

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

<b>JRPP No</b>	2014SYE052
<b>DA Number</b>	DA-2014/335
<b>Local Government Area</b>	ROCKDALE
<b>Proposed Development</b>	Demolition of existing structures and construction of 2 x eight (8) storey residential flat buildings with rooftop terrace areas, comprising 175 residential units and basement parking
<b>Street Address</b>	40-50 Arncliffe Street Wolli Creek
<b>Applicant/Owner</b>	Urbanlink Pty Ltd
<b>Number of Submissions</b>	One (1)
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	Development that has a capital investment value of more than \$20 million.
<b>List of All Relevant s79C(1)(a) Matters</b>	<p>List all of the relevant environmental planning instruments s79C(1)(a)(i);</p> <ul style="list-style-type: none"> <li>• SEPP – 55 – Remediation of Land</li> <li>• SEPP 65 – Design Quality of Residential Flat Development</li> <li>• Residential Flat Design Code</li> <li>• SEPP Infrastructure 2007</li> <li>• Rockdale Local Environmental Plan 2011</li> </ul> <p>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii);</p> <ul style="list-style-type: none"> <li>• Draft SEPP 65 - Apartment Design Guide</li> </ul> <p>List any relevant development control plan: s79C(1)(a)(iii)</p> <ul style="list-style-type: none"> <li>• Rockdale Development Control Plan 2011</li> </ul> <p>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv);</p> <ul style="list-style-type: none"> <li>• N/A</li> </ul> <p>List any coastal zone management plan: s79C(1)(a)(v);</p>

	<ul style="list-style-type: none"> <li>• N/A</li> </ul> <p>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</p> <ul style="list-style-type: none"> <li>• Environmental Planning and Assessment Regulations 2000</li> </ul>
<b>List all documents submitted with this report for the panel's consideration</b>	Section 79C Planning report including draft conditions of consent.
<b>Recommendation</b>	Approval subject to conditions
<b>Report by</b>	Fiona Prodromou - Senior Assessment Planner – Rockdale City Council

### Assessment Report and Recommendation Cover Sheet

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## Precis

The proposal is for the demolition of existing structures and the erection of 2 x 8 storey residential flat buildings with 175 residential units, with central and rooftop communal open space areas and two levels of basement car parking for 222 vehicles.

The land is zoned B4 – Mixed Use under Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a Residential Flat Building and is permissible with development consent.

The proposal indicates a minor variation to the building depth and floor to ceiling height at level 1, as per the guidelines of the Residential Flat Design Code. This has been discussed within the report and the variation is supported.

The proposal does not comply with the requirements of Rockdale DCP 2011, in relation to deep soil planting, unit & balcony sizes, unit mix, location of vehicular access and setback to the Boonie Doon Canal.

The proposal was publicly notified as per the provisions of DCP 2011 and one (1) submission was received. The issues raised in the submission relate to the setback of the development to the Boonie Doon Canal to the rear of the site & to Arncliffe Street.

The proposal has a Capital Investment Value greater than \$20 million (i.e. \$40 million) and as such the development application is referred to the Joint Regional Planning Panel (JRPP) for determination. The recommendation is for approval.

## Officer Recommendation

1. That development application DA-2014/335 for the demolition of existing structures and construction of 2 x eight (8) storey residential flat buildings with rooftop terrace areas, comprising 175 residential units and basement parking with capacity for 222 vehicles be APPROVED
2. That the objector be advised of the JRPP's decision.

## Report Background

### PROPOSAL

The development comprises as follows:

Basement L2	114 carparking spaces, (1 carwash / 8 accessible / 106 residential), service areas, four lift cores, bicycle / motorbike parking & ancillary residential storage
Basement L1	108 car spaces, (11 accessible / 1 carwash / 62 residential / 35 visitor), motorbike & bicycle spaces, four lift cores, services & ancillary residential storage
Ground Level	Building A (fronting Arncliffe St) – 8 units (6 x 2 bed / 2 x 1 bed plus study) 5 units (AG01 – AG05) with courtyards & direct access to Arncliffe Street.

Units AG06-AG09 have courtyards to the SE facing the central communal courtyard, with unit AG05 having dual frontage to this central space and Arncliffe Street.

Vehicular access is proposed from Arncliffe Street, adjoining the SW side boundary of the site, a substation, loading bay, waste / recycle room, two x residential foyer entries with associated stairs and chair lift and residential letter boxes.

Central communal courtyard comprising seating, bbq facilities, water features and a range of landscaping including groundcovers, shrubs and small to large trees. A 2m high impermeable glass screen is to be provided to the SW end of the central ground level communal courtyard for wind resistance.

Building B – 10 units (3 x 2 bed / 7 x 1 bed) all units comprise private courtyards facing either the central communal space or the rear boundary which in future will also become a front property boundary. 1.5m high timber slat fencing is proposed to all ground level residential courtyards.

Two x residential foyer entries with associated stairs and chair lift and residential letter boxes are proposed to Building B, fronting the current Boonie Doon Canal.

Level 1	Building A – 16 units (7 x 1 bed & 9 x 2 bed) Building B – 10 units (2 x 3 bed & 3 x 1 bed & 5 x 2 bed)
Level 2	Building A – 16 units (9 x 2 bed & 7 x 1 bed) Building B – 10 units (2 x 3 bed & 3 x 1 bed & 5 x 2 bed)
Level 3	Building A – 14 units (2 x 3 bed & 3 x 1 bed & 9 x 2 bed) Building B – 10 units (2 x 3 bed & 3 x 1 bed & 5 x 2 bed)
Level 4 – 5	Each building & level comprises; Building A – 10 units (2 x 3 bed & 2 x 1 bed & 6 x 2 bed) Building B – 10 units (3 x 1 bed & 7 x 2 bed)
Level 6	Building A – 10 units (8 x 2 bed & 2 x 1 bed) Building B – 10 units (3 x 1 bed & 7 x 2 bed)
Level 7	Building A – 10 units (7 x 2 bed & 3 x 1 bed) Building B – 10 units (7 x 2 bed & 3 x 1 bed)

The development incorporates 57 x 1 bedroom, 106 x 2 bedroom and 12 x 3 bedroom units. All units comprise balconies facing Arncliffe Street, the central communal open space or the Boonie Doon Canal. A total of 222 car parking spaces are provided on site.

The proposal incorporates communal rooftop terrace areas above both buildings, each landscaped and provided with shelter and communal facilities for future occupants. It is proposed to provide for pergolas atop these rooftop communal facilities.

The proposed development also incorporates associated landscape and stormwater works on site as part of the development and rooftop communal open space areas.

The proposal has dedicated land to the front and rear of the site for local road reservations as required by Council. A 5m wide strip of land fronting Arncliffe Street and 10.5m strip fronting the Boonie Doon Canal are proposed to be turfed.

## EXISTING AND SURROUNDING DEVELOPMENT

The subject site is a rectangular shaped allotment with a frontage of 70.12m to Arncliffe Street, a depth of 71.88m and a total area of 5,103m<sup>2</sup>. The site is currently occupied by two storey industrial buildings with associated on site car parking. The site is flood affected, potentially contaminated and comprises acid sulfate soils. The site is zoned B4 - Mixed Use and subject to local road widening reservations to the front and rear of the property.

An open stormwater canal exists to the rear of the site, with the rear boundary of the site transecting the centre of this canal. The subject site is flood affected, with minimum floor level of 3.21AHD. The site is affected by a 5m Road Widening Reservation along Arncliffe Street & a 10.5m reservation to the rear of the site to the Boonie Doon Channel. Councils vision for the site includes the widening of Arncliffe Street and the creation of a road to the rear of the site atop the Boonie Doon Channel.

The immediately surrounding area is characterised by a mix of older style industrial buildings and more recently multi storey mixed use developments currently approved or under construction as follows.

To the NE of the site is 52 Arncliffe Street, which is currently under construction. Approval was granted on 27 June 2012 by the JRPP for the construction of two x 8 storey residential flat buildings comprising 150 residential units and 2 basement levels with capacity for 190 vehicles.

To the SW of the subject site lies a two storey industrial building, with no current applications with Council for redevelopment.

Opposite the site to the NW lies 13-21 Arncliffe Street, the site of a recent development approval on 15 May 2014, for an eight storey mixed use development with rooftop terrace comprising 60 residential units, 4 commercial tenancies, basement and ground level car parking for 84 vehicles.

Also opposite the site to the NW lies 1-3 Willis Street & 1 Guess Avenue, the site of a recent development approval on 17 February 2014 for an eight storey mixed use development comprising 41 residential units, 164sq/m commercial floor space and basement and ground level car parking for 61 vehicles.



Figure 1 – View of the site from Arncliffe Street

The area is one that is undergoing rapid transformation due to being rezoned from an industrial area to an area to provide for mixed use and residential development of significantly higher density, around the new Wolli Creek town centre, which adjoins Wolli Creek railway station. As such in assessing this application regard must be given to the future character of the area rather than the existing character.

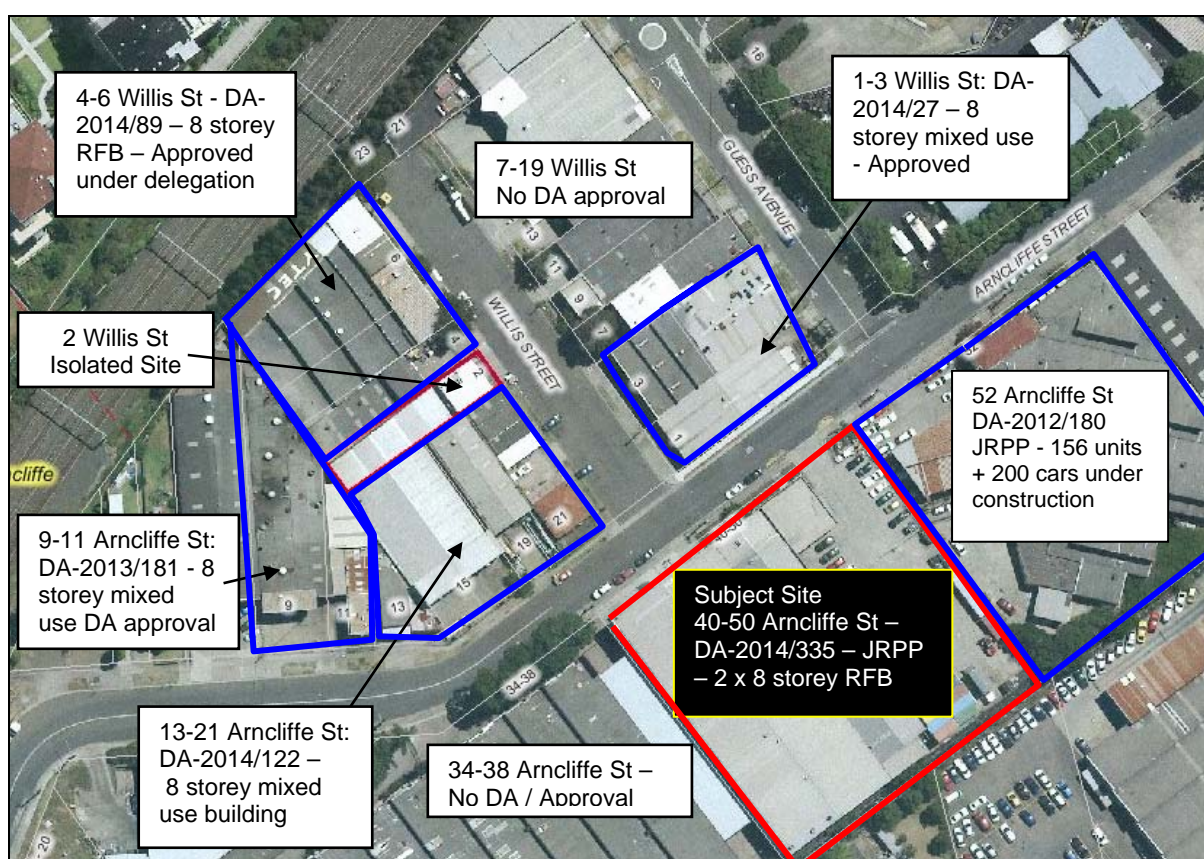


Figure 2 – Context of approvals

## PLANNING CONSIDERATION

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

## **Section 91A – Development that is Integrated Development**

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

## **Section 79C (1) Matters for Consideration - General**

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

#### ***State Environmental Planning Policy Building Sustainability Index (BASIX)***

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate number is 528780M. The commitments made result in reductions in energy and water consumption. A condition has been imposed on the consent to ensure that these requirements are adhered to.

#### ***State Environmental Planning Policy No.55 – Remediation of Land***

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

A Phase 2 Environmental Site Assessment undertaken by Benviron Group dated March 2014 was submitted with the application, the report concludes that the site is suitable for the proposed use. The report has been reviewed by Council's Health Officers who concurred.

Conditions of consent are proposed in line with these recommendations. Therefore the proposal meets the requirements of SEPP 55.

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

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

The application is subject to Schedule 3 - Traffic generating development given the development accommodates car parking for in excess of 200 motor vehicles. The development was referred to the Roads and Maritime Service for their review and consideration.

The RMS raised no objections subject to the imposition of standard conditions of consent which have been incorporated within the draft notice of determination. The proposal satisfies the requirements of the SEPP.

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

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

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



The proposal has been referred to the Design Review Panel on 2 June 2014, with revised plans considered at the 4 September 2014 meeting.

The DRP noted improvements to the scheme yet concerns were still raised, in respect of the “gun barrel” form of the central courtyard, weather protection to rooftop terrace areas, lack of deep soil planting, shaded areas & resolution of landscaping on site & amenity of units.

These matters have been addressed below.

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

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

### **Principle 1 - Context**

The proposal responds well to its contextual location, responding appropriately to the local road widening dedications with the provision of turfed areas, until such time as the local road widening is undertaken by Council.

### **Principle 2 - Scale**

The scale of the development is consistent with that of surrounding approved development and that which is emerging in the transition of Wolli Creek from an industrial to high density mixed use locale.

### **Principle 3 - Built Form**

The DRP noted the improvements to the design of the building, particularly the increased building separation and creation of two pedestrian entry points. Concern was still raised in regards to the over reduction of the rooftop structures and the low level of amenity this would provide.

The applicant has amended plans to address the above, increasing the size of the rooftop structures to provide shelter and protect future occupants from wind exposure, maximising amenity.

The alignment, siting, massing and proportions of the proposed development are consistent with those of the NE neighbour currently under construction.



*Figure 3 – Arncliffe Street Streetscape response with NE neighbouring site (left) currently under construction*

The proposal provides an appropriate built form response to both Arncliffe Street and the Boonie Doon Canal to the rear of the property. The proposal connects harmoniously to the NE development under construction at 52 Arncliffe Street, with floor levels in alignment and



the NE portion of the development being recessed to provide relief in the built form at the Arncliffe Street frontage. This allows for a substantial courtyard to be provided at ground level forward of the building line in this location.

The building form delineates between public and private realms and the design of the proposal contributes the establishing mixed use / residential streetscape character of Arncliffe Street and the Boonie Doon Canal.

#### **Principle 4 - Density**

The proposal is consistent with the density controls under RLEP 2011 and is satisfactory in this regard.

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

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

The proposal incorporates 2 x 5000 litre rainwater tanks on site to harvest rainwater for irrigation purposes.

The proposal is satisfactory in regards to this principle.

#### **Principle 6 - Landscape**

The Panel raised concerns regarding the location and amount of deep soil proposed within the site. A redesign of the basement levels was suggested in order to redistribute car parking spaces and provide a consolidated deep soil zone at the NE corner of the site to accommodate large scale trees which would improve the amenity and outlook of the development and the neighbouring development.

Amended plans were submitted to Council, which indicate additional deep soil planting areas on site as referred to above, with the revised landscape plan indicating the provision of a range of planting including 3 x golden champaca trees which grow to a mature height of 15m and will provide for shade and visual amenity.

The DRP noted that the layout of the central communal courtyard could be improved, with an alternative solution to the extensive lawn given the limited solar access in this area. It was further suggested that reconsideration be given to provision of additional shelter to the rooftop communal open space areas.

Revised plans indicate the division of the central ground level communal open space into three distinct garden areas, each provided with seating and facilities for future occupants. In addition a range of ground coverings including timber decking and paving is proposed to address the lack of solar access to this area.

Plans were further amended to incorporate a slightly larger sheltered rooftop area to each building, which would provide for weather protection to future users.

The DRP noted that the resolution of the raised planters, soil depths and structural details was unclear. It was further stated that slabs need to be designed appropriately to accommodate saturated soil weights.

Amended landscape plans were submitted, which indicated the provision of masonry planter walls & varying planter soil depths. In addition, supplementary documentation was submitted by the applicant, being correspondence from a structural engineer which confirmed that slabs were designed appropriately in order to accommodate soil weights as proposed.

The proposal will be further conditioned to ensure landscape plans are amended prior to the issue of a Construction Certificate to provide specific construction design details in respect of finishes, materials, irrigation systems and outdoor furniture. The proposal is satisfactory in regards to this principle.

### **Principle 7 – Amenity**

The DRP noted that amenity to units within the development was generally satisfactory; however the following issues were still to be resolved.

- a. Several apartments have second bedrooms with windows which are deeply recessed between blank walls at ground floor and at levels above resulting in poor outlook & solar access.*
- b. Upper level enclosed corridors within both levels do not have access to natural light or ventilation.*
- c. Storage space within laundries compromises furniture layout.*
- d. Loading bay has no direct access to the apartments.*
- e. Lifts to building B within the basement are open to the traffic aisle and are unsafe.*
- f. Natural light / ventilation should be provided to top floor internal bathrooms and the upper level basement car park.*
- g. Wind report recommendations have not been identified on plans.*

In response to the above,

- a. Bedroom windows referred to by the DRP were small windows positioned 1m above finished ground level. These windows have been modified and are now provided as 1.275m x 1.8m high windows which will maximise solar access and outlook to these bedrooms and provide a sense of space. The provision of these windows is appropriate.*
- b. Access to natural light and ventilation is not possible to several common corridors within the development, given the design of the development. I.e. Corridors to Building A levels 1 – 3 & a portion of corridors to levels 1 – 3 within Building B.*

Notwithstanding, these corridors will be mechanically ventilated in accordance with relevant Australian Standards and are considered satisfactory given they are limited to these levels of the development.

- c. Amended plans indicate the provision of separate storage cupboards within units, with a number of units comprising a shared laundry / storage area as follows.*

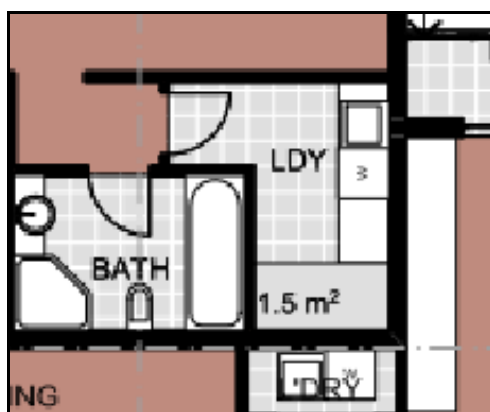


Figure 4 – Laundry / Storage example

The design of the above provides for a generous laundry with specifically allocated space for washing machines, dryers and cupboards for storage. This is satisfactory.

It is further noted that a number of units still do not appear to comprise internal unit storage i.e. A112, A103, B206, B407 etc. The proposal has been conditioned to ensure that storage is provided within all units as per the requirements of the RFDC.

- d. The proposal has been modified to provide direct access from the loading dock to the lobby of Building A, which would allow future occupants to move furniture and larger objects within the development.
- e. Plans have been amended to provide for two fixed bollards in front of the lifts to building B within basement levels, to segregate them from the traffic aisle and provide a safe waiting area for future occupants.
- f. Amended plans indicate the provision of skylights within the central communal open space area at ground level, which would allow sunlight to filter through to the upper basement level.

In respect of internal bathrooms, amended plans indicate the provision of windows where possible. It is noted that mechanical ventilation will be provided to bathrooms where it is not possible to provide a window.

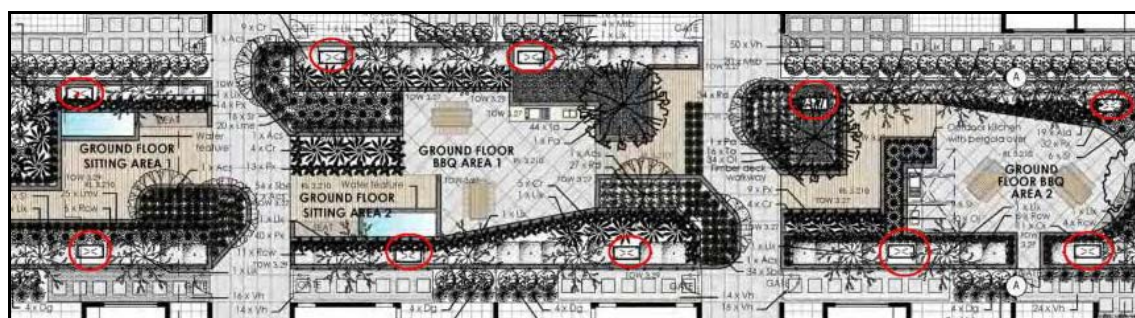


Figure 5 – Ground level skylights to upper basement level

- g. The applicant has amended plans to identify wind report recommendations. The wind report has been addressed further within this report.

In general, solar access & cross ventilation to apartments is maximised, with appropriate levels of acoustic and visual privacy provided to dwellings.

Apartments will benefit from substantial & well designed areas of communal open space at ground level and particularly upon two rooftop terrace areas.

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

The development provides for two prominent building entries to Arncliffe Street which comprise direct pedestrian access and provide a high level of visibility to the street. Two residential entries are also provided to building B fronting the Boonie Doon Canal, which will enable the development in future to provide for activity, passive surveillance & direct access from the future road connection.

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

Clear directional signs will be provided on site to advise users of security measures in place. The proposal has been conditioned to require security cameras to be installed.

### **Principle 9 - Social Dimensions**

The site is well located near a railway station with a variety of apartment sizes and designs proposed, along with sufficient and well designed communal open space areas.

### **Principle 10 - Aesthetics**

The proposal incorporates a range of colours and materials, including sliding aluminium louvers, glass screens, masonry and glass balustrades, stone & rendered finishes. The proposal incorporates contemporary architectural elements in the facade, which provide a satisfactory architectural expression to the development.

#### **c. The Residential Flat Building Code.**

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

<b><i>Development standard</i></b>	<b><i>YES/NO</i></b>	<b><i>COMPLIANCE</i></b>
Apartment building depth 10-18m, with wider buildings need to demonstrate satisfactory daylight and natural ventilation	<b>Partial</b>	18.1m apartment depth to 3 x bedroom units A3.08/A3.07 Minor 0.1m variation unlikely to result in adverse solar access / ventilation impacts given dual aspect.
Building Separation Up to 4 storey - 12m between habitable rooms/balconies 5 to 8 storey - 18m between habitable rooms/balconies	Yes	4 storeys = 12m 5-7 storeys = 18m
Single-aspect apartments should be limited in depth to 8m from a window	Yes	8m depth from a window
The back of a kitchen should be no more than 8metres from a window	Yes	8m from a window

Provide primary balconies to all apartments with minimum depth of 2 metres	Yes	2m minimum
The ground floor retail and commercial spaces and first floor spaces (regardless of use) should have a clear ceiling height of 3.3 m.	<b>No</b>	Ground floor 3.3m First 2.9m Purely a residential development. Zoning permits for residential development therefore proposal is satisfactory
Habitable rooms to be a minimum 2.7metres ceiling height	Yes	2.9m floor to ceiling
Accessible storage to apartments: One bed = 6m <sup>3</sup> Two bed = 8m <sup>3</sup> Three bed = 10m <sup>3</sup> Minimum 50% within unit	<b>Partial</b>	Not all units have satisfactory internal storage. i.e. A404, B410, A212, B510 etc. The proposal has been conditioned to require the provision of internal unit storage to units with nil provided.
Living rooms and private open space for at least 70% of apartment receive a minimum of 3 hours sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable	Yes	124 of 175 units = 70%
Limit single-aspect apartments with southerly aspect to 10%	Yes	16 of 175 units = 9.14%
60% of residential units should be naturally cross ventilated.	Yes	109 of 175 = 62%
25% of kitchen of development should have natural ventilation	Yes	100% All units are designed with open plan living areas and all kitchens have access to natural ventilation (sliding doors to balconies or a window, or both)
Minimum 20 percent of dwellings in the development have barrier free access.	Yes	90% (156) units comprise barrier free access. 8% (15) at ground level

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

The following are the relevant matters from Council's Local Environmental Plan 2011.

<b>Clause</b>	<b>Control</b>	<b>Requirement</b>	<b>Proposed</b>	<b>Complies</b>	<b>Objectives</b>
2.2	Zone	B4 Mixed Use	Residential Flat Building permissible with consent	Yes	Yes
2.3	Zone objectives	Meet objectives and permitted uses	Residential Flat Buildings permissible with consent	Yes	Yes
2.7	Demolition	Requires development consent	Consent requested by applicant	Yes	Yes
4.3	Height	28 m (no incentive) above NGL	30.1m (2.1m above permissible)	<b>No</b> – refer to clause 5.6 below	Yes
4.4	Floor Space Ratio	2.85:1 (14 543.5sq/m max GFA) <i>(includes horizontal circulation space i.e. hallways)</i>	2.85:1 (14 543.5sq/m)	Yes	Yes

Clause	Control	Requirement	Proposed	Complies	Objectives
5.6	Architectural Roof Feature	Decorative feature of visual interest.	See below.	Yes	Yes
5.9	Preservation of Trees and Vegetation	Consent required for removal / lopping	No trees on site	Yes	Yes
6.1	Acid sulfate soils	ASS Management Plan Class 3 soils	Report confirms ASS at 4.1m depth on the site, Acid Sulfate Soils Management Plan submitted to Council	Yes	Yes
6.2	Earthworks	Requires development consent	Consent requested by applicant for extensive excavation on site	Yes	Yes
6.4	Airspace Operations	51 Obstacle Limitation Service	Proposed maximum height to 31.78 AHD. SACL raises no objections subject to a height limitation of 32.071 AHD.	Yes	Yes
6.6	Flooding	3.21AHD minimum floor level	3.21 AHD to ground floor minimum habitable levels adhered to.	Yes	Yes
6.7	Stormwater	Minimise impacts of urban stormwater on development and downstream lands.	Rainwater tank reuse on site, with discharge to Council pit in Arncliffe Street.	Yes	Yes
6.12	Essential Services	All services to be available for future occupants i.e. gas, water, electricity.	Available supply of water, electricity, disposal and management of sewage, stormwater drainage or on-site conservation and suitable road access.	Yes	Yes

#### *Clause 5.6 - Architectural Roof Features*

Clause 4.3 sets a maximum height of buildings and for the subject site sets a maximum of 28m. The building has a maximum height of 26.4m to rooftop level and is entirely within the maximum permitted height limit.

The proposed rooftop structures covering the rooftop communal open space areas to Buildings A & B however have a maximum height of 30.1m to the highest point, exceeding the height limit by 2.1m.

Notwithstanding that the rooftop structures breach the height control by 2.1m (maximum), the provisions of clause 5.6 permit architectural roof features to breach the height control if Council is satisfied that the roof feature is a decorative element of the uppermost portion of the building, is not an advertising structure, does not include any floor space (and is not reasonably capable of modification into floor space) and will cause minimal overshadowing. Further, any signage or equipment contained in or supported by the roof feature is to be fully integrated into the design of the roof feature.

The proposed butterfly roof forms are decorative features integrated into the development atop both buildings, cannot easily be converted to habitable space, do not generate adverse

overshadowing impacts and do not provide any advertising. Further, no signage is proposed in the roof feature. The proposed roof features comply with these requirements. Given the proposal complies with the objectives and requirement of Clause 5.6; the breach of clause 4.3 does not require a clause 4.6 variation request in this regard.

**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))**

Draft State Environmental Planning Policy (SEPP) 65 is currently on public exhibition by the NSW Department of Planning. This document makes amendments to the Residential Flat Design Code (RFDC) and is to be renamed as the Draft Apartment Design Guide. The amendments are on public exhibition from 27 September 2014 until 27 October 2014.

As the current application was lodged on 1 May 2014 and there were no draft instruments at that time, the proposal is considered acceptable in respect to Draft Environmental Planning Instruments applying to this proposal.

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

***Development Control Plan 2011 (DCP 2011)***

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

The following non compliances are identified.

***1. Landscaped Area***

A minimum of 15% (765.4sq/m) of the site is to be provided as deep soil landscaped area. Submitted documentation indicates the provision of 8.6% (440.5sq/m) of the site proposed to be retained as landscaped area, indicating a deficiency of 6.4% (324.9sq/m).

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

***2. Unit & Balcony Size***

Plans indicate the provision of unit types i.e. one bedroom plus study which do not specifically fall within the categories of apartment types nominated by the RFDC or DCP 2011. In addition, a number of units and balconies do not strictly comply with the numerical requirements of DCP 2011.

In this regard a merit assessment of units, bedrooms, habitable areas and balconies has been undertaken.

The proposed development provides for a range of unit sizes and types within the development ranging from 1 to 3 bedroom dwellings. The configuration, layout and design of units, their overall size and spaces are practical and will allow future users to furnish their homes in a variety of ways.



Notwithstanding the above, it is important to note that main habitable areas, bedrooms, studies and balcony sizes are appropriately orientated and generally provided with sufficient ventilation, solar access and outlook in order to maximise amenity to future occupants.

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

### 3. *Housing Diversity*

Clause 4.5.1 requires developments to provide for a range of units to accommodate a range of household types. This requirement specifies a minimum of 10% (18) and maximum of 30% (53) of units within the development be provided as 1 bedroom dwellings, with a minimum of 10% (18) and maximum of 20% (35) comprising 3 bedroom dwellings.

The proposal comprises 57 x 1 bedroom (32%) & 12 x 3 bedroom units (7%). This represents an additional 4 x 1 bedroom units and a shortfall of 6 x 3 bedroom units within the mix required on site.

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

### 4. *Location of Vehicular Access*

Part 7.1.5 – Road Network & Vehicular Access of DCP 2011, requires the proposal to be consistent with the road network and vehicular access location requirements as indicated below.

It is envisaged that a new road is to be created to the NE of the neighbouring site at 52 Arncliffe Street, which would subsequently allow for the creation of a new laneway along the rear of sites fronting onto Arncliffe Street.

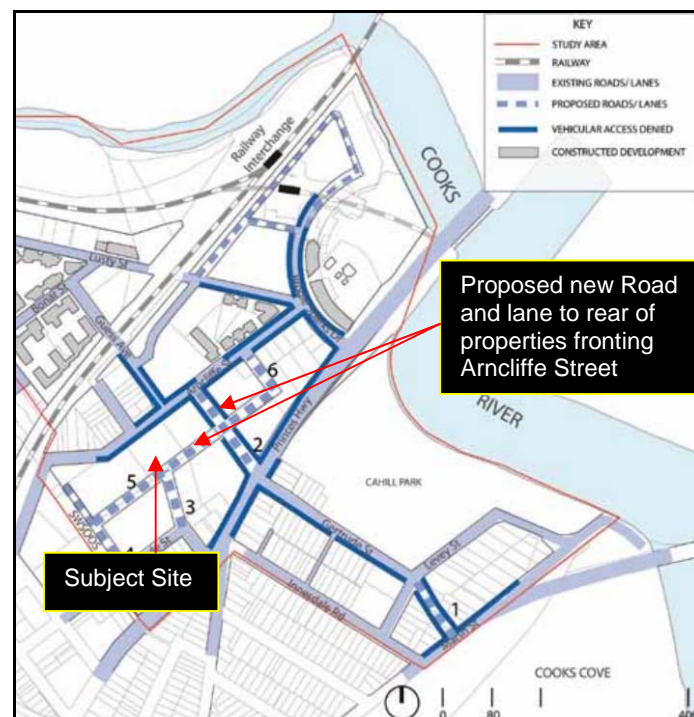


Figure 6 – Road Network and Access

The proposal is inconsistent with the above in regards to the location of the proposed vehicular access off Arncliffe Street. There is no alternative location to the rear of the site as existing at the present time as the above road and lanes have not been formed. As such vehicular access has been considered on its merits and variation to the above requirement and the provision of vehicular access from Arncliffe Street is satisfactory.

#### *5. Setback to Boonie Doon Canal*

As per the provisions of clause 7.1.8 – Street Character & Setbacks, a 3m setback is required to the new site boundary (i.e. rear boundary) to the Boonie Doon Canal. The proposal indicates the provision of a 2m setback, being a variation of 1m, as proposed.

Consideration has been given to the immediately adjacent north eastern building currently under construction at 52 Arncliffe Street & fronting the Boonie Doon Canal. This building was approved with a 1.5m setback to the Boonie Doon Canal.

Given the above, the provision of a 2m setback to the Boonie Doon Canal upon the subject site provides for a gradual transition in setback and allows the development to provide consistency with the adjoining building currently under construction.

The proposed variation is deemed acceptable in this regard.

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

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

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

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

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

##### *Streetscape*

The subject site adjoins a residential flat building development to the NE which is currently under construction. The proposed development has been aligned and sited to mirror the development to the NE and is thus almost a continuation of this development in terms of its bulk, scale, massing, siting and in particular the provision of a central communal courtyard which is continued on the subject site.

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

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

## Visual Privacy

Buildings on site have been sited to provide appropriate building separation. In general residential dwellings within the development have been appropriately designed with offset windows, blade walls separating balcony spaces, staggered building alignments & the provision of operable louvered aluminium and glass screens to balconies. These design features all minimise overlooking of private open spaces & habitable areas within the development.

Plans do however indicate a number of units (A104/204/304/404/504/604/704 & B105/205/305/405/505/605/705), where the provision of balconies are within close proximity to the living room windows of adjoining units, as can be seen in the image below. In order to maximise privacy between adjoining dwellings in these instances, the proposal will be conditioned to require the provision of either privacy screening or highlight windows to affected units.



Figure 7 – Level 7 excerpt of architectural plans

Subject to the above, visual privacy within the development is satisfactory.

## Overshadowing

The proposal was accompanied by shadow diagrams and a sun study, which indicate the degree of solar access achieved on site and impacts to neighbouring properties. Given the orientation of the site, the proposal does not generate unreasonable overshadowing impacts to the south western neighbour at 36 Arncliffe Street which is currently undeveloped.

As previously identified within this report, 124 of 175 units (70%) receive a minimum of 3 hours sunlight to their living rooms and private open spaces between 9am and 3pm in mid-winter. The proposal is appropriate in this regard.

The proposal comprises a central communal open space located at ground level, it is acknowledged that given the orientation of the site and the height of building A fronting Arncliffe Street, solar access to this central communal area will be limited.

Notwithstanding the development has been designed to provide for two separate communal rooftop terrace areas, one upon each building. These areas will receive in excess of 3 hours of solar access in midwinter and will provide reasonable amenity to future occupants.

#### *Wind Impacts*

Amended plans were accompanied by a Pedestrian Wind Environment Statement, undertaken by Windtech and dated 6 August 2014, which recommended a number of amelioration measures as follows, in order to ensure appropriate wind resistance on site.

- *The inclusion of densely foliating vegetation such as street trees or hedge planting along the Arncliffe Street and Proposed New Road frontages of the site.*
- *The inclusion of a 2m high impermeable screen along the south-western perimeter between the ground level communal open area and the down-ramp.*
- *The retention of the proposed blade walls, louver screens and balustrades on the various private balconies, particularly the corner balconies.*
- *The retention of the proposed perimeter planters on the rooftop terraces. The hedge planting should be of a densely foliating variety and capable of growing to a height of at least 1.5m.*
- *The retention of the proposed roof canopy above the rooftop terraces.*
- *The setback of the roof terrace from the main facade.*

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

#### *Waste Collection*

Councils technical specifications part 3.2 Residential flat buildings specify that where site characteristics, number of bins and length of street frontage allow, bins may be collected from a kerbside location.

The proposal as designed cannot accommodate waste collection on site, as the driveway and building design do not provide sufficient turning areas for an MRV (garbage truck) to access the site.

Given the length of the street frontage to Arncliffe Street (70m) it is considered acceptable to permit bulk waste bins to be taken to the kerb for collection as the proposed waste/recycling storage area is located within 2m of the front boundary. Bins are to be returned to the bin area by the contractor following collection.

The proposal is satisfactory in this regard.

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

The relevant matters pertaining to the suitability of the site for the proposed development have been considered in the assessment of the proposal. Additional conditions of consent are proposed to further minimise any impacts on neighbouring properties. There are no known major physical constraints, environmental impacts, natural hazards or exceptional circumstances that would hinder the suitability of the site for the proposed development.

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

The development application has been notified in accordance with Council's Development Control Plan 2011 and one (1) letter of objection has been received. The issues raised are addressed below.

#### *Non compliance with setback to the Boonie Doon Canal*

Comment: This matter has been previously addressed in this report.

#### *Non compliance with setback to Arncliffe Street*

Comment: As per the requirements of DCP 2011, a setback of 2m is required from the building line to the new property boundary in Arncliffe Street. The proposal complies with this requirement.

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

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity and future vision for the area. The proposed building is supported by SEPP 65 and will add value to the existing streetscape. Furthermore, the proposal does not create unreasonable impacts on surrounding properties. As such it is considered that the development application is in the public interest.

## **CONCLUSION**

The proposed development has been considered under S79C(1) of the Environmental Planning and Assessment Act, 1979. The application involves the demolition of existing structures and construction of 2 x eight (8) storey residential flat buildings with rooftop terrace areas, comprising 175 residential units and basement parking with capacity for 222 vehicles. The proposal is consistent with the objectives of the controls under SEPP 55, SEPP 65, RLEP 2011, DCP 2011 and relevant state policies. As such, the application DA-2014/335 is recommended for approval.