

# Joint Regional Planning Panel

(Sydney East Region)

Meeting Date: 7 October 2014

<b>JRPP Number:</b>	2014 SYE050
<b>DA Number:</b>	DA-2014/319
<b>Local Government Area:</b>	ROCKDALE
<b>Proposed Development:</b>	<p>Demolition of existing structures and construction of a mixed use development including 31 commercial suites, 338 residential units, youth centre and associated ball courts, basement parking and torrens title subdivision creating 3 lots. The proposal includes a park with an area of 948 sqm</p> <p>A planning proposal (subject of a separate Council assessment) has also been lodged affecting the subject site seeking an increase in height on the corner of the site with Princes Highway to 41m (from 31m) and increasing the FSR across the site to 2.92:1 (from 2.5:1).</p>
<b>Street Address:</b>	213 Princes Highway & 4 Wardell Street, ARNCLIFFE NSW 2205
<b>Applicant/Owner:</b>	Stephen Bowers Architects
<b>Number of Submissions:</b>	<p>First Exhibition: 11 individual submissions and 202 pro forma letters</p> <p>Second Exhibition (amended plans): 8 individual submissions and 18 pro forma letters</p>
<b>Recommendation:</b>	Refusal
<b>Report by:</b>	External Consultant - GMU

## Precis

The site is a consolidated site consisting of 24 lots with a total area of 10,990m<sup>2</sup>. The lot along the railway corridor is owned by Council and the applicant has undertaken negotiations with Council to develop a youth centre within the future development and dedicate the land and the centre back to Council once the development is complete. Due to Council's ownership and interests in the development proposal, Council has engaged an external consultant to undertake the DA assessment and report preparation.

The proposal is for the demolition of the existing structures and construction of 8 mixed use buildings, consisting of:

- 31 commercial suites, 338 residential units,
- Youth centre and associated ball courts,
- Basement parking and Torrens Title subdivision creating 3 lots
- Public park with an area of 948 sqm
- Boundary adjustment and subdivision
- Associated infrastructure and landscaping

The site is zoned B6 Enterprise Corridor which prohibits residential accommodation (including shop top housing). Schedule 1 of the LEP however allows additional uses on the subject site despite the prohibition in the zoning table. Under Schedule 1, mixed use development incorporating shop top housing is permitted. Development consent for mixed use development can only be granted for a development involving the whole site if the Council owned land is included.

The proposal has a Capital Investment Value of \$98 million. Therefore the development application is referred to the Joint Regional Planning Panel (JRPP) for determination.

The proposal was originally lodged in May 2014 and was referred to Council's Design Review Panel for consideration. The Panel issues include the scale, density and amenity of the proposed development. In the Panel's opinion, the issues with the DA's scale would be further exacerbated by any additional development that may be contemplated by a planning proposal (see information below).

The Panel and Council's staff met with the applicant to discuss the issues and the applicant was advised to withdraw the application due to the fundamental concerns with the application. It was recommended that the applicant prepare a new master plan for the site which reconsidered the massing, site configuration, location of the youth centre and the overall street network and circulation pattern.

The applicant has not prepared a revised master plan but has submitted a set of amended plans dated July 2014 which seek to address some of the Panel's concerns. The amended plans broadly include the following design changes:

- Increased setbacks to the north eastern boundary to provide additional separation to the residential properties adjoining the site.
- Removal of the Wardell Street extension
- Some reconfiguration of the unit layouts and commercial spaces leading to a revised unit mix and additional commercial areas to ensure all buildings are mixed use/shop top housing
- Increased number of car parking spaces
- Widening of Townsend Place to accommodate a new footpath
- Retention of one additional tree at the corner of Princes Highway and Townsend Place

The overall massing, built form, bulk and siting of the buildings and the youth centre as well as the widths and locations of the proposed public and communal open space have remained essentially unchanged. Based on the limited extent of the amendments to the development application, the amended proposal was not referred to the DRP as it was considered that the majority of their concerns would remain.

## Officer Recommendation

That Development Application DA-2014/319 for a mixed use development and youth centre at 231 Princes Highway and 4 Wardell Street Arncliffe be REFUSED pursuant to Section 80(1)(b) of the Environmental Planning and Assessment Act 1979 for the following reasons:

1. The proposal does not comply with Statement Environmental Planning Policy – Building Sustainability Index (BASIX).
2. The proposal does not comply with Statement Environmental Planning Policy (Infrastructure) 2007 in that RailCorp has not provided concurrence to the proposed development.
3. The proposal does not satisfy the requirements of State Environmental Planning Policy 65 (the SEPP) outlined in the submission from the Design Review Panel and the assessment of the design principles under the SEPP.
4. The proposal is contrary to the provision of the Rockdale Local Environmental Plan 2011 with regard to Clause 4.3 – Height of Buildings due to lift overruns protruding above the maximum permissible height and the inadequate floor to floor heights of the commercial and residential units. The applicant has failed to submit an objection pursuant Clause 4.6 of Rockdale Local Environmental Plan 2011.
5. The proposal is contrary to the provision of the Rockdale Local Environmental Plan 2011 with regard to Clause 4.4 – Floor Space Ratio as the resulting FSR is inconsistent with the overall strategic planning of Arncliffe and Rockdale LGA. The applicant's objection to compliance with the FSR requirement pursuant to Clause 4.6 of Rockdale Local Environmental Plan 2011 is not supported. The proposal is considered an over development of the site.
6. The proposal is contrary to the Rockdale Development Control Plan 2011 with regards to the following:
  - Clause 4.1.1 Views and Vistas – the submitted visual impact assessment is inaccurate and inconclusive and the applicant has failed to submit adequate visual impact assessment to consider the impacts on public domain areas and the surrounding residents;
  - Clause 4.1.3 Water Management – the proposed stormwater management system does not comply with Council's requirements and no water quality measures are proposed in accordance with the DCP requirements;
  - Clause 4.1.7 Tree Preservation – excessive tree removal;
  - Clause 4.2 Streetscape and Site Context – inadequate treatment to the architectural form resulting in poor streetscape presentation along Princes Highway and Townsend Place;
  - Clause 4.3.1 Open Space and Landscape Design – insufficient open space and landscaping and poor amenity within the proposed open space;
  - Clause 4.3.3 Communal Open Space – poor amenity within the communal open space in terms of wind, accessibility, connectivity with the surrounding areas and natural surveillance;
  - Clause 4.4.3 Natural lighting and ventilation – lack of natural ventilation due to the need to seal the balconies to mitigate aircraft noise impact;
  - Clause 4.4.5 Visual and Acoustic Privacy – significant overlooking between units and onto the adjoining residents due to reduced building separations;
  - Clause 4.5.1 Housing Diversity and Choice – the unit mix does not comply with the DCP requirements with an excessive supply of studio and 1 bedroom units;

- Clause 4.5.2 Equitable access – insufficient adaptable units;
  - Clause 5.3 Development Setbacks – lack of secondary street setbacks from Princes Highway and Townsend Place;
  - Clause 5.3 Building Uses – no separation of residential and commercial uses in the car park and lifts;
  - Clause 5.3 Building Design – poor architectural treatment and built form; and
  - Clause 5.3 Public Domain Interface – colonnade provides poor address of the commercial suites to the streets.
7. The proposal is contrary to the public interest in that a significant number of objections were received during the two rounds of exhibition.

## Report Background

### PROPOSAL

The proposal is for the demolition of existing structures and construction of a mixed use development including 31 commercial suites, 338 residential units, youth centre and associated ball courts, 516 car parking spaces mainly on the basement levels and Torrens title subdivision creating 3 lots. The proposal also includes a public park of 948 sqm.

The proposed scheme consists of 8 buildings, including a youth centre and ball court, connected by a new internal street system. A public park is proposed at the northern corner of the site at the end of Wardell Street. The youth centre and ball courts are located in the centre/rear of the site, adjacent to the railway line.

These facilities are accessed from Townsend Place. The residential/mixed use component of the development is positioned adjacent to the site boundary addressing Townsend Place, Princes Highway and the new internal street system. The heights of the proposed mixed use buildings vary, ranging from 2 storeys to 11 storeys. It is noted that the 2 storey component is subject to a pending Planning Proposal Application to Council which seeks to amend the height and FSR controls of the LEP (see details below).

The mixed use buildings are arranged around either a courtyard space or a linear open space within the site.

The proposed residential development comprises the following unit mix:

- 16 x studios
- 126 x 1 bedroom/1 bedroom + study
- 178 x 2 bedroom/2 bedroom + study
- 18 x 3 bedroom/3 bedroom + study

The proposed primary access to the site is via Townsend Place. This existing street is proposed to be widened by 4.5m to incorporate a wider road carriageway and a 3m footpath. This widened street will provide access for the basement car park, the loading and unloading area and the bus turning area for the youth centre facility. A left-in only access point is also proposed on Princes Highway, which leads into an internal driveway/street connecting through to Townsend Place.

The proposal also includes Torrens subdivision of the site into 3 lots. This will allow the youth centre, ball courts and the public park to be located on a separate lot (Lot 2) for dedication back to Council.

The mixed use development will be located on a single lot (Lot 1), while the residue lot would accommodate the proposed road widening of Townsend Place.

#### EXISTING AND SURROUNDING DEVELOPMENT

The site is legally defined as Lot 1 in DP 652922, Lots 1-14 in DP 124275 and Lots 25-33 in DP 1646. Council's owned land is the linear strip along the Railway Line, defined as Lot 1 DP 652922. It has an irregular shape and a site area of 10,990m<sup>2</sup>.

The site has a frontage of 182.9m to Princes Highway and 97.1m to Townsend Place. It is currently occupied by grass areas, landscaping and tall trees along the south western corner and the north west boundary. A single storey structure (the former scout hall) and a disused public toilet sit at the northern corner of the site at the end of Wardell Street. The site falls from north to south by approximately 11m (RL 25.50 – RL 15.50).



Figure 1 - Location Plan

The site is within walking distance of Arncliffe train station to the north and Banksia station to the south. It is positioned between the railway line along the north western boundary and the Princes Highway arterial corridor along the south eastern boundary.

As shown in Figure 1, the site is surrounded by a mix of low to medium density residential developments and light industrial uses. The surrounding character of the site is described below:

- To the north east, the area has a significant topographic change, with a 4m drop from RL27 at the Wardell Street/View Street corner to RL23 at the Princes Highway frontage. There is currently no connection between Wardell Street/View Street and Princes Highway. The block fronting Wardell Street adjoining the site mainly supports low and medium density residential dwellings, including single storey cottages and double storey terraces.

- Further to the north east fronting Forest Road is the St Francis Xavier Primary School and Church. There is restricted access to the school and church from Forest Road. Access can only be obtained from a driveway off Wardell Street.
- Developments fronting Prince Highway to the north east of the site consist of a single storey light industrial warehouse and low to density residential developments.



*Wardell and View Streets have a low to medium density residential character*



*Light industrial warehouse adjoining the site (building to the right) fronting Princes Highway and other residential use (Source: Google Earth)*

- To the south east of the site is Princes Highway. This six lane arterial road connects Sydney, Sutherland and the South Coast of NSW. Princes Highway supports a linear cluster of light industrial developments, including mechanic shops and wholesale building material outlets.



*Character of the area to the south east of the site, dominated by the Princes Highway and a range of light industrial activities*

- To the south west, the site is bordered by Townsend Place, which is used as the rear lane access for the light industrial uses that address Hattersley Street. The predominant uses within this block are mechanics shops, commercial showrooms and a modern church.
- Townsend Place is a narrow lane currently without dedicated pedestrian access via a footpath. A group of mature trees located at the south western corner of the site provide a landscape character and effective gateway to the local centre as viewed along the Princes Highway.



*Character of Townsend Place which forms the south western boundary of the site*

- To the north west, the site is bounded by the rail corridor for the Illawarra Rail Line. A row of mature trees currently exists along north western boundary that provides a buffer to the railway corridor and the subject site.



*View from Wardell Site looking towards the railway corridor located below the line of tree. Fronting the corridor is Summerville Street and low density residential developments to the north west of the site. The spire of St David's Anglican Church is also visible from Wardell Street (Source: Google Earth)*

## **ADDITIONAL STRATEGIC CONSIDERATIONS**

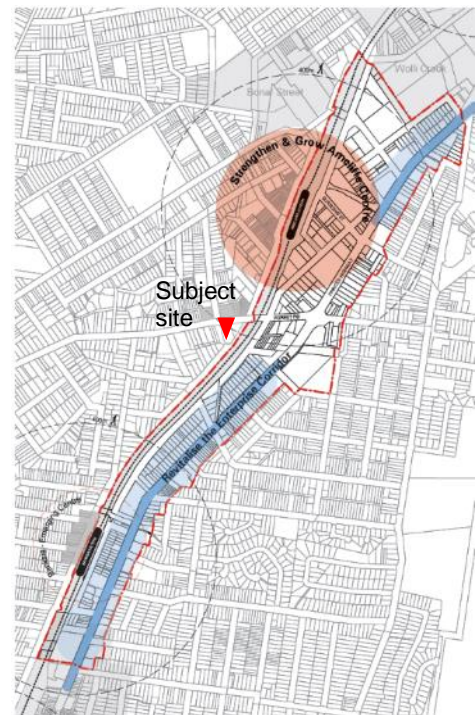
### **1. Princes Highway Corridor Strategy**

The site is located within the Princes Highway Corridor precinct. Council initiated a strategic study in 2013 to develop a Corridor Revitalisation Strategy to balance the employment role of the Corridor and address the demand for residential uses within areas near Arncliffe and Banksia railway stations. The overall strategic vision is presented in Figure 2.

For the subject site, the Strategy suggests that the current additional permissible use of shop top housing is somewhat inconsistent with the strategic vision outlined in the study. However the study did not recommend restricting residential uses on the site.

The study recommends Council consider rezoning the site to B4 Mixed Use as this better reflects the permitted uses. The Strategy does not recommend any changes to the current FSR and height controls for the site. It does contemplate increased height and FSR for other lands. This is notable as it shows that the strategy considered the maximum FSR should not be increased on this land.

The Strategy has not been fully implemented in Council's LEP and DCP at this time.



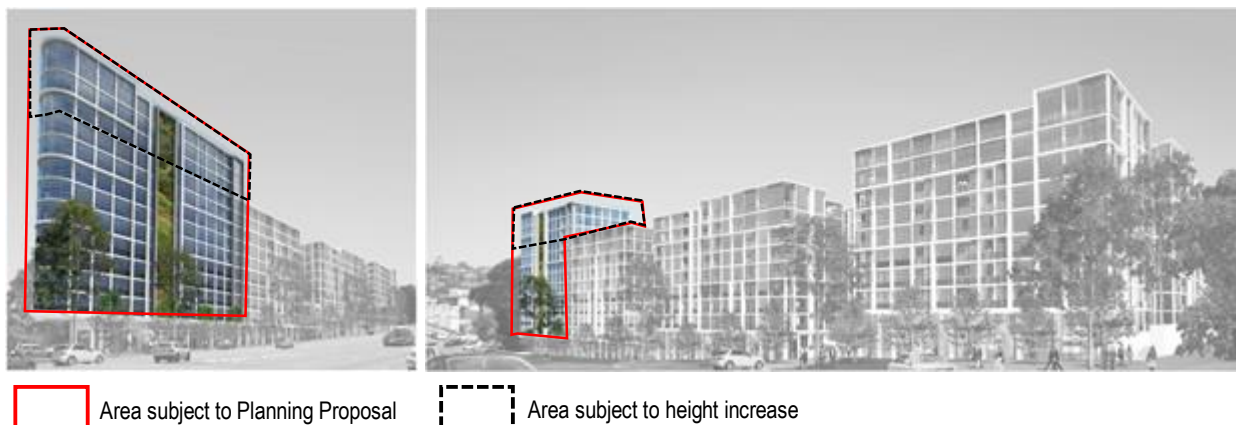
*Figure 2 – Strategic Vision of Princes Highway Corridor Strategy (Source: JBA)*

### **2. Planning Proposal for Part of the Site**

The applicant has submitted a Planning Proposal (PP) for the subject site to amend the LEP in respect of the height and FSR controls. Whilst not the subject of this report, it is a relevant consideration for the consent authority. The PP suggests the following amendments to the LEP:



- An increase of FSR from 2.5:1 to 2.92:1 for whole site; and
- An increase in height from 31m to 41m for part of the at the corner of Townsend Place and Princes Highway



*Photomontages of the full development if the planning proposal is approved (Source: CT Group)*

The planning proposal is yet to be determined by Council.

## 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 Building Sustainability Index (BASIX)**

The applicant has submitted a BASIX Certificate for the original development scheme. The Certificate number is 540937M. The amended scheme is not supported by a BASIX certificate.

The commitments made in the original scheme would result in the reduction of energy and water consumption as shown below.

- |                                   |                    |
|-----------------------------------|--------------------|
| • Reduction in Energy Consumption | 25% (target 20%)   |
| • Reduction in Water Consumption  | 41% (target 40%)   |
| • Thermal Comfort                 | Pass (target pass) |

Due to the lack of a BASIX assessment for the revised scheme, and noting that the original scheme only just achieved the BASIX targets, it is unclear if the proposed development would achieve BASIX targets.

The proposed development therefore does not comply with the requirements under the SEPP.

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

The property is identified in Council's records as being potentially contaminated as a result of landfill. An Environmental Site Assessment report has been submitted.

The report found that the site has remained largely cleared and vacant since 1930s and has undergone minimal development with only a limited number of building structures. The assessment concluded that the site is suitable for the proposed land use subject to further sampling and testing to confirm if the site is free of contamination. These tests can be carried out at the construction certificate stage.

### ***State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)***

#### **1. Development Adjacent to Rail Corridors (Clauses 85 and 87)**

The subject site is located next to the railway corridor. Clause 85 of the ISEPP requires the consent authority to consult with the rail authority.

RailCorp provided comments on the original scheme and met with the applicant in July 2014 requesting information on the depth of the footings for the Youth Centre to assess the impacts. Such information is still outstanding. This DA does not satisfy Clause 85 of the SEPP.

Clause 87 requires consideration of any adverse impacts on the proposed development due to rail noise or vibration. A noise and vibration report was prepared for the original scheme. Additional assessment was also submitted for the revised design. The revised assessment mainly relates to the noise impact from Princes Highway rather than a comprehensive assessment of all noise carriers.

The revised plans have not significantly modified the design for part of the development adjacent to the railway line. The original noise and vibration assessment is considered sufficient to address the requirements of the SEPP.

Noise impacts are assessed within the section "Impacts of the Development" below.

#### **2. Development with Frontage to Road Corridor and Traffic Generating Development (Clauses 101 and 104)**

The subject site has a frontage to Princes Highway. The Highway is a classified road as defined by the SEPP. Clause 101 requires an assessment of access arrangement, safety and ongoing operation of the classified road and the potential noise impact from the road.

Clause 104 of the SEPP requires the proposed development be referred to the RMS for their consideration as it is defined as a traffic generating development under Schedule 3 of the SEPP. The application was referred to the Traffic Committee which consists of RMS members. The applicant also met with the RMS in June 2014.

The Traffic Committee assessed the initial application and provided the following key comments:

- The proposed local road connection from Wardell Street to Townsend Place was not supported
  - Amended Proposal: The applicant has removed the link between Wardell Street and Townsend Place in the amended design.
- Adequate footpath should be provided along Townsend Place.
  - Amended proposal: A footpath of 3m has been provided.
- The turning area in front of the car park of Building A is not acceptable as it must be provided on a public street not a private driveway, unless the access point is limited to commercial car park of 16 spaces or less.

- This has been amended in the revised plans. A 16 spaces commercial car park is provided and is accessed through the private driveway/share way in Building A.
- Other minor comments such as the turning area for the bus drop off zone and road design.
  - These issues have not been addressed by the applicant.

***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 original DA was referred to the Design Review Panel on 13 May 2014. The amended scheme has not been reviewed by the Panel. The Panel was concerned about the scale and density of the proposed development and raised the following issues:

- There was inadequate site analysis to inform a structure plan that responds to the site's opportunities and constraints.
- The location, address and visibility of the Youth Centre and its relationship with the existing and proposed street network were considered to be poorly designed. The proposed location was obscured and disconnected from the existing street and surrounding precincts.
- The panel suggested that it would be more appropriate for the facility to be a standalone structure separated from residential buildings and surrounded by a generous public domain.
- The proposal failed to recognise the lower buildings within the context around the site in the architecture or form.
- The setbacks from most boundaries were considered to be insufficient and did not comply with SEPP 65.
- The quality of the proposed public domain and the communal open space was considered to be poor. The communal open space at street level was overshadowed and heavily impacted by the enclosing buildings. The Panel considered this would create dark and narrow spaces at the ground level and create serious security issues.
- The development failed to recognise the opportunity to retain the existing mature trees along Princes Highway, which given the size of the site should reasonably be maintained.
- The proposal did not include the floor space of the community facility in the FSR calculation. The Clause 4.6 variation was not supported in principle by the Panel.
- The ground level treatment was considered poor, the street connection did not provide clear and direct movement or way finding and the public footpath was constrained. The panel considered that the solution offered created a perception of private driveways rather than public streets.
- The public park was considered to be visually isolated without a strong connection with the proposed community facility and the wider public domain.
- The internal amenity of the residential units was not considered to satisfy the amenity standards of the Residential Flat Design Code or the amenity principle in SEPP 65. The panel considered that the proposal was unlikely to comply with SEPP 65 solar access and cross ventilation standards.
- The DA did not comply with SEPP 65 separation distances.

- The panel considered that the floor to floor heights of the commercial uses was inadequate. The panel also considered that the floor to floor height of the residential uses was insufficient to enable achievement of the 2.7m required by the RFDC.
- Storage areas were not documented and noise impacts to the units facing Princes Highway were not addressed.
- The panel did not support the architectural solution for the DA due to the unremitting use of glass and painted concrete which produced a series of facades that were monotonous, massive and relentless.
- The panel considered the DA would be read as a continuous sheer wall with little articulation in vertical or horizontal directions and that the proposal did not respond to its arterial road environment.
- Further detail on the viability of the design, plant material, irrigation, solar access and wind tolerance were required to be provided in order to adequately assess if the proposed development provided an appropriate solution to address the issues.

The above issues were discussed with the applicant during a meeting with the DRP, Council and GMU. The concerns from the Traffic Committee about the proposed extension to Wardell Street were also discussed.

The applicant was encouraged to reconsider the design concept from first principles and develop master planning options to address the Panel's concerns. The Panel offered to provide further comments on any options developed by the applicant to assist the applicant to progress the design. The applicant has not submitted any options investigating alternative master plans to Council or the panel. The applicant in the amended drawings has not fundamentally changed the master plan urban structure of the DA.

#### *b. Design Principles*

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

#### **Principle 1: Context**

##### Existing Site Characteristics

- The proposal does not relate in its built form or street elevations to the scale of the adjoining existing development or to the built form and scale on the other side of Princes Highway. It introduces a monolithic form that does not provide a sensitive response to either existing buildings or to the potential future scale of buildings around it.
- The DA does not retain existing vegetation on the site that currently creates the sense of gateway and arrival to Arncliffe. The corner of the site on approach from the Highway is suggested to be marked by a low scale portion of the development. This approach is not appropriate. This location is the subject of the planning proposal but in combination with the proposed scale on the rest of the site it is considered that it would represent an overdevelopment.
- The proposal does not respect or respond to the topography of the site but instead seeks to mask it. The spaces between the built form on the site do not integrate with the rest of the site or surrounding areas adequately and are considered to be of poor quality and amenity.
- The proposal purports to respect view cones to the surrounding churches but the view study is inadequate to demonstrate whether the built form would intrude into the silhouette of the steeple/s.

- The community facilities on the site do not have a strong presence to the public domain and will not be easily discernible as part of the site from the surrounding area.

#### Relationship with adjoining residential uses to north east

- The proposed north eastern side setbacks are now 6-9m. This is an increase from the original DA but they are still considered to be non-compliant as living rooms and balconies have their primary orientation towards the side boundary.
- The setback needs to take in account the proposed height on the site as well as the potential increase in the height control for the adjoining area under the Princes Highway Strategy.
- On this basis the RFDC suggests a minimum of 12m for the first four storeys and 24m for buildings over 25m between two habitable windows/balconies. The proposed development should provide a minimum of 50% of the required separation distances ie 12m.

#### Relationship with the Railway Line

- The proposed setback of approximately 7m along the railway line does not comply with the DCP, which requires a setback of a minimum of 12m or 15% of the length of the site for mixed use development. Although the building facing the railway line is a community facility, the building is attached to residential units, so the DCP setbacks are considered to apply.

#### Relationship with Princes Highway

- Part 5 of the DCP requires a zero front setback to Princes Highway for the first 3 storeys to create a street wall and a secondary setback above this height to ameliorate the impact of traffic noise and pollution.
- The proposal provides a nil setback for the entire height of the development and does not comply with the DCP.

#### Relationship with Townsend Place

- The DCP requires a nil setback for commercial uses to the ground floor along the street but a secondary setback of 3-5m above this level.
- The proposal provides a nil setback for the full height of the buildings and does not comply with the DCP.

### **Principle 2: Scale**

- The proposal presents as a wall of development along Princes Highway with a nil setback to the street. This creates a monotonous form of 10 storeys with little response to the topography of the street or any meaningful measures to ameliorate the mass.
- The breaks between the buildings are only discernible when close to the site and the boxy forms of the buildings reduce any potential awareness of these breaks from the public domain.
- The architectural treatment is not considered to adequately moderate or manage the massing or create an appropriate street wall scale as required by the DCP.
- The internal planning of the development also does little to moderate the significant scale of the development. All the buildings are in the order of 10 storeys other than the youth centre and ball courts and these buildings are located in very close proximity.
- The arrangement of Buildings C, D, E, F and G and their relationship to the communal open space provided exacerbates their perceived scale from within the site and the cantilevering of form over this narrow space creates a very dominant and poor quality outcome.

- The amended proposal is not considered to achieve an appropriate sense of scale.

### **Principle 3: Built form**

- The DRP considers that the built form overall constitutes an overdevelopment of the site. The built form arrangements create a monolithic solution with the youth centre and ball courts awkwardly positioned between and dominated by two much larger forms.
- Townsend Place is dominated by car parking and service access yet is the main entry to the community facilities. The built form arrangement does not create a strong sense of address for these facilities or for the adjacent apartment buildings,
- The proximity of the slab block towers relative to each other is very poor with separation distances as small as 9.1m for 10 storey height development. At its widest it offers only 13m across the linear open space. This leads to a crowding of the development and insufficient space around the blocks to achieve an appropriate urban form or reasonable amenity.
- Part of the linear plaza is covered by building structures and will be self-shadowed by the proposed development.
- The proposed new street verge is also overhung by the built form and this portion of the proposed building is less than 13m from the adjoining building. The internal separation in the northern courtyard of Buildings A, B and C also does not meet the RFDC separation requirements.
- The proposal does not achieve an appropriate balance of space around the buildings or quality for the courtyard space or sense of enclosure.
- The built form does not integrate or engage with the proposed public park. The park is proposed as a narrow strip of land along the rail line which will be compromised by rail noise with little engagement with the broader public domain.
- The Planning Proposal Application for the site has resulted in the Development Application restricting the corner part of the site to a two storey built form. This has resulted in the remainder of the site being overdeveloped to achieve the allowable FSR.
- This approach has led to an inappropriate character and presentation for the buildings and the public domain.

### Building Separation

The buildings do not comply with the separation distances under the RFDC:

- Between Buildings A and C:
  - five to eight storeys: proposed 16m, required 18m
  - above eight storeys, proposed 16-22m, required 24m
- Between Buildings G and A/B:
  - five to eight storeys: proposed 13-15m, required 18m
  - above eight storeys: proposed 13-15m, required 24m
- Between Buildings G and D:
  - first 4 storeys: proposed 8-9m, required 12m
  - five to eight storeys: proposed 8-9m, required 18m
- Between Buildings C and D:
  - five to eight storeys; proposed 12m, required 18m
- Between Buildings E and F:
  - first four storeys: proposed 9-12.5m, required 12m

- five to eight storeys: proposed 9-12.5m, required 18m

### Building Height

- Floor to floor heights are considered to be too constrained to achieve a 2.7m floor to ceiling height with a plasterboard ceiling, recessed lighting and structural requirements.
- The floor to ceiling heights in many of the commercial floors do not comply with the RFDC and are not sufficient to encourage a range of tenants within these spaces (see assessment on ceiling heights below).
- Whilst the applicant claims that building heights generally comply with the height limit of 31m under the LEP, lift overruns are not shown on the drawings and the floor to floor heights are considered inadequate. Adjustment to an appropriate floor to floor height would result in noncompliance with the height control.
- The proposed development adjoins low density residential development to the north, but there is no scale transition to acknowledge the different built form.

### Building Depth

- All buildings exceed the 18m depth in the RFDC ranging from 21-28m.

### **Principle 4 – Density**

- The revised plans have a non-compliance FSR of 2.64:1 (including the community facility), which exceeds the maximum FSR allowed under the LEP of 2.5:1. The enclosed balconies have not been included in the calculation and if included this would further increase the noncompliance.
- No plans are provided to show what has been included in the GFA calculations so this number cannot be verified.
- The proposal does not distribute the available FSR appropriately leaving a lower form to the corner of the site where greater massing would normally be expected.
- The FSR sought is resulting in poor outcomes in terms of built form, separation, privacy, public domain and open space. The noncompliance in FSR further exacerbates the bulk on the site. Council's design review panel was not supportive of the proposed FSR or the built form of the original application and the amended application has not materially changed in this regard.
- The DRP suggested that the proposal was an overdevelopment of the site. It was considered to create adverse impacts such as:
  - Poor ground level treatment
  - Excessive overshadowing of public domain
  - Poor amenity internally and externally
  - Unacceptable bulk and form
  - Poor interface to boundaries
  - Reduced visual and acoustic privacy
  - Loss of large existing trees
- A Clause 4.6 variation statement has been lodged and considered as part of the assessment of this DA. This is further discussed the assessment under Rockdale LEP.

## **Principle 5 - Resource, Energy and Water Efficiency**

### Energy Efficiency

- The initial development scheme achieves BASIX targets. However, the amended design is not supported by an amended BASIX certificate.

### Waste Management

- The bin room is considered inadequate for the scale of the development.
- The garbage room is located away from the garbage disposal area for the individual buildings and is only accessible via a long, narrow and convoluted ramp from car park on Ground Level 1. This is not a practical response.
- See further assessment under Rockdale DCP assessment.

### Water Conservation

- The initial development scheme achieves BASIX targets. However, the amended design is not supported by a BASIX certificate.

## **Principle 6 – Landscape**

Detailed assessment on landscaping, communal and private open spaces and deep soil zone is provided in the DCP section of this report. In general:

- The quantity of open space provision does not comply with the RFDC and the DCP.
- The quality of the open spaces is poor –
  - The footpath to Townsend Place is disconnected,
  - The linear open space is impacted by wind, shadows cast by the buildings and overhanging structures,
  - The public park has steep grades that would not support functional recreational uses and the access points are not clear and direct.
- Tree retention is not adequate.
- No details on the boundary fences are shown.
- Deep soil within the mixed use lot is considered insufficient for the scale of the development.

## **Principle 7 – Amenity**

### Visual Amenity

- Insufficient building separation has been provided which creates overlooking concerns or amenity issues given restricted outlook and light due to privacy screens and high level windows which have been introduced to mitigate potential overlooking issues.
- The units in Buildings A and C overlook the adjoining dwellings with inadequate separation.
- Units 3 and 4 in Building A directly overlook the public walkway and stairs that connect the public park and the community centre which will create privacy impacts.



### Acoustic Privacy and Noise

- Noise issues are further discussed in the following section. In general, noise attenuation measures due to noise from the railway, aircraft and the Highway require sealing of the balconies. These spaces should therefore be counted as FSR and this treatment will result in cross ventilation not being achieved for units.

### Day Light Access

- 70% of the units will obtain 3 hours of day light during mid winter and satisfies this requirement of the RFDC.
- The linear open space in the middle of the site will receive no solar access.

### Natural Ventilation

- The applicant claims that 60% of the proposed development will be naturally ventilated. However, this does not take into account the need to seal the balconies, windows and doors of the units to mitigate aircraft noise recommended in the acoustic report.
- It is therefore considered that the proposed development does not comply with the natural ventilation requirements.

### Building Entrance

- There is no logical pattern to the residential entrances, making way finding unclear. Residential buildings lack a sense of address.
- Entrances to the apartments are confined and lack legibility.
- The lobby of Building F is not legible from the street.

### Pedestrian Amenity

- The pedestrian footpath along Townsend Place connecting to the Youth Centre/Ball Court terminates at a retaining wall and does not lead into the entrance of the community facility.
- Pedestrians will need to cross the street to eastern side of the street, and then walk back across the bus turning area into the entrance of the centre.
- Pedestrian access to the park and the Youth Centre/Ball Court from Wardell St requires traversing a set of stairs with a drop of 2.65m. There is no disabled access.

### Internal Layout

- The internal building arrangements and building projections and alignments appear contorted and driven by standard unit plans rather than architectural composition.
- Some bedrooms do not have a window, such as B2 of Unit 5 in Building A, B2 in Unit 86 in Building C.
- Whilst the sizes of the units comply with the minimum requirements, the majority of the studies are not opened to the living spaces but are treated as separate rooms. On this basis they are considered to be bedrooms which results in the unit areas not achieving compliance. (such as units 140 and 141, and all units above in Building D, units 204 and 206 in Building E, unit 89 in Building C, units 4, 8, 9 in Building A).
- Bedroom 1 in Unit 253 and all units above in Building F rely on a light well as their main source of ventilation and day light access. This does not comply with RFDC requirements.
- Some ground floor units are below ground level with restricted outlook and privacy for the residents (such as Units 238, 239 and 240 in Building F)

- The commercial suite of C32 in Building F is only 10m<sup>2</sup>. Its viability is questionable.

#### Balconies

- The majority of balconies are smaller than the minimum RFDC and DCP requirements. Some balconies are as small as 2m<sup>2</sup> and 7m<sup>2</sup> for a 2 bedroom + study unit while the requirement is 33m<sup>2</sup> for two bedroom corner apartment with study.

#### Internal Circulation

- The internal circulation of Building A is particularly convoluted.
- The internal corridors are only 1-1.5m wide for all buildings less than the minimum of 2m.
- While the entrances of the residential units are separated from the commercial tenancies, the car park is shared between both commercial users and the residents. The lifts will also be shared and do not provide a true separation of uses.

#### Storage

- Storage within the units complies with the RFDC requirements. Some areas are located within the study, which is not ideal (such as Units 7 and 141 and the units directly above).
- It is unclear where the external storage for each unit is located.

#### Ceiling Heights

- Floor to floor heights of residential and commercial levels are not sufficient to realistically achieve 2.7m floor to ceiling height and recess lighting or 3.3m for commercial uses.
- The floor to floor heights of the commercial suites range from 2.6m (ground floor of C2 and C3 in Building E), 2.9m (ground and upper floors of Unit C9 in Building D and C30 in Building F) to 3m (upper level of Unit C1 in Building E), 3.05m (Unit C8) and 3.35m (Unit C21-24).
- None of these heights will achieve a minimum of 3.3m floor to ceiling height and this is inadequate for commercial premises.

### **Principle 8 - Safety and Security**

- The DA does not provide a clear sense of address or way finding for each of the buildings. The central communal open space is poorly integrated with the public domain and Buildings F and G. The public pathway to the park along the northern boundary has poor surveillance and creates opportunities for anti-social behaviour as well as amenity impacts on neighbouring properties.
- The entry to the Youth club and other facilities is concealed behind built form to the rear portion of the site and has very poor passive surveillance and way finding.
- The pedestrian pathway to the sports facilities is not continuous. The entry and access to the commercial suites in Building F is partially below ground and poorly configured again offering opportunities for concealment.
- The overall public domain is poorly designed with narrow spaces at the ground level and results in safety concerns. Few units overlook the public space.
- The edge of the building along Princes Highway and Townsend Place on the ground floor is dominated by a colonnade structure. This space has poor proportion and is uninviting. The commercial suites are setback behind the colonnade. This design does not allow the commercial uses to engage with the pedestrians or drivers.

## **Principle 9 - Social Dimensions**

- The proposal does not comply with Councils apartment mix with a greater number of small apartments. This is further discussed in the DCP assessment section of this report.

## **Principle 10 - Aesthetics**

### Façade

- The buildings are boxy forms with little articulation to reduce bulk. The facades do not respond architecturally to different orientations or to the scale of the surrounding context.
- The design exhibits a reliance on paint and render for much of the built form which will create long term maintenance costs for residents.
- The montages suggest high levels of fenestration to the side facades of the buildings which require greater separation between habitable spaces.
- There is little difference in the architectural language between each of the buildings which will result in a poor sense of identity for residents and visitors.
- There is no delineation of the podium and the residential tower, either through secondary setbacks, change of materials or articulation. This results in building mass that appear bulky and dominating.
- More information is required to demonstrate how the green wall will be maintained to ensure the plants can survive.

### Roof Design

The roof design is flat with no articulation which appears to be driven by the maximum height plane and maximising the number of storeys under the height plane rather than achieving an appropriate top to the building.

## ***Rockdale Local Environmental Plan 2011 (RLEP 2011)***

### *Clause 2.1 Land Use Zones and Schedule 1*

The site is zoned B6 Enterprise Corridor under the provisions of RLEP 2011. The zoning table under the LEP currently prohibits residential accommodation, which by definition includes shop top housing. However, development for the purpose of a shop top housing is permitted by Schedule 1 as 'Additional Permitted Use', but is conditional upon the DA being applied to the entire site (i.e. including Council owned land). This proposal complies with Schedule 1 of the LEP.

The objectives of the B4 zone are:

- *To promote businesses along main roads and to encourage a mix of compatible uses.*
- *To provide a range of employment uses (including business, office, retail and light industrial uses).*
- *To maintain the economic strength of centres by limiting retailing activity.*
- *To promote redevelopment that will contribute to the locality, including by improving the visual character of the locality, improving access and parking, reducing land use conflicts and increasing amenity for nearby residential development.*

It is considered that the proposal does not comply with the zoning objectives for the following reasons:

- The proposed development does not promote businesses along the Highway. The commercial tenancies are setback behind colonnades restricting the commercial exposure. The floor to floor heights of the tenancies are insufficient and restrict the type of commercial uses.
- The proposed development does not contribute positively to the visual character of the locality and does not increase the amenity for the nearby residential developments. As indicated in the SEPP 65 assessment, the architectural character of the development is poor due to the excessive bulk, lack of articulation, lack of scale transition and the homogeneous built form and presentation. It does not provide amenity to the future residents and will negatively impact on the surrounding residents and the public domain. The community facilities are not appropriately located.

#### *Clause 4.3 - Height of buildings*

The maximum permitted height under this clause is 31m. As discussed under the SEPP 65 assessment, the building height does not show lift overruns and the floor to floor heights are inadequate. The proposal would exceed the height limit.

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

A maximum FSR of 2.5:1 is permitted on the site. The proposed FSR is 2.683:1 which does not comply with clause 4.4. The applicant has submitted a request for variation under Clause 4.6 of the LEP. The request is supported by a letter certifying the FSR calculation. However, the letter is not accompanied by plans showing what is included in the calculations.

Review of the submitted plans suggests that the FSR calculation provided by the applicant is correct.

Under Clause 4.6(3) the applicant is to demonstrate:

- (a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and*
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.*

To assess whether the standards are unreasonable or unnecessary for this site, consideration should be given to the following criteria as established in *Wehbe v Pittwater Council* (2007) NSW LEC 827:

- a. Establish that compliance with the development standard is unreasonable or unnecessary because the objectives of the development standard are achieved notwithstanding non-compliance with the standard.*
- b. Establish that the underlying objective or purpose is not relevant to the development with the consequence that compliance is unnecessary.*
- c. Establish that the underlying objective or purpose would be defeated or thwarted if compliance was required with the consequence that compliance is unreasonable.*
- d. Establish that the development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unreasonable or unnecessary.*

- e. *Establish that “the zoning of particular land” was “unreasonable or inappropriate” so that “a development standard appropriate for that zoning was also unreasonable or unnecessary as it applied to that land” and that “compliance with the standard in that case would also be unreasonable or unnecessary.*

Assessment of the above criteria is provided below:

#### Objectives of FSR Control

The objectives of the FSR control under Clause 4.4 of the LEP are:

- (a) *to establish the maximum development density and intensity of land use, accounting for the availability of infrastructure and generation of vehicular and pedestrian traffic, in order to achieve the desired future character of Rockdale,*
- (b) *to minimise adverse environmental effects on the use or enjoyment of adjoining properties,*
- (c) *to maintain an appropriate visual relationship between new development and the existing character of areas or locations that are not undergoing or likely to undergo a substantial transformation.*

The proposed development is not considered to comply with the objectives of the FSR controls on the basis that:

- The traffic assessment suggests that the current road network is unlikely to support the proposed development of this scale and would require intersection upgrades. This has not been considered in the current development scheme.
- As demonstrated in the assessments on SEPP 65, the LEP, DCP and other legislative controls, the building mass is causing significant environmental issues including:
  - Overlooking to the adjoining residents and within the development,
  - Visual impacts on the public domain and potentially on the surrounding residents,
  - Overshadowing on the communal open space,
  - Wind and noise issues,
  - Lack of a sense of address of the buildings,
  - Poor connectivity within the site and the surrounding areas,
  - Poor architectural form and treatment,
  - Excessive removal of trees,
  - Safety concerns.
- The visual relationship with the adjoining properties is poor. The development does not provide any scale transition to the surrounding low scale developments. The overdevelopment of one part of the site is creating an uneven distribution of the floor space, which has led to unacceptable bulk and scale.
- The visual impact assessment provided by the applicant is not accurate and does not meet professional standards for view studies. Therefore it is considered to be inconclusive in its findings. There is no consideration of the visual impacts on the surrounding residents and on the overall skyline of Arncliffe.
- The ceiling heights of the commercial and residential uses are lower than the minimum standards and this would not provide a functional environment for the intended uses.

### Extent of FSR Variation

The proposal is not compliant with the FSR standard. The wintergardens are not included in this calculation. If this was included the noncompliance would increase by approximately 0.29:1.

The proposal does not distribute the FSA appropriately and this does not create an appropriate corner for the site and results in a bulk and scale that is not appropriate or supported by the Design Review Panel.

The applicant argues that the provision of the community facilities justifies the noncompliance. However, it is considered that the adverse impacts that result on the remainder of the site are not appropriate, which suggests that the FSA sought is an overdevelopment as currently configured.

The submitted planning proposal will further increase the overall FSR sought for the site. The final FSR including the planning proposal component would be in the order of 3.0-3.5:1 (including the wintergardens). The maximum FSR within the LGA of Rockdale currently is 3.5:1, located in Rockdale Town Centre.

Rockdale Town Centre is the highest order centre contemplated by the subregional strategy here. (There is one particular site in Brighton-le-sand which has an FSR of 4:1.) The Planning proposal with the amended DA would result in an overall FSR that is almost equivalent to the FSR of Rockdale Town Centre.

### Adequacy of the Zoning and the Future Character of the Area

Based on an assessment of the current zoning controls and the Princes Highway Corridor Strategy, it is considered that:

- The current zoning does not allow mixed use development on the site. The proposed use is permitted by Schedule 1 of the LEP, which permits additional uses on particular site due to exceptional circumstances for that lot. The permitted use is based on Council's strategic analysis and is considered appropriate for the site.
- The Princes Highway Corridor Strategy acknowledges the current inconsistency of the zoning objectives and the allowable land uses, but suggests that future planning controls should not prohibit residential uses on the site. This establishes the future character of the site as a mixed use precinct.
- The zoning of the site is therefore an accurate representation of the desired future character of the area.
- The FSR under the current LEP is also considered appropriate for this site based on the findings of the Princes Highway Corridor Strategy.

### Impacts on the Surrounding Uses

The DRP considers that the proposal is an over development of the site. The proposed scheme does not effectively respond to the difference in scale and provide scale transition. The inadequate separation distances adjacent to other lots and uses will transfer the burden of appropriate setbacks to these lots should they redevelop in the future. The inadequate separation potentially compromises the amenity of the adjacent residential uses.

### Council's Action in Abandoning the Controls

The current controls are unique for the site as it is an additional permissible use permitted only by Schedule 1 of the LEP. Council has not approved any development of this scale within the vicinity of the site.

There is no record to show that Council has abandoned the controls and therefore no precedence to support the proposed FSR variation.

Based on the above, it is considered that the proposed FSR variation does not comply with the objectives of the development control. Strict compliance with the controls is therefore necessary and the controls are reasonable for the site.

Under Clause 4.6(4)(a), the consent authority must satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by Clause 4.6(3),*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and...*

### Applicant's Written Request

Assessment of the applicant's written request is provided as follows:

- The applicant seeks to justify the additional FSR based on of the provision of community facilities. However these facilities are poorly located and do not integrate appropriately with the public domain.
- Contrary to the applicant's statement, this report has demonstrated that the proposed development will result in significant environmental impacts on the surrounding residents.
- As demonstrated throughout this report, the proposed development is inconsistent with a number of key development controls and objectives of the zone:
  - It does not comply with SEPP 65
  - It is not consistent with the objectives of the zone
  - It does not comply with numerous DCP controls
  - It does not comply with the height limit under the LEP

### Public Interest

As shown in the number of public submissions received during the two rounds of exhibition, a large number of objections were raised by the surrounding residents. The proposal is therefore not in public interest (see the assessment on public submissions in this report).

Overall, the proposed Clause 4.6 request is not supported.

### *Clause 5.1A – Development on land intended to be acquired for public purposes*

The site does not contain land intended to be acquired for public purposes.

However, part of the site, including the Community Centre, the public park and the proposed widening of Townsend Place, is proposed for dedication to Council.

### *Clause 6.1 – Acid Sulphate Soils*

The site is within an area classified as Class 5 in the acid sulphate soils map. Class 5 requires development consent and an acid sulphate soils management plan for

*Works within 500 metres of adjacent Class 1, 2, 3 or 4 land that is below 5 metres Australian Height Datum and by which the water table is likely to be lowered below 1 metre Australian Height Datum on adjacent Class 1, 2, 3 or 4 land*

The site is not located within 500m of an adjacent Classes 1-4 land. An Acid Sulphate Soils Management Plan is therefore not required.

The Environmental Site Assessment submitted with the application undertook preliminary site testing to determine if acid sulphate soils occur on the site. No actual or potential acid sulphate soils were found on the site. The desktop and testing are considered conclusive and management plan is not considered necessary.

### *Clause 6.2 – Earthworks*

The proposal involves extensive excavation within the site to accommodate the basement levels. The applicant has submitted a geotechnical report, which requires measures to adequately design the foundation in accordance with relevant Australian Standards. These measures can be dealt with via conditions of consent.

### *Clause 6.3 – Development in areas affected by aircraft noise*

The site is located on or near the ANEF 20 contour. An Acoustic Report has been submitted. The site is subject to a number of noise sources including the railway line, aircraft, arterial road and the internal ball court/community facility. These noise sources cannot be assessed independently. A cumulative assessment of these sources is provided in the following assessment on Impact Assessment below.

### *Clause 6.4 – Airspace operations*

Due to the potential for the proposal to penetrate the Limitation Surface of the Sydney (Kingsford-Smith) Airport, the DA was referred to the Commonwealth Department of Infrastructure and Regional Development as per the LEP.

The Department approved the proposal subject to a number of conditions on the height of the buildings, the use of cranes and the need to renotify the Civil Aviation Safety Authority on the final height including lift overruns. These conditions can be incorporated into a consent if the DA is approved.

### *Clause 6.7 – Stormwater*

No amended drainage concept plan is submitted with the amended design. The proposed development does not comply with this clause.

### *Clause 6.12 – Essential Services*

Services are generally available on the site as indicated in the survey plan.



**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 other 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 relevant clauses under DCP 2011 and the assessment is presented below.

DCP Clause	Assessment	Compliance
<b>4.1.1 Views and Vistas</b>	<ul style="list-style-type: none"> <li>• See assessment on visual impact below.</li> </ul>	No
<b>4.1.3 Water Management</b>	<p>The assessment by Council’s engineer suggests that the applicant has not submitted sufficient information on the proposed stormwater system. The following comments are provided:</p> <p><u>Stormwater</u></p> <ul style="list-style-type: none"> <li>• The stormwater system / proposed plans are not supported due to the formation of public roads and road dedications. The proposed treatment devices and rain water tanks (RWT) are to be kept within the private allotment area. Also drainage to public road is to be designed in accordance with Austroads Standards.</li> <li>• Concept drainage design plans, supporting calculations and design certification will be required in accordance with the design, documentation and certification requirements of DCP and Rockdale Technical Specification – Stormwater Management.</li> <li>• A flow analysis will be required for the protection of the proposed basement carpark. in accordance with DCP as follows:               <ol style="list-style-type: none"> <li>a. The 1 in 100 year flow discharge is to be determined using the Rational Method;</li> <li>b. The depth of flow is to be determined using Mannings Equation, HEC-RAS or standard nomographs where applicable;</li> <li>c. The driveway crest level is to be 100mm above the 1 in 100 year flow level.</li> <li>d. Full details of the analysis, including method statement, calculations and assumptions is to be provided.</li> </ol> </li> <li>• All surface runoff from car park areas should be directed through a proprietary oil treatment system prior to discharge to the rainwater storage tank. Information regarding the treatment system should be supplied including the type of system to be used and the compatibility of the system with regard to the</li> </ul>	Insufficient information

rainwater reuse objective for the development. The proprietary oil treatment system must provide a high quality of water in accordance with Rockdale Technical Specification – Stormwater Management, section 7.5.4.

Water Quality

- DCP 2011 requires significant development to confirm the targets for the stormwater pollution reduction and to justify the target by an analysis using MUSIC.
- The applicant has not submitted information to demonstrate the use of Water Sensitive Urban Design Approach (WSUD) in accordance with the DCP

The following information are still outstanding:

- (a) The detailed plans are required to show the basement levels as tanked system.
- (b) The stormwater reuse from proposed rain tanks.
- (c) The proposal is to demonstrate use of Water Sensitive Urban Design Approach (WSUD) to the design of the drainage system. DCP 2011 requires significant development to conform to the targets for the stormwater pollution reduction and to recheck and justify the target by an analysis using MUSIC and provide the model and out puts for Council’s review.
- (d) To incorporate an oil separator in accordance with Rockdale Technical Specification – Stormwater Management, section 7.5.4.
- (e) Rain tank or Treatment tanks within the basement areas are not recommended and shall be relocated within the deep soil area.

<b>4.1.4 Soil Management</b>	<ul style="list-style-type: none"> <li>• No information on sediment and erosion control is provided.</li> </ul>	No
<b>4.1.5 Contaminated Land</b>	<ul style="list-style-type: none"> <li>• See assessment on SEPP 55 above</li> </ul>	Yes
<b>4.1.6 Development on Sloping Sites</b>	<ul style="list-style-type: none"> <li>• No information was provided in terms of the cut and fill volume</li> </ul>	Unclear
<b>4.1.7 Tree Preservation</b>	<ul style="list-style-type: none"> <li>• Only 3 out of the 37 trees are proposed to be retained. The DRP does not support this extensive loss of vegetation given the size of the site. In particular the cluster of large gums at the corner of Princes Highway and Townsend Place is a key visual landmark and should be retained.</li> </ul>	No
<b>4.1.9 Lot size and site consolidation</b>	<ul style="list-style-type: none"> <li>• The subject site achieves the minimum frontage of 18m.</li> <li>• The development will not result in site isolation.</li> </ul>	Yes

<b>4.2 Streetscape and Site Context</b>	<ul style="list-style-type: none"> <li>As identified in the SEPP 65 assessment above, the site does not respond to the site context appropriately in terms of scale, architectural and landscape treatment, views and development patterns.</li> <li>The proposal will negatively affect the streetscape character as discussed earlier in the report.</li> <li>The pedestrian environment is poor with the footpath for Townsend Place terminating at a retaining wall. The colonnade diminishes the level of visual connection for the commercial uses.</li> </ul>	No
<b>4.3.1 Open Space and Landscape Design</b>	<ul style="list-style-type: none"> <li>The landscaped areas are mainly located on the public park, which has an area of 948m<sup>2</sup>, or approx. 8.6% of the site area. This does not comply with the DCP minimum requirement of 10% of the site area. (Note that the DCP specifically excludes landscaping above basement car park as part of the calculation of landscaped area).</li> <li>Council's landscape architect suggests that there is insufficient information on the lawn and the associated play equipment, picnic benches, etc.</li> <li>The lawn appears to have an approx. 1 in 3.4 fall (based on the stair drop of 2.65 metres in a distance of approx. 4m). There is no indication of any retaining walls against the lawn. This lawn area is in fact an embankment and will significantly restrict public use.</li> <li>The DRP raised issue of the removal of most of the existing trees along the Railway Line.</li> </ul>	No
<b>4.3.2 Private Open Space</b>	<ul style="list-style-type: none"> <li>The majority of the private open space is provided as balconies, which need to be sealed to address noise impact. These have been assessed under RFDC.</li> </ul>	No
<b>4.3.3 Communal Open Space</b>	<ul style="list-style-type: none"> <li>The applicant suggests that the proposed development includes 44% (4,837m<sup>2</sup>) of communal open space and landscaping.</li> <li>Our calculation suggests the following quantity of communal open space within the development: <ul style="list-style-type: none"> <li>2,685m<sup>2</sup> on applicant's lot within the mixed use development (which is approximately 37% of the private lot);</li> <li>948m<sup>2</sup> on Council's lot as public park (which is approx. 30% of the Council's land);</li> </ul> </li> <li>The quantity of open space complies with the RFDC requirement (25% of the site area or 2,747.5m<sup>2</sup>) and the DCP requirement (5m<sup>2</sup> for each dwelling or 1,690m<sup>2</sup>).</li> <li>The quality of the proposed open space however does not comply with the RFDC and DCP standards as follows: <ul style="list-style-type: none"> <li>The central linear park is approx. 650m<sup>2</sup>. The amenity of the park is compromised by the overhanging structures of Building D, overshadowing from the surrounding buildings and</li> </ul> </li> </ul>	No

	<p>wind impact. It will not receive any sun in winter, which does not comply with the DCP requirement of having a minimum 40% of the area that has sunlight at 1pm on 21 June. No amenity or recreational uses are provided within the space.</p> <ul style="list-style-type: none"> <li>○ The roof top gardens account for approx. 2,256m<sup>2</sup>. No shading and amenities are provided within these gardens, which is required under the DCP. The roof top garden of Building A looks into the bathrooms of Units 68 and 70.</li> <li>○ The linear walkway and the lawn area along the north eastern boundary of the site is approx. 300m<sup>2</sup>. Access to this space is via a 1m wide narrow path next to the adjoining residential dwellings and no boundary fences are shown on the drawings. This narrow space creates safety concerns. Access to the lawn is via a narrow corridor from Princes Highway or from Level 1 of Buildings A and C. No access is provided from Building B. These accesses are not integrated with the overall circulation pattern and not visible from the lobbies or from the public domain. This does not comply with the access requirements under the DCP.</li> </ul>	
<b>4.4.1 Energy Efficiency</b>	<ul style="list-style-type: none"> <li>• A BASIX certificate was provided for the original scheme, but not on the amended scheme.</li> </ul>	No
<b>4.4.2 Solar Access</b>	<ul style="list-style-type: none"> <li>• See assessment under SEPP 65 above.</li> </ul>	Yes
<b>4.4.3 Natural Lighting and Ventilation</b>	<ul style="list-style-type: none"> <li>• Minimum ceiling heights do not comply with the DCP minimum height requirements (see SEPP 65 assessment above)</li> <li>• Building depth from glass line to glass line exceeds DCP standard of 18m.</li> <li>• Further assessment on natural lighting and ventilation is provided in SEPP 65 assessment above.</li> </ul>	No
<b>4.4.4 Glazing</b>	<ul style="list-style-type: none"> <li>• Extensive areas of glazing are proposed.</li> </ul>	No
<b>4.4.5 Visual and Acoustic Privacy</b>	<ul style="list-style-type: none"> <li>• Excessive overlooking issues are identified between habitable spaces of different units.</li> <li>• Building cores are generally located away from habitable room.</li> <li>• The roof top garden of Building A compromises the privacy of the bathrooms of Units 68 and 70.</li> <li>• The proposal does not comply with the required building separation requirements. Details are provided in the SEPP 65 assessment above.</li> </ul>	Partial
<b>4.4.5 Noise Impact</b>	<ul style="list-style-type: none"> <li>• Noise impact is assessed in the following section.</li> </ul>	

<b>4.4.7 Wind Impact</b>	<ul style="list-style-type: none"> <li>The wind impact assessment considers that the communal open space (linear park between the Youth Centre and Buildings D and E) would be subject to excessive wind impact and will require mitigation measures. These measures include wind breaks at the south eastern end of the open space, awnings and a canopy on the ground floor and landscaping along the park. These measures have not been incorporated into the submitted design.</li> </ul>	No
<b>4.5.1 Housing Diversity and Choice</b>	<ul style="list-style-type: none"> <li>The building mix does not meet the DCP requirements as there is a shortage of 3 bedroom units and an excessive supply of studio and 1 bedroom units. This excessive number of smaller units is not justified in the SEE.</li> </ul>	No
<b>4.5.2 Equitable Access</b>	<ul style="list-style-type: none"> <li>18 adaptable units are provided, which is significantly less than minimum requirement of 10% (ie. 34 units)</li> <li>No wheelchair turning circles are shown inside the adaptable units.</li> </ul>	No
<b>4.6 Car Parking, Access and Movement</b>	<ul style="list-style-type: none"> <li>The proposed car parking is insufficient (see assessment on Parking and Traffic below)</li> <li>There is insufficient information to demonstrate that the proposed internal access and circulation arrangements meet the Australian Standards.</li> <li>The development fails to make provision for furniture removal vehicles, SRV, MRV and LRV in the loading areas. Additional information on the turning path analysis in CAD drawing format should be submitted to assess if turning areas area sufficient.</li> <li>The proposal has not demonstrated whether the circulation within the car park would achieve Australian Standards in terms of entry/exit points, height clearance and aisle width.</li> </ul>	No
<b>4.7 Site Facilities</b>	<ul style="list-style-type: none"> <li>No information is provided on plant and location of air conditioning units.</li> <li>Waste storage and disposal systems are not considered to be acceptable (see assessment under SEPP 65)</li> <li>Letterboxes are not identified.</li> <li>Storage provision is assessed under SEPP 65 above.</li> </ul>	No
<b>5.3 Mixed Use</b>		
<b>Development Setbacks</b>	<ul style="list-style-type: none"> <li>The proposal does not provide a secondary street setback as required by the DCP.</li> </ul>	No
<b>Building Uses</b>	<ul style="list-style-type: none"> <li>The size, location, clearance and exposure of some of the ground floor retail tenancies do not comply with the DCP requirements.</li> </ul>	No

	<ul style="list-style-type: none"> <li>• Shop top housing does not have a direct street address (ie. Buildings A, B and G).</li> <li>• The shop top housing shares the same lift and car park with the commercial tenancies, creating conflict and safety concerns. This is contrary to the requirement of the DCP.</li> </ul>	
<b>Building Design</b>	<ul style="list-style-type: none"> <li>• The buildings are presented as a large boxy form with little architectural articulation or setbacks to break down the scale.</li> </ul>	No
<b>Public Domain Interface</b>	<ul style="list-style-type: none"> <li>• No recess is provided at the shop fronts to allow for entrances as suggested by the DCP.</li> <li>• Commercial spaces in Buildings B and G do not have a direct street address.</li> </ul>	No
<b>Arcades, Laneways and Through Site Links</b>	<ul style="list-style-type: none"> <li>• The shareway provides the only through site link other than the north eastern pathway which has security issue. The shareway carries significant traffic movements for the development</li> </ul>	No
<b>Awnings</b>	<ul style="list-style-type: none"> <li>• No awnings are provided. A colonnade is provided, however, this will reduce the visual exposure of the uses to the street.</li> </ul>	NA
<b>Parking</b>	<ul style="list-style-type: none"> <li>• The proposed development does not allow separation of residential and commercial parking spaces.</li> <li>• The proposed sharing of car parking spaces between the Youth Centre and the mixed use development is problematic (see further assessment parking and traffic below)</li> </ul>	No

**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))**

Clauses 92-94 of the Regulations outline the matters to be considered in the assessment of a development application. Clause 92 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 can be imposed to ensure compliance with the standard if the development is approved.

The Regulations requires notification to relevant authorities that may have an interest in the application. The proposal has been notified to Sydney Water, Energy Australia, Sydney Airports, NSW Police and the Roads and Maritime Services (RMS). The recommendations provided can be included in the Notice of Determination if the DA is approved.

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

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

### Location of Youth Centre and Public Park

It is understood that the location of the Youth Centre was separately negotiated between the Council and the applicant, independent of the DA process. The location has not been verified by a thorough site analysis and design process to explore the most appropriate location on the combined sites.

The DRP and assessment planners raised concerns to the applicant regarding the location of the community facilities.

It is acknowledged that Council's land is as Lot 1 DP 652922, which is the linear strip along the railway corridor. It is imperative that both sites are fully amalgamated to provide flexibility in the site layout and design.

The current amended DA creates fundamental design and planning issues that would affect the operation of the overall development:

- The youth centre is 'buried' amongst tall and bulky buildings and has no frontage to the existing public domain. Visual connection from Wardell Street is obscured by the proposed mature trees at the end of Wardell Street. The public park has poor passive surveillance.
- The proposed vehicular circulation system disconnects the public park and the youth centre.
- The Youth Centre does not have a clear sense of address due to its location. The main entrance is via Townsend Place, which is currently used as the rear lane for the light industrial uses fronting Hattersley Street. The entrance to the Youth Centre is located behind the bus turning area, facing the rear of industrial activities and disconnected from other active uses. Access to the site is constrained.

Overall, it is considered that the development fails to explore options to maximise the amenity of the public domain and to recognise the important role of the Youth Centre and Public Park as community assets for all local residents. It is considered that the master planning of the site is fundamentally flawed and would result in significant environmental and safety issues.

### Character / Streetscape / Density / Bulk / Scale

The proposed DA is considered an over development of the site for the reasons previously discussed in this report. The proposed development does not comply with the height and FSR controls under the LEP. The justification for variations in FSR is not supported as the proposal does not meet the requirements under Clause 4.6 of the LEP.

The bulk of the proposal is not appropriately distributed across the site, which is resulting in significant adverse impact including overshadowing on the public domain, overlooking and poor site configuration. The façade treatment is poor and does not include any architectural articulation. The architectural form and treatment is monotonous and does not provide any interest. The lack of secondary setback and the inadequate site setback further adds to the perceived bulk of the buildings.

### Overlooking, Outlook and Overshadowing

The development presents significant overlooking issues, including:

- The reduced separations and proximity of buildings have led to a heavy reliance on privacy screens and high windows to minimise overlooking issue, which compromise the amenity of the units.
- Apartments are very close to blank walls and other buildings which reduces amenity and compromises outlook.
- Units in the corners of Building C have inadequate amenity and outlook.

### Quality of Open Space, Public Domain and Landscaping

Whilst the quantity of open space is sufficient, the quality of the open space is compromised by:

- the inappropriate location of the open spaces,
- the steep terrain that restricts the functionality of the public open space,
- poor master planning of the development which create significant environmental impacts on the communal open space in terms of wind and overshadowing impacts.
- the lack of amenities within the roof top gardens,
- the constrained access to the open spaces and the lack of connectivity between the open spaces, the buildings and the public domain,
- the insufficient deep soil zone, and
- the insufficient surveillance to the open space leading to safety concerns.

Details of the above are provided in the SEPP 65 and DCP assessments in this report.

### Safety and Security

The proposed development presents a number of concealment spaces with no real natural surveillance causing safety issues:

- The public park has little surveillance. The amenity of the linear open space is limited.
- The walk way along the north eastern boundary has poor surveillance and potential safety issues.
- The entry design for the community centre is remove and dislocated from other uses, creating potential safety issues.

### Traffic/Parking

The applicant's traffic impact assessment was referred to an external consultant for peer review. Council's internal traffic engineer also provided comments on the proposed development. Their findings are summarised as follows:

#### 1. Site Access

The proposed development will create up to 60 vehicles in PM peak hour. The removal of the Wardell Street connection will require traffic to access the site only from Townsend Place or Princes Highway. For south bound vehicles, they will require a detour via West Botany Road and Terry or Bestic Street to turn right into Princes Highway then into the development site.



As some of the current intersections turning right into Princes Highway are unsignalised, these vehicles may require a complex detour of nearly 2km or crossing three lanes of traffic along Princes Highway. This is not a desirable outcome. The applicant has failed to assess how traffic arriving from the north and east will access the site and propose solutions to address potential traffic issues.

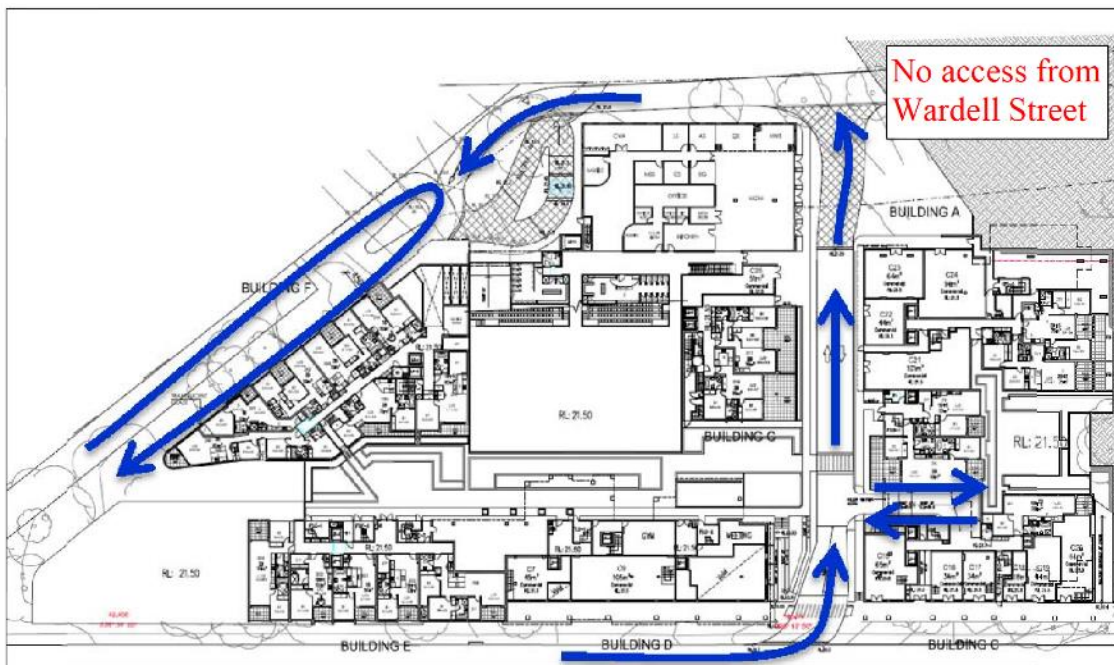
## 2. Pedestrian Circulation

The traffic consultant was satisfied with the footpath provision along Townsend Place.

However, Townsend Place is currently used as a rear lane for the existing mechanics and other light industrial activities that front Hattersley Street. The proposed footpath street trees along the south western part of Townsend Place and the median strip will require further consideration in order not to interfere with the mechanics and light activities currently using this lane. This issue has not been addressed in the current design.

## 3. Internal Circulation Flows

The proposed internal circulation is shown in this plan. The traffic consultant considers that this is satisfactory.



*Proposed Vehicle Circulation*

Whilst it is satisfactory from a traffic point of view, as discussed before, the proposed shareway that traverses the site is a private driveway and would potentially create conflict with the pedestrian activities that are proposed along this route.

## 4. Vehicle Manoeuvring

A swept analysis has been carried out to confirm if the proposed road widening along Townsend Place and the internal car park provide sufficient widths to accommodate the vehicles. It was found that:

- Garbage vehicles would interfere the proposed median strip at the intersection of Princes Highway and Townsend Place and on various location along Townsend Place. The proposed median strip will need to be reduced.
- Various locations in the basement car park do not comply with Australian Standards and will need to be revised. This will potentially reduce the number of car parking provision.

## 5. Parking Provision

Council's traffic engineer provides the following assessment on the car parking provision:

Use	DCP Requirements	Provided
<b>Residential</b>	1 space per 1 or 2 bedroom dwelling, 2 space per 3 bedroom dwelling <b>Total required: 356</b>	No information of breakdown is available
<b>Visitor</b>	1 space per 5 dwellings <b>Total Required: 68</b>	
<b>Commercial</b>	1 space per 40m <sup>2</sup> <b>Total Required: 73</b>	
<b>Basketball Court and Youth Centre</b>	27 per court and 6 for youth officer <b>Total Required: 60</b>	
<b>Total</b>	<b>557 spaces</b>	<b>516 space</b>

In total there is a shortfall of 41 spaces.

The traffic peer review suggested that the car park design does not comply with Australian Standards. Council's traffic engineer considers that this will remove approx. 19 spaces from the current car park design, leading to a total shortfall of approximately 60 spaces.

It is understood that the youth centre can provide sufficient car parking spaces within their building site. The shortfall occurs within the mixed use development site. Council's traffic engineer has requested a shared parking register to be provided by the applicant to demonstrate whether this shortfall can be addressed by a share parking arrangement between the commercial and visitor parking. However, this information is not available.

## 6. Loading Bay

There is also a lack of furniture removal and retail/commercial loading bay. The basement has insufficient head room clearance for loading vehicles so additional loading bay for furniture removal vehicle is required.

## 7. Sharing of Access between Commercial, Residential and Youth Centre

The basement car park is currently shared by the commercial and residential uses, which does not provide a true separation of uses and does not comply with Clause 5.3 of the DCP.

The Youth Centre car park has an opening on Ground Level 1 to allow access from the mixed use development car park. This sharing of car parking with the Youth Centre is not practical because the Youth Centre has separate lift that leads to Ground Level 3 of the Youth Centre Building. Visitors, residents or commercial tenants of the mixed use development should not be allowed to use the Youth Centre car park and the two car parks should be completely separated.

### Noise and Vibration

An acoustic and vibration report has been submitted with the original proposal and the report was updated to reflect the amended scheme. The report assess the following noise and vibration sources:

- Road, Rail and Aircraft
- Mechanical plant and equipment
- Commercial tenancies
- Youth Centre
- Traffic noise on local roads

The greatest noise source is identified as being traffic traversing Princes Highway, the Railway line and aircraft noise. Based on the noise modelling and to comply with the NSW Government indoor noise requirements, the report concludes that the external windows and doors to apartments will need to be closed to mitigate the external levels and suggests alternative ventilation methods either through mechanical ventilation or fresh air supply to air conditioning. This would contradict the natural ventilation requirements under the RFDC and DCP.

The report is also not conclusive as it suggests that the vibration level as a result of the railway line cannot be determined at this stage and a more detailed analysis is required. This additional study was not submitted. The vibration impact is therefore unknown.

### Views and Vistas

The proposed development will be highly visible from the public domain and from the surrounding residential developments. The submitted visual impact assessment lack details, and does not assess the impact of the development from the public domain or the impact of the development in the overall district view and character of Arncliffe. It is also inaccurate and does not meet the accepted court and industry standards.

- The original and revised VIA is of low quality and some of the images are illegible. The modelling relies on Google Street View images where there is no reference on the true locations of the viewpoints, height of the viewing points, camera lens and focal point used. The reliability of the 3D modelling and photomontages is questioned and are insufficient to access view impacts.
- It is unclear how the photomontages and modelling consider the impacts on the surrounding heritage items other than the churches. There is no modelling to show whether the scale of the development is consistent with the future character of the Princes Highway from a visual impact point of view.
- No assessment on the potential impacts on the surrounding residents due to the loss of views towards Botany Bay or district views as a result of the development.
- No assessment on the visual impact of the proposed development on the key public domain areas, such as the foreshore area, local parks, schools, the Prince Highway, train stations and local centres, etc.
- The assessment on the visual impacts on the church spires is inconclusive as photomontages for some fundamental viewpoints are not provided eg. Viewpoints 10 and 11).

### Internal Amenity

A number of amenity issues are observed within the internal layouts and these are detailed in the SEPP 65 assessment above. In general, they include:

- The studies of some units are designed as a separate room and are not integrated into the living area. Those studies do not have access to a window but the future occupants may easily convert them into an undersized bedroom with minimum amenity
- Some bedrooms do not have windows or the windows are deeply recessed inside the floor plan which restrict ventilation, light and outlook.
- The internal circulations of all buildings are only 1-1.5m wide.
- Internal circulation is contorted.
- No wheelchair turning circles are shown in the adaptable units. The number of adaptable units provided is not sufficient.
- Significant overlooking issues due to reduced building separations.
- Insufficient natural ventilation due to the need to close the balconies and windows to address noise impact.

### Management of Waste

The applicant has been in consultation with Council officers in regards to the provision of onsite garbage collection facilities. The proposed waste disposal relies on a single narrow corridor on the ground level 1 to access the central bin room. This corridor is a ramp and is not practical.

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

Whilst the proposed uses are permissible on the site, the suitability of the site for high density mixed use development with a large residential component is questionable. The site is constrained in terms of railway noise and vibration, aircraft noise and noise from the Princes Highway. The noise impact of aircraft will require the residents to close their windows and doors and use artificial ventilation to mitigate noise concerns. Access is restricted to Townsend Place which is currently a rear lane servicing the existing light industrial developments. The applicant has not successfully demonstrated that the DA would address all the environmental and site constraints, without impacting on the amenity of the existing and future residents. Based on the information available, it is considered that the site is not suitable for the proposed scale and density of the proposed development.

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

The initial proposal has attracted 11 individual submissions and 202 pro forma submissions. These include 8 submissions from the surrounding residents and 1 submission from the owner of a local industrial premises. There were also 2 submissions from the St Francis Xavier Primary School – one from the Parent Group and the other from the Principal. Most submissions object to the development, but three residents welcomed a residential project within the site, but objected to the scale and design of the proposal.

The amended plans were re-exhibited and 26 submissions were received, including 18 pro forma letters from the St. Francis Xavier Parish/School Community in Arncliffe.

### Initial DA:

- 10 submissions raised various traffic issues, including congestions, parking, linkages between Wardell Street Princes Highway and the potential safety concerns to the nearby schools due to the additional traffic.
- 9 submissions raised concerns on the visual impacts, including blocking the views to Botany Bay, impacts on views to the churches and overlooking into the adjoining properties.
- 8 submissions suggested that it is an over development and does not respond to the site context and the existing scale of the surrounding developments.
- 5 submissions raised amenity as an issue, including the potential safety concerns of having youth walking around an industrial area, noise issues, overshadowing and safety to the children.
- 3 submissions questioned the type of commercial uses on the site and the viability of these within an industrial area. They also questioned the accessibility of these commercial uses to the surrounding residents.
- 3 residents suggested that the location of the ball court and youth centre is not accessible and the proposed public park will not benefit the local community.
- Other comments include the short notification period, non-compliance with LEP objectives and DCP controls, excessive residential developments within the area, loss of open space and the potential impacts during the construction of the project.

The 202 pro forma letters were prepared by the members of the St. Francis Xavier Parish/School Community in Arncliffe. The letters objected to the DA stating the following grounds:

- Serious safety concerns to the school children due to the increase volume of traffic on Wardell Street, which will be extended to become the access road to the site.
- Safety concerns during construction due to the additional number of construction vehicles using Wardell Street.
- Significant impacts on parking and general amenity - the on-site parking will be eliminated by the proposed access road causing a net loss of existing parking within the area.
- The proposed scale of the development would affect the visibility and landmark qualities of the historic St Francis Xavier's church tower.

### Second Exhibition

Within the 8 individual submissions:

- All submissions raised the additional traffic as a major issue from the development.
- 7 submissions raised concerns traffic and parking issue on Wardell Street and Princes Highway. Despite the removal of the link road between Wardell Street and Townsend Place, the residents suggested that visitors of the development or any overflow parking will potentially use Wardell or other surrounding streets for on street parking, which will exacerbate the traffic issues within the local area. They are also concerned about the increased traffic on Princes Highway and on Forest Road during peak hours as a result of the development.
- 6 submissions considered that the development is an overdevelopment and is incompatible to the low to medium scale and the character of the surrounding area.

- 5 submissions raised visual impact as a significant issue as it would block the views from the residential units to Botany Bay, as well as distorting the views of the spire of St Francis Xavier Church from the residential units. Some residents suggested that this will devalue their properties.
- 4 submissions raised concerns of the impact during construction, in terms of additional construction vehicles and traffic, noise and dust, and the effect on the school children.
- 3 residents raised safety concerns of the school children of St Francis Xavier Primary School due to the increased traffic on Wardell Street.
- 2 submissions raised concerns on the impact of the amenity of the area due to the additional residents living in Arncliffe. General amenity issues such as safety and noise from the new residents were raised.
- 2 submissions suggested that the residential units will overlook into the playground of the primary school, affecting the safety of the school children.
- 1 submission raised concerns on the use of Townsend Place as the main access point. The operator of the mechanics uses Townsend Place as their rear access. Townsend Place current does not have footpath either side. The proposed road widening, footpaths on both sides, median strip and street planting will block the entrance to their driveway and inhibit their car turning movements. The increased traffic along Townsend Place and the interface with residential and commercial developments will affect the operation of the mechanics, which specialises on top end motor vehicles. The operator claimed that the residents and retail uses will affect the privacy of the mechanics because they are servicing top end vehicles and need the discreteness of the property to minimise the risk of vandalism.

#### In the Pro Forma Letters from the St. Francis Xavier Parish/School Community in Arncliffe

Key issues include:

- Parking and general amenity of the area, especially along Wardell Street;
- Safety of the children due to increased volume of traffic on Wardell Street
- Excessive height of the development which will affect the visibility of the spire of the St Francis Xavier's church

#### Comments

The majority of the issues identified submissions identified relate to the over development of the site and the ability of the local traffic network to support the additional traffic and car parking. The external peer review and Council's traffic engineer have undertaken assessment of the proposed car parking and traffic arrangement and concluded that the additional traffic generation would require changes to the existing road network and that the insufficient car parking should be further resolved by the applicant.

Another important point is its impact on the existing mechanics in terms of their current access to rear garage and the interface between the future residents and a predominately industrial area. These issues have not been satisfactorily addressed in the current proposal.

#### **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 is not considered to provide an appropriate development for the site and is not 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 demolition of existing structures and construction of a mixed use development including 31 commercial suites, 338 residential units, a youth centre and associated ball courts, basement parking and Torrens title subdivision creating 3 lots. The proposal also includes a public park with an area of 948 sqm.

Based on the assessment presented in this report, the application DA-2014/319 is recommended for refusal for the reasons identified in this report and specified in the beginning of the report.