeter of the SE private corner balconies on the east tower on levels 2 – 13.

An open fire hydrant / sprinkler booster is proposed along the Gertrude Street frontage, within close proximity to the junction with the Princes Highway.

EXISTING AND SURROUNDING DEVELOPMENT

The subject site is located at the junction of Princes Highway and Gertrude Street and is a Gateway Site. The site comprises a frontage of 40.76m to Princes Highway (State Road), 98.83m to Gertrude Street, and an overall site area of 3933.7sq/m. The site is currently occupied by a car sales yard, a single storey vacant dwelling, single and two storey industrial buildings.

To the north and east, the site adjoins Cahill Park (Crown Land), to the south the site adjoins Gertrude Street. Cahill Park comprises a range of trees and a cricket pitch with a range of amenities further to the south east.

Opposite the site to the south west lies 10 Princes Highway & 1-5 Gertrude Street which is currently vacant. This property is the site of a current development application (DA-2014/194) for another integrated development being the demolition of existing structures and construction of a part 9 & 11 storey mixed use development comprising five (5) commercial tenancies, 140 residential units and car parking at basement and ground levels for 193 vehicles. This DA is currently under assessment.

7 / 9/ 11 /13 Gertrude Street also lie opposite the site to the south west, these properties are currently occupied by building materials, an airport parking caryard and single storey buildings.

Further to the south east of the site lies 23 Gertrude Street, a residential flat building development nearing completion, comprising two buildings, 7 and 9 storeys in height with a total of 85 residential apartments.

To the north west of the site lies a significant expanse of car yards with single to two storey structures. Further to the north west of the site is the single storey Wolli Creek Woolworths and Dan Murphy's site with associated car parking. Further to the NW of the site lies Discovery Point and Wolli Creek Railway Station, this is approximately 480m walking distance taking the most direct route.

The subject site is flood affected, potentially contaminated and is classified class 3 acid sulphate soils. The site is affected by a local road widening along the Princes Highway and Gertrude Street, and is subject to the 51AHD obstacle limitation surface, given the proximity of the site to Sydney Airport.

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 91A – Development that is Integrated Development

The proposed development constitutes Integrated Development and requires approval by the NSW Office of Water under the Water Management Act 2000. The proposal has been referred to the Office of Water and general terms of approval (GTA) have been granted. The conditions of the GTA have been incorporated in the draft Notice of Determination.

Section 79C (1) Matters for Consideration - General

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

State Environmental Planning Policy Building Sustainability Index (BASIX)

The applicant has submitted two BASIX Certificates for the proposed development. The Certificate numbers are 505484M_02 and 505648M_02. The commitments made result in the reduction in energy and water consumption.

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

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

The property is identified in Council's records as being potentially contaminated. Clause 7 of SEPP 55 requires Council to be satisfied that the site is suitable for the proposed use or will be suitable after remediation prior to consent.

A Stage 2 Detailed Site Investigation (DSI) and a Remediation Action Plan (RAP) were prepared by the applicant and submitted to Council. The reports conclude that the site is suitable for the proposed land use subject to the following recommendations.

- *A Remediation Action Plan (RAP) should be prepared for the proposed development. The RAP will include remedial measures to be implemented to render the site suitable for the proposed land use.*
- *A Construction Management Plan (CMP) should be prepared to document the management measures required to address potential risks associated with contamination.*
- *A Validation Assessment (VA) report should be prepared to document the remediation undertaken at the site.*
- *An Acid Sulfate Soils Management Plan (ASSMP) should be prepared to manage the ASS conditions during construction.*
- *A Hazardous Materials Assessment (Hazmat) for the existing buildings should be undertaken prior to the commencement of demolition works.*
- *An Asbestos Management Plan (AMP) should be prepared for future site demolition, excavation and construction works, and*

- *Inspections during demolition and excavation work to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations. This should facilitate appropriate adjustment of the works programme and schedule in relation to the changed site conditions. Inspections should be undertaken by experienced environmental personnel.*

Conditions of consent are proposed to ensure the above recommendations are implemented. The proposal meets the requirements of SEPP 55 and the site is suitable for the development.

State Environmental Planning Policy Infrastructure

Given the location of the subject site on the Princes Highway which is a classified road the following provisions of SEPP Infrastructure apply to the development.

- a) *Clause 101 - Development with frontage to classified road*
- b) *Clause 102 - Impact of road noise or vibration on non-road development*

The above requires the consent authority to require vehicular access from an alternative road other than the classified road, to ensure the ongoing efficient operation of the classified road and also to ensure the development is appropriately insulated from potential road noise and vibration.

The proposed development incorporates vehicular access to the site from Gertrude Street which is in excess of 90m from the junction with the classified road. The location of the vehicular entry is appropriate and is considered to satisfy the requirement above.

The proposal has also been accompanied by an Acoustic Report, prepared by Acoustic Logic, dated 10/12/2013 which recommends appropriate design construction measures in order to ameliorate traffic noise and vibration.

The proposal will be conditioned accordingly. The proposal complies with the requirements of this clause.

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

In accordance with clause 30 of this policy, the consent authority must take into consideration the following:

- a. The advice of the Design Review Panel (DRP)

The proposal was initially considered by the Design Review Panel on 4th February 2014 where the DRP noted that the original design was unsatisfactory. Plans were subsequently amended and the DRP reconsidered the proposal on 2nd June 2014, where concerns were raised in regards to snorkel bedrooms and levels of solar access to these rooms and the survival and maintenance of the proposed green wall system. These matters have been addressed below.

- b. The design quality of the residential flat building when evaluated in accordance with the ten design quality principles

The 10 design quality principles have been considered in the assessment of the proposal and are found to be satisfactory as indicated below.

1. Context

The area is undergoing change from a relatively low density industrial area to a high density mixed use area containing retail, commercial and residential uses to take advantage of the proximity to the railway station.

The design is generally consistent with the desired future character of the area in terms of height, bulk and scale.

2. Scale

The scale of the proposal as amended has incorporated the lift and stair cores more successfully into the building envelope. The scale of the development is generally consistent with the desired future character of the area, complying with the height and FSR control.

3. Built Form

The proposed built form is appropriate, with articulated and modulated facades, incorporation of rendered features to elevations, green wall elements to ground and first floor levels and feature blades to the western elevation which provide visual interest at the gateway location of the site.

The facades comprise a considered mix of horizontal and vertical elements incorporating a range of building materials and colours.

4. Density

The proposed density is compliant with the FSR control and as such is consistent with the desired future character of the area.

The DRP had concerns regarding snorkel bedrooms and the degree of daylight to these bedrooms and to some units given their deeply recessed balconies.

The applicant has since provided information which confirms that the snorkel bedrooms and recessed balcony spaces will receive sufficient solar access, given Level 1 is the only level that has balconies in front of the recessed windows to the secondary bedroom and there is no development above at upper levels which would restrict the availability of solar access and natural ventilation.

In regards to recessed bedroom windows at upper levels, these windows are provided as 1.2m wide, floor to ceiling glazed windows, which are located within a void space on the external facade. The 1.2m wide, floor to ceiling glazed window will allow for appropriate levels of northern sunlight, daylight and ventilation into the second bedrooms.

5. Resource, Energy and Water Efficiency

Energy efficiency is appropriately addressed by the BASIX certificate requirements. The passive solar design of the proposal is appropriate with solar access maximised to the proposed dwellings, their balconies and the communal open spaces given the northern aspect of the site and building orientation.

6. Safety and Security

The development provides for two prominent building entries on Gertrude Street which comprise direct pedestrian access and provide a high level of visibility to the street.

Residential apartments, communal open space & car parking areas will be accessible via a secure electronic system.

Clear directional signs will be provided on site to advise users of security measures in place. Security cameras are proposed to be installed.

The location and design of the level 1 & 7 communal open space areas maximise opportunities for activities within these areas, which will in turn result in passive surveillance of Cahill park. The activation of the Gertrude Street edge at level 1 allows for passive surveillance to Gertrude Street.

7. Landscape

The site primarily contains landscaping located at levels 1 and 7 in the form of communal open space areas for future occupants, the location and design of the these areas is appropriate.

The development provides a range of small garden beds at ground level fronting Gertrude Street within the road widening dedication. Two podium planters are proposed fronting Cahill Park. These garden beds provide for a landscaped setting with a variety of shrubs & groundcovers providing amenity to future users and passers by.

The DRP raised concern regarding the survival and maintenance of the proposed two storey green wall system on site. The proposal has been conditioned to require a Public Positive Covenant be created on site, under 88E of the Conveyancing Act 1919, which obliges the Owner's Corporation to ensure the maintenance, repair and / or insurance of the structure (green wall) on the land. This will ensure the green wall is maintained, ensuring its visual amenity, for the life of the building.

8. Amenity

Solar access & cross ventilation to apartments is maximised. Appropriate levels of privacy are provided to dwellings.

Apartments will benefit from substantial & well designed areas of communal open space at levels 1 and 7 within the development. A direct physical connection is provided from the level 1 communal open space to Cahill Park which will provide significant benefit to future occupants.

The majority of apartments will have an outlook to Cahill Park which provides for visual amenity to future occupants

9. Social Dimensions and Housing Affordability

The site is well located near a railway station and a variety of apartment sizes and designs are proposed.

10. Aesthetics

The proposal incorporates contemporary architectural elements in the facade, which provide a satisfactory architectural expression to the development.

c. The Residential Flat Building Code.

The Residential Flat Design Code is a publication by the State Government which further expands on the 10 design quality principles by providing some detailed practical guidance for the design of residential flat buildings. The proposal has been assessed against the Residential Flat Building Code as follows:

RESIDENTIAL FLAT DESIGN CODE		
REQUIREMENT	YES/NO	COMPLIANCE
Apartment building depth 10-18m, with wider buildings need to demonstrate satisfactory daylight and natural ventilation	Partial	19.6m at eastern end of building as two units share a common wall i.e. U502 / U501 Minor variance (1.6m) apartments have dual aspect and shallow individual apartment depths (12.9m – U502 / 10m – U501) achieving satisfactory daylight and ventilation.
Building Separation 5 to 8 storey - 18m between habitable rooms/balconies 9+ Storeys – 24m between habitable rooms/balconies	Yes No	9 storeys and above are separated by 21m not 24m. Variance of 3m, deemed satisfactory given the orientation of units to front Cahill Park (with side of dwellings 21m apart) and offset window openings.
Single-aspect apartments should be limited in depth to 8metres from a window	Partial	U206 /U213 / U215 = 8.6m U209 = 8.2m Minimal depth variation to apartments unlikely to result in adverse impacts.
The back of a kitchen should be no more than 8metres from a window	Partial	U206 /U213 / U215 (and similar at upper levels) = 8.5m U209 = 8.2m Minimal depth variation to apartments unlikely to result in adverse impacts.
Provide primary balconies to all apartments with minimum depth of 2 metres	Yes	Satisfactory
The ground floor retail and commercial spaces and first floor spaces (regardless of use) should have a clear ceiling height of 3.3 m.	Partial	Ground Floor = 3.3m – 6.2m First Floor = 2.7m Satisfactory given provision of commercial space at ground level and unlikely use of first floor for commercial use following the strata subdivision of development.
Habitable rooms to be a minimum 2.7metres ceiling height	Yes	3.050m
Accessible storage to apartments: One bed = 6m ³ Two bed = 8m ³ Three bed = 10m ³ Minimum 50% in apartment	Yes	Fixed storage to all apartments provided. Supplementary basement storage proposed.
Living rooms and private open space for at least 70% of apartment receive a minimum of 3 hours sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable	Yes	161/185 apartments (87%) will receive the minimum 3 hours solar access in midwinter.
Limit single-aspect apartments with southerly aspect to 10% (19)	Yes	11/185 (6%) apartments are single aspect. (114, 216, 317, 417, 517, 617, 713, 813, 913, 1013, 1113)

60% (111) of residential units should be naturally cross ventilated.	Yes	162/185 (88%) apartments are naturally cross-ventilated.
25% (47) of kitchen of development should have natural ventilation	Yes	162/185 (88%) of kitchens have access to natural ventilation
Minimum 20% (37) of dwellings in the development have barrier free access.	Yes	All units are accessible. Satisfactory.

Rockdale Local Environmental Plan 2011 (RLEP 2011)

The site is zoned B4 – Mixed Use under the provisions of RLEP 2011. Development for the purpose of commercial premises and shop top housing are permissible with consent. The proposal is consistent with the objectives of the zone. The relevant clauses that apply to the proposal are below.

Clause	Control	Requirement	Proposed	Complies	Objectives
2.2	Zone	B4 Mixed	Ground floor commercial premises; shop top housing	Yes	Yes
2.7	Demolition	Requires development consent	Consent requested by applicant	Yes	Yes
4.3	Height	46m	46m to the top of the lift overruns	Yes	Yes
4.4	Floor Space Ratio	4:1 (15 974.8sq/m)	FSR - 3.99:1 (15 946.2sq/m)	Yes	Yes
4.6	Exceptions to standards	Written statement to request variation	Floor space ratio inconsistency as a result of current RLEP 2011 mapping error (See details below)	Yes	Yes
5.1A	Development on land intended to be acquired for public purposes	3m - Princes Highway frontage 3.1m - Gertrude Street frontage	3m - Princes Highway frontage 3.1m - Gertrude Street frontage	Yes	Yes
5.9	Preservation of trees	Trees to be retained and preserved where possible.	Refer to details below.	Yes	Yes
6.1	Acid sulfate soils	Class 3 – for works below than AHD 1m below ground level.	Submitted environmental assessment report states ASS management Plan to be prepared to manage ASS conditions during construction.	Yes – to be conditioned	Yes
6.2	Earthworks	Restrictions on construction involving earthworks (excavation or filling)	Maximum excavation depth 4.5m for proposed basement levels.	Yes	Yes
6.4	Airspace operations	Restrictions to ensure no adverse effect on airspace operations 15.24m & 51 OLS	Proposed maximum height to AHD 46m. SACL raises no objections subject to this height limitation	Yes	Yes

Clause	Control	Requirement	Proposed	Complies	Objectives
6.6	Flood planning	Reduce impacts on flood behaviour & minimise the flood risk to life and property	Ground floor raised 1.35m above NGL, minimum habitable levels adhered to. Submission of a Flood Management Plan (FMP).	Yes – proposal conditioned to ensure implementation of FMP.	Yes
6.7	Stormwater	Minimise impacts of urban stormwater on development and downstream lands.	Subsoil pump system within the basement level 2 and a rainwater tank below the ground level.	Yes	Yes
6.11	Active Street Frontage	ASF to Princes Highway & Cahill Park	Proposed ground level commercial uses to activate required frontages to Cahill Park and Princes Highway	Yes	Yes
6.12	Essential services	All services to be available for future occupants	Available supply of water, electricity, disposal and management of sewage, stormwater drainage or on-site conservation and suitable road access.	Yes	Yes

Clause 4.6 – Exception to a Development Standard

It is noted that a discrepancy exists upon Councils FSR map which excludes the road widening component of the subject site from comprising FSR. This is a mapping error and Council is correcting the FSR map as part of an LEP Amendment.

Consequently, the part of the site that is to be set aside for local road widening is excluded from the site area for the purpose of the calculation of FSR. This was not the intention of Council. The FSR notation on the RLEP 2011 map should encompass the entire existing site area, not only the site area that would result following the dedication of land subject of the road reservation.

In this regard, the applicant has submitted a clause 4.6 variation in relation to this matter, to ensure the current application is not legally flawed.

The applicant's clause 4.6 arguments are as follows;

- The non-compliance is a result of a drafting error in the RLEP 2011, as acknowledged in a letter from Council dated 3 October 2013. If the part of the site that has been identified by Council for future local road widening is included in the "site area" for the purpose of the calculation of FSR, the proposal fully complies with the FSR development standard.*
- The proposed FSR is consistent with the underlying objectives of the standard and B4 Mixed Use zone.*
- The built form on the subject site is consistent with the scale of development anticipated for this landmark location by the RLEP 2011 and DCP 2011.*
- The proposed variation does not result in any unreasonable privacy, sunlight, view loss or visual impacts.*

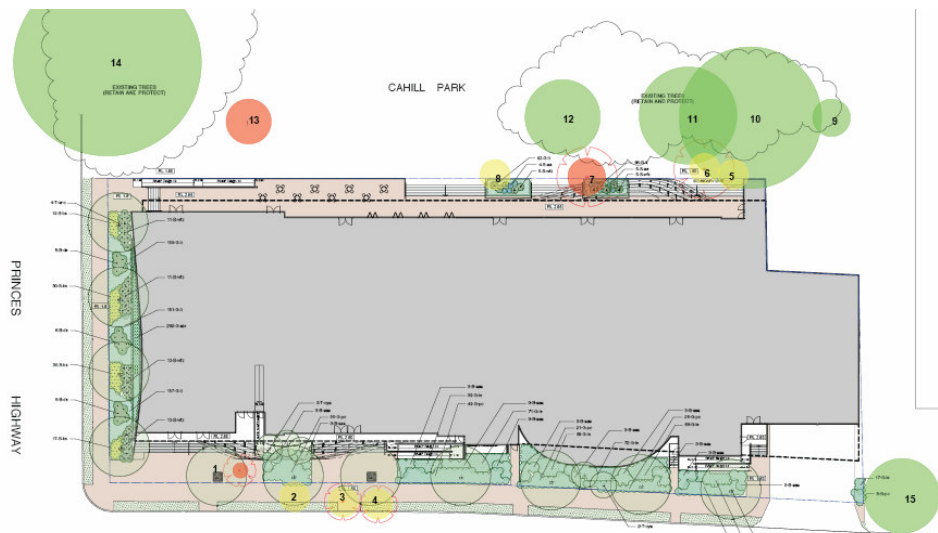
- *The proposed variation to the FSR standard does not raise any matter of significance for State or regional environmental planning.*
- *There is no public benefit in maintaining strict compliance with the FSR development standard as it is currently drafted.*
- *It would be entirely inequitable for Council to require the applicant to dedicate part of the site for local road widening to Council at “no cost” and not allow the applicant to benefit from the FSR across the entire site.*

Given the above, a variation to the current development standard is satisfactory and worthy of support in the context of clause 4.6 for the following reasons:

1. The FSR discrepancy is purely an LEP mapping error. Council confirms the road widening component of the site should comprise an FSR allocation and this should be utilised within FSR calculations for the site.
2. The proposal satisfies the objectives of the mixed use zone and complies with the height requirement for the site.
3. The proposal is consistent with the emerging character of re-development within the context of the site and in particular Wolli Creek.
4. The proposed development does not result in adverse amenity impacts to properties within the context of the site.
5. The public benefit of orderly development of this site outweighs strict adherence to the numeric standard.
6. Compliance with the development standard in this instance is unreasonable and unnecessary given the above.
7. There are sufficient environmental planning grounds as noted above, in which to justify the contravention of the development standard.

Clause 5.9 – Preservation of Trees or Vegetation

The proposal seeks to remove five (5) trees marked 5 / 6 / 7 / 8 (casuarinas) / 13 (eucalyptus) in orange and yellow below. These trees are located within Cahill Park adjoining the site to the north, which is Crown Land.



Tree Location Plan – Arborist Report prepared by Birds Tree Consultancy

On 25/02/2014 Council received correspondence from a Senior Natural Resource Management Officer Crown Lands, who has authorised the removal of these trees.

In addition to the above, one tree on site and three street trees (bottlebrush) in Gertrude Street marked in orange and yellow above are also proposed to be removed as they are not viable with the proposed development in its current form.

Council's Tree Management Officer has considered the application and raised no objection to the removal of the subject trees on site and within Cahill Park given their location and health.

The proposed development satisfies the requirements and objectives of this clause.

Provisions of any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (S.79C(1)(a)(ii))

There are no Draft Environmental Planning Instruments applying to this proposal.

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

Development Control Plan 2011(DCP 2011)

The proposal has been assessed against the objectives and controls under DCP 2011 and associated documents being the Wollie Creek Public Domain Plan and Manual (PDP), Technical Specifications for Parking, Technical Specifications for Stormwater, Waste Minimisation and Management and Landscaping.

The following non compliances are identified.

1. Landscaped Area

As per the provisions of clause 4.3.1, a minimum of 10% (393.3sq/m) of the site is to be retained as landscaped area. Submitted documentation indicates the provision of 8% (302.5sq/m) of the site proposed to be retained as landscaped area, indicating a deficiency of 2% (90.8sq/m).

The above variation is deemed to be minor and is satisfactory overall, given the appropriate management of stormwater on site, extensive planting proposed & the context of the mixed use zone, particularly adjoining Cahill Park.

2. *Unit, Bedroom, Study & Balcony Sizes*

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 DCP 2011. Bedrooms, balconies, studies and dwellings do not therefore strictly comply with the numerical requirements of DCP 2011. In this regard a merit assessment of units, bedrooms, habitable areas and balconies has been undertaken.

The proposed development provides for a range of unit sizes and types within the development ranging from studio to 3 bedroom dwellings. The configuration, layout and design of units, their overall size and spaces are practical and will allow future users to furnish their homes in a variety of ways.

Habitable areas, bedrooms, 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.

The design of the proposed dwellings is satisfactory in this regard and the development is supported by the Design Review Panel.

3. *Level 1 - Floor to Ceiling Height*

This matter has been addressed within the RFDC compliance table of this report.

4. *Internal Acoustic Amenity of Units*

Clause 4.4.7 requires the construction of intertenancy floors and walls within the development to achieve a 5 star AAAC attribute and thus provide greater acoustic attenuation that would otherwise be afforded by the minimum requirements outlined within the Building Code of Australia.

Part 7 of the Acoustic Report submitted with the application, prepared by Acoustic Logic and dated 17/09/2013 states that the “*project internal building elements will be designed and constructed in compliance with the minimum requirements of the BCA*”.

The proposal will be conditioned to ensure intertenancy walls and floors within the development are constructed so as to comply with the requirements of DCP 2011.

5. *Housing Diversity*

Clause 4.5.1 requires developments to provide for a range of units to accommodate a range of household types. This requirement specifies a minimum of 10% (19) and maximum of 30% (56) of units within the development be provided as 1 bedroom dwellings, with a minimum of 10% (19) and maximum of 20% (37) comprising 3 bedroom dwellings.

The proposal comprises 58 x studio / 1 bedroom & 16 x 3 bedroom units. This represents an additional 2 x 1 bedroom units and a shortfall of 3 x 3 bedroom units within the mix required on site.

Notwithstanding, given the number of units provided on site overall and the mix proposed, a minor variation to the 1 and 3 bedroom units types on site is reasonable.

6. *Parking*

The proposed development comprises a shortfall of three (3) car parking spaces, being 1 visitor and 2 accessible spaces for the retail component within the development. 1 motorbike and 1 bicycle space are also deficient.

Councils DCP permits a shared parking concession within mixed use developments, which allows parking to be shared within the development based on the temporal parking demand between uses.

In this regard, the proposal will be conditioned to require a shared parking register for the three (3) spaces referred to above, with a supplementary condition requiring the provision of appropriate bicycle and motorbike car parking on site. Given the conditions of consent imposed, the proposal complies with car parking requirements for the site.

7. *Basement*

Clause 4.6.11 requires the provision of a basement within the building footprint to enable deep soil planting on site. The basement level of the proposal extends outside the building footprint to the site boundaries.

Given the context of the site, with no directly adjoining neighbours, appropriate management of stormwater, extensive planting proposed & the context of the mixed use zone, the proposed basement footprint is deemed acceptable in this instance.

8. *Common Corridor Width*

Clause 5.2.35 requires a minimum common corridor width of 2m. Plans indicate the provision of 1.7m – 2m wide corridors within the development. This indicates a variation of 0.3m in width to corridors.

Notwithstanding the minor variation proposed, it is considered that corridors with a 1.7m width are sufficient to enable suitable access and manoeuvrability, in particular of bulky items within the development. In this regard the variation is supported.

9. *Retail Space within Development*

Clause 5.3.14 requires a minimum of 10% of the gross floor area of the development to be provided for retail / commercial uses. Given the GFA of the development, this clause would require a substantial component of the development, 1594.6sq/m, to be provided for retail / commercial uses.

The development provides for 3% (481.7sq/m) of the GFA for future retail / commercial uses, with a deficiency of 7%.

Proposed commercial / retail uses are located at ground level and are designed to address the Princes Highway and Cahill Park, which allows the development to

engage visitors and activate the Princes Highway & Cahill Park frontages of the site.

Given the location of the site outside the Wolli Creek Town Centre, the provision of retail / commercial space as proposed is considered reasonable.

10. *Number of Storeys*

As per the provisions of part 7.1.7, the development is to comprise a maximum of 13 storeys on site. The proposed development is 14 storeys and does not comply with this requirement.

The proposed development complies with RLEP 2011 in terms of height and is considered satisfactory with regards to bulk, scale and architectural expression. The proposal is not considered likely to result in unreasonable overshadowing or view loss impacts to surrounding properties. A variation is supported in this regard.

11. *Highway Interface - Street Character / Ground Floor Setback*

Part 7.1.8 requires a nil ground floor setback to both the Princes Highway & a portion of the Gertrude Street frontage, with a 2.5m articulation zone, in order to provide a street edge building which reinforces the public domain and maximises passive surveillance of the street.

The development comprises a nil – 4.6m ground floor setback to the new site property boundary to Gertrude St and a 3.6m ground floor setback to the new site boundary to the Princes Highway.

The above ground level setbacks are provided given the flood affectation of the site and the requirement to safeguard the ground floor level. Given that the ground floor level is raised, appropriate provision is required in the form of steps and ramps in order to enable ground level pedestrian entry. As a result of the above access requirements, the development has been setback at ground floor level.

The proposal has been designed to enable an active street edge with a substantial commercial component fronting the Princes Highway and further comprises two identifiable building entries at Gertrude Street which provide a high level of visibility to the street.

The proposal has further been provided with a two storey green wall feature to the Gertrude Street frontage, forward of the building line, which comprises a nil setback in certain locations, which reinforces and clearly delineates between the public and private domain.

In addition, planter boxes have been provided forward of the building line to both the Gertrude Street and Princes Highway frontages, which will aid in softening the visual extent of the ground floor setback.

Given the above, the ground floor setbacks as proposed are not unreasonable and are considered to satisfy the objectives of this provision.

12. Highway Interface - Street Character / Upper level Setback

Part 7.1.8 of the DCP requires a setback up to a maximum of 5m to the building alignment for the upper residential levels from the new property boundary. The proposal provides the following setbacks to upper levels from the new property boundaries as follows;

- a. Western side setback to Princes Highway;
 - Level 1 – Minimum 8m
 - Level 2 - 3.4m – 11.5m
 - Level 3 & above - Nil to in excess of 5m

The proposal complies at level 1. From levels 2 and above along the Princes Highway frontage the proposed floor layout is the same on each level.

The proposal complies with the 5m setback, apart from 2 triangular forms, which encroach and have a nil setback to the new property boundary. These form part of the units and common corridors within the development. This portion of the building is oriented towards Cahill Park and as such resulting in the triangular components of non compliance.

These triangular portions are stepped in from the western boundary, provided with window openings painted rendered concrete panels for architectural relief.

Given the above, a variation to the setback in this location is not unreasonable.

- b. Southern setback to Gertrude Street

The proposal indicates a range of setbacks to the Gertrude Street Highway Interface Frontage, from level 1 and above, being 0.2m (lift core) & 2.2m – 6.1m to the building alignment.

The proposed variation forms an overall length of 29m, with a small portion of the upper levels of the building, comprising bedrooms, balconies and a lift core, protruding into the setback.

The development in this location has been stepped, with breaks in the building form to minimise the bulk, scale and length of solid walls. Bedroom balconies fronting Gertrude Street are located in excess of 15m from the state road and therefore conflicts between users and the highway will be minimal.

It is reiterated that the subject site is an isolated property, with no further development opportunities being permitted under RLEP 2011 directly adjoining this site on the northern side of Gertrude Street given the RE1 – Public Recreation zone of Cahill Park. In this regard, a variation to the upper level Gertrude Street setback is satisfactory.

13. Residential Interface - Gertrude Street

Part 7.1.9 of the DCP requires the development to have a residential street frontage, addressing the street with balconies, building entrances and living rooms or bedrooms at ground & upper levels.

The proposal has not been designed with residential dwellings at ground level and does not strictly comply with this requirement.

The development has located vehicular entries and the ramp down into the basement at the easternmost portion of the site, furthest from the Princes Highway which is a state road.

The proposal has been designed with two main residential building entries at ground floor, this maximises the activation of the ground floor at the Gertrude Street frontage.

The proposal incorporates the two storey glass framed green wall element along the length of the Gertrude Street frontage. The glass green wall feature assists in obscuring the ground level basement ramp given the location of the planting proposed, which would otherwise be a dominant feature given its extent.

At first floor level, the proposal incorporates bedrooms, balconies and communal terrace areas which provide for passive surveillance of Gertrude Street and provide for a residential interface.

Given the above design features, the proposal provides an acceptable streetscape response to Gertrude Street at ground level in this location.

14. *Parkland Interface – Northern Side*

Part 7.1.13 Parkland Interface diagram, does not clearly identify the side setback requirement for the northern side of the site. Accordingly reference is made to Part 5.2 – Residential Flat Building setbacks, which requires a minimum 3m side building setback up to 3 storeys and subsequently 4.5m at upper levels.

To the northern side of 6 Princess Highway, the westernmost portion of the development has been oriented to face Cahill Park and is sited at an angle in its position on site.

The proposal encroaches into the 4.5m side boundary setback at ground level as it proposes a nil side setback to Cahill Park. Given the location of the site adjoining the park, a nil side setback in this location is appropriate as it provides for a direct pedestrian connection between the park and the development, maximises passive surveillance to the parkland from the raised ground level north facing podium, visually engages users of the park and does not generate adverse impacts, given there are no direct adjoining neighbours.

At upper levels, two small triangular forms encroach into the 4.5m side setback to the park. These form a small part of the units and their associated balcony spaces. The angled siting of the building results in the triangular components of non compliance.

The building as previously discussed has been sited at an angle in order to maximise amenity to future occupants, including maximising views across the park to the Cooks River and to minimise traffic noise from the Princes Highway.

A variation to this setback given the above is not unreasonable, particularly given the minimal extent of the variation and the context of the area.

15. Parkland Interface – Eastern Side

Part 7.1.13 Parkland Interface diagram, does not clearly identify the side setback requirement for the eastern side of the site.

Accordingly reference is made to Part 5.2 – Residential Flat Building, which requires a minimum 3m side building setback up to 3 storeys and subsequently 4.5m at upper levels. The intent of this side setback requirement is to maximise building separation, visual and acoustic privacy and view sharing between neighbouring buildings.

A discrepancy exists between submitted floor plans and elevations in regards to the dimensions of the eastern side setback to Cahill Park, these have since been remedied by the applicant, with the confirmed eastern side setbacks to Cahill Park proposed as follows;

- a. Ground level – 0.4m – 0.8m
- b. Level 1 – 2.945m / 3m / 3.21m (with balcony encroaching to side boundary)
- c. Levels 2 – 13 – 1.81m / 1.97m / 2.945m / 3m

The development indicates a variation of 1.19m to levels 1 & 2 and up to 2.69m levels 3 – 13.

The subject site is zoned B4 – Mixed Use and ordinarily Council does allow a nil side setback within this zone, particularly where there is no directly adjoining neighbour.

Setbacks as proposed in this regard are satisfactory given the proposal has no directly adjoining neighbour to the east, provides for passive surveillance and outlook to and over Cahill Park and does not generate unreasonable view loss or overshadowing impacts to neighbours.

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)(iia))

The proposal is not subject to a Voluntary Planning Agreement (VPA).

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

All relevant provisions of the Regulations have been considered in the assessment of this proposal.

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

Built Environment

The building design comprises three visually distinct building elements, being the base (ground and first floor levels), middle (levels 2 – 6) and upper level residential tower components (levels 7 – 13). Breaks and steps have been provided within the built forms on site, in order to minimise the bulk and scale of the development.

The building has been designed and sited to respond to its context and environmental conditions. The development incorporates north facing public and communal open space

areas and balconies, louvers to eastern facing balconies and the provision of retail areas at ground level fronting and with direct access to Cahill Park.

The development provides for a balanced approach between horizontal and vertical articulation and addresses its corner 'gateway' location with the incorporation of feature architectural blades and green wall design features which have been incorporated into the proposal upon the western, northern and southern elevations. These features make the development a visually identifiable marker to the entrance of the Rockdale Local Government Area.

The development has been designed with appropriate use of articulation & modulation to facades via the incorporation of balconies, pedestrian entries at ground level and a range of colours, textures and materials. This includes but is not limited to rendered concrete panels, glass balustrades (clear & frosted), stone cladding and painted aluminium panels. These materials will provide a modern, contemporary, high quality and visually appealing development on site.

The design of the development is consistent with the desired future character of the area in terms of height, bulk and scale and provides for a suitable mixed use building configuration within the B4 zone and the context of the site.

Visual Privacy

The subject site does not directly adjoin any existing or likely future development sites. The site is unique in this regard.

Residential dwellings have been appropriately designed with offset windows, blade walls separating balcony spaces & staggered building alignments to minimise overlooking of private open spaces & habitable areas within the development.

As previously discussed, the upper level eastern and western towers from level 8 – 13 are separated by 21m not 24m as required by the RFDC.

The lesser building separation is satisfactory in this instance given the side of dwellings are positioned 21m apart, kitchen and bathroom window openings along these sides are offset and windows upon the western elevation of the eastern tower, level 8 and above, are to be frosted glass.

Visual privacy within the development is satisfactory.

Overshadowing

The subject site is located on the north eastern side of Gertrude Street. Properties to the south west include 1-5 Gertrude Street (subject of a current DA-2014/194) and 7-9 Gertrude Street to which there is no current Pre DA or DA.

Given the orientation and subdivision of the lots, should properties to the SW be re-developed, it is inevitable that solar access to these properties will be reduced to some degree.

It is important to note that it is difficult to retain solar access at higher densities in particular when planning controls permit development to the north east at a greater height and FSR, than those to south western properties.

Notwithstanding, reasonable and varying levels of solar access are provided throughout the day to these south western properties, given the height and design of the proposed development on site. A minimum of 2 – 3 hours of solar access will be retained to south-western properties.

In dense urban areas a minimum of two hours may be acceptable as noted in the Residential Flat Design Code. Given the above, the proposal is considered to perform adequately in terms of Solar Access.

Wind Impacts

A revised wind assessment report dated 6 May 2014 was submitted with amended plans, which recommended a number of amelioration measures as follows, in order to ensure appropriate wind resistance on site.

- *Provision of a 1.5m maximum height impermeable balustrade along the northern boundary of the ground level outdoor seating area.*
- *Provision of a 2.5m maximum height impermeable screen along the perimeter of the pedestrian footpath located at the SE corner of the site on level 1.*
- *Provision of a 2.5m maximum height impermeable screen along the NE perimeter of the communal terrace on level 7.*
- *Inclusion of densely foliating trees capable of growing to a height of 3m, with a 3m wide canopy within the landscaped areas of the communal open space on level 7.*
- *Provision of full height impermeable or louvered screens along the SE perimeter of the SE private corner balconies on the east tower on levels 2 – 7.*
- *Provision of full height impermeable or louvered screens along the SE perimeter of the SW private corner balconies on the east tower on levels 2 – 13.*

With the implementation of the above measures, the proposed development will have a minor influence in the local wind environment. The proposal has been conditioned to ensure the above recommendations are implemented on site.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. 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.

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

The development application has been notified in accordance with Council's Development Control Plan 2011 and two (2) letters of objection have been received. The issues raised are addressed below.

Non compliance with 3m eastern boundary setback in terms of Part 7.1.8 Setbacks - Parkland Interface Diagram / Part 7.1.8 Setbacks - Street Character Diagram / Part 5.2 Residential Flat Building - Side Setback / Part 5.3 Mixed Use Building - Side setback

Comment: The matter of setbacks has been addressed previously within the report.

Non compliance with eastern side setback will devalue 7-9 Gertrude Street and result in the loss of city skyline views

Comment: The objection is in relation to future view loss of potential city skyline views over the subject site, from the objectors property, given the proposed development does not comply with the eastern side setback requirement of DCP 2011.

The Land and Environment Court has established “*planning principles*” in relation to impacts on views from neighbouring properties. In *Tenacity Consulting P/L v Warringah Council* (2004) NSWLEC 140 Roseth SC, states that “*the notion of view sharing is involved when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment*”.

Taking it all away cannot be called view sharing, although it may, in some circumstances, be quite reasonable. In deciding whether or not view sharing is reasonable, Commissioner Roseth set out a 4 step assessment in regards to ‘*reasonable sharing of view*’.

The steps are as follows;

1. *Description and assessment of views to be affected by proposal and the value of these views.*
2. *Ascertain whether view retention expectations are realistic. Consider from what part of the property the views are obtained.*
3. *Assess the extent of the impact for the whole property. The impact should be qualified on a scale from negligible to devastating.*
4. *Assess the reasonableness of the proposal that is causing the impact, taking into account any non compliance that is causing view loss. (A development that complies with all the planning controls would be more reasonable than one that breaches them).*

An assessment against the objector’s property at 7-9 Gertrude Street has been undertaken as follows. The subject site and that of the objectors at 7-9 Gertrude Street is identified below.



The objector's properties are located to the SW of the subject site, zoned R4 – High Density Residential, a maximum FSR of 2.2:1 and a height limit of 29.5m apply for future development. Council has no record of any Pre DA, nor any formal DA submitted, for the objector's site in respect of future development under the current planning controls.

The objector's site (*as can be seen below*) is currently undeveloped, utilised for airport parking and what appears to be a construction holding yard, with associated single storey buildings on site.



Given the current state of the objector's properties, the objector's property currently obtains partial views to the north east to Cahill Park. These views are not iconic but simply include the park and adjacent trees.

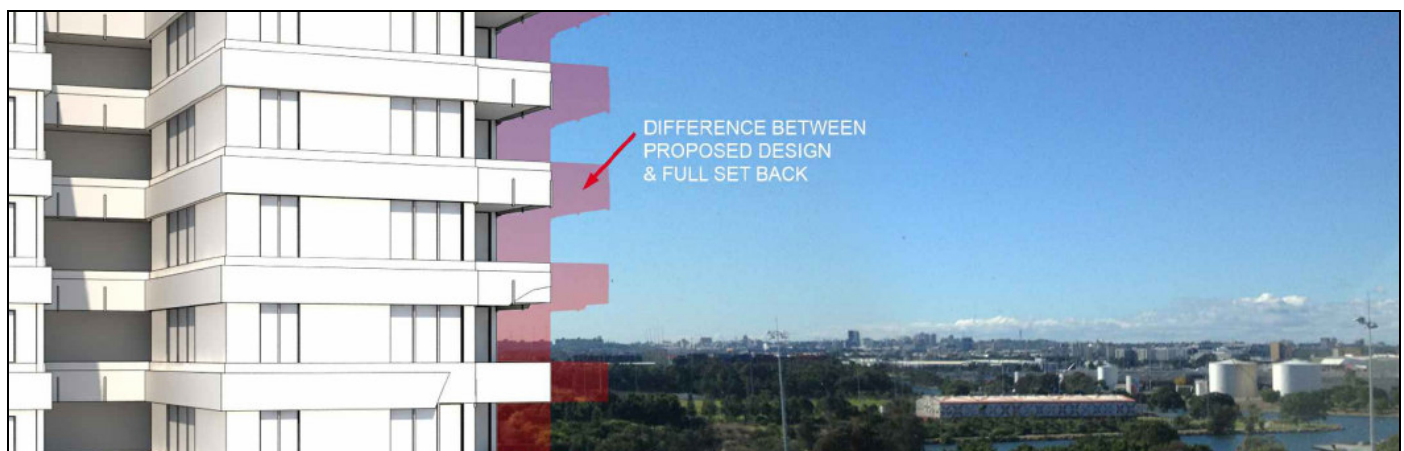
The existing views referred to above, will be retained from the objectors property, given Cahill Park will not be redeveloped and will be retained under its RE1 – Public Recreation zone.

The objection refers to a narrow view corridor over the SE corner of the subject development site, and the need for the proposed development to be setback from the eastern side boundary of the site in order for the objector's property to retain future potential city skyline views over the subject site.

Councils DCP requires a setback to the upper levels of 3m and 4.5m consecutively. The development has provided side setbacks ranging from 1.81m to 3.21m, indicating a variation of 1.19m to levels 1 & 2 and up to 2.69m levels 3 – 13.

Notwithstanding the above, the subject site is zoned B4 – Mixed Use and ordinarily Council allows a nil side setback within this zone, particularly where there is no directly adjoining neighbour.

The applicant has provided the following photomontage (from level 8), which identifies the level of potential view loss from the objectors site as a result of the proposed development.



View Analysis from 7-9 Gertrude Street – Tony Owen Partners

Given the angle of view over the subject site, the extent of the potential future view loss to the city skyline would be limited to several degrees at an angle from the easternmost portion of the objector's site.

Accordingly, the anticipated view loss via this narrow view corridor over the subject site is not considered to be significant, given the extent of the views being retained to Cahill Park from the objector's property. Any future redevelopment of the objector's property will retain appropriate visual amenity and scenic quality in this regard. Potential future city skyline views are side views and the expectation to retain side views is considered unrealistic.

In response to the objectors claim regarding devaluation of 7-9 Gertrude Street, no sufficient evidence has been put forward to substantiate this claim.

Overshadowing to 7-9 Gertrude Street and future development on this site

Comment: The matter of overshadowing has been previously discussed within this report.

Limited car parking in Gertrude Street

Comment: The proposed development results in the removal of 6 driveways with an approximate combined width of 36.3m to Gertrude Street. The proposal incorporates 1 x 11m wide driveway at the eastern boundary of the site. As a result of a single vehicular entry / exit being proposed on site, the development will result in the creation of additional street

parking spaces within Gertrude Street at the frontage of the site. In addition the proposal has been conditioned to comply with on site car parking requirements.

Excessive traffic in area as existing, this will only worsen / Insufficient car parking for the development

Comment: The subject site is zoned for high density mixed use development. The proposal has been conditioned to comply with the applicable car parking requirements for the development. Councils Engineers have considered potential traffic impacts and it is reiterated that the additional traffic flow likely to be generated by the development is well within the environmental capacity of the surrounding road network.

Derelict toilet block in Cahill Park should be fixed first before Council undertakes road widening of Princes Highway

Comment: Council does not have a confirmed timeframe in regards to road widening works within Gertrude Street. Council is currently reviewing a draft 2006 Masterplan for Cahill Park, this will involve a review and potential upgrade of existing infrastructure within the park. Nevertheless this issue is outside the scope of this application.

No street lighting along Gertrude Street and eastern side of Princes Highway / Footpath in this area is also cracked and broken

Comment: These matters are outside the scope of this application.

Site should be used for business / industrial not for another apartment building as there are no banks, post office, bars or other business to make a community thrive

Comment: The subject site is zoned for high density mixed use development. The area is undergoing change from a relatively low density industrial area to a high density mixed use area containing retail, commercial and residential uses to take advantage of the proximity to the railway station. The mix of uses proposed as part of this development are considered suitable for the subject site.

Objection to lack of notification about the proposal

Comment: The proposed development was notified in accordance with the requirements of Rockdale DCP 2011.

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 and future vision for the area.

The proposed development is supported by the Design Review Panel in accordance with the provisions of SEPP 65 and will add value to the existing streetscape which is not yet developed to its full potential.

The proposed development appropriately responds to its "Gateway" site location and is consistent with the relevant planning controls and objectives. Furthermore, the proposal is not considered to result in unreasonable impacts to surrounding properties. As such it is considered that the development application is in the public interest.

CONCLUSION

The proposed development has been considered under S79C(1) of the Environmental Planning and Assessment Act, 1979.

The application involves the redevelopment of the subject site for commercial and residential purposes within a high quality and well designed building, which will replace the existing derelict factories and caryard on the subject site.

Non compliances are acknowledged within the current proposal. These have been discussed within this report. A merit assessment of the application has determined that the proposal is satisfactory and does not result in unreasonable impacts to surrounding properties, thus being worthy of approval.

It is reiterated that the area is undergoing a transition from an industrial to high density mixed use area containing retail, commercial and residential uses to take advantage of the proximity to Wolli Creek railway station.

The proposal is consistent with the objectives of the controls under SEPP 65, RLEP 2011, DCP 2011 and other relevant state policies. As such, the application DA-2014/203 is recommended for approval.