

## JOINT REGIONAL PLANNING PANEL (Sydney East Region)

JRPP No	2014 SYE060
DA Number	DA-2014/346
Local Government Area	ROCKDALE CITY COUNCIL
Proposed Development	Integrated Development - Demolition of existing structures and construction of a part five (5) & part six (6) storey residential flat building containing 78 residential units with 2 basement car parking levels and ground floor level car parking for 97 vehicles
Street Address	2-8 Loftus Street & 1-3 Edward Street, Turrella NSW 2205
Applicant	Benson McCormack Pty Ltd
Number of Submissions	First Public Notification period: seven (7) submissions from seven (7) property addresses Second Public Notification period (amended plans): five (5) submissions from four (4) property addresses
Regional Development Criteria (Schedule 4A of the Act)	Development that has a capital investment value of more than \$20 million.
List of All Relevant s79C(1)(a) Matters	<ul style="list-style-type: none"> <li>• List all of the relevant <a href="#">environmental planning instruments</a>: s79C(1)(a)(i) <ul style="list-style-type: none"> <li>- <i>State Environmental Planning Policy Building Sustainability Index (BASIX)</i></li> <li>- <i>State Environmental Planning Policy No.55 - Contaminated Land (SEPP 55)</i></li> <li>- <i>State Environmental Planning Policy (Infrastructure) 2007</i></li> <li>- <i>State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65)</i></li> <li>- <i>Rockdale Local Environmental Plan 2011 (RLEP 2011)</i></li> </ul> </li> <li>• List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the <a href="#">consent authority</a>: s79C(1)(a)(ii) <ul style="list-style-type: none"> <li>- <i>Draft SEPP 65 - Apartment Design Guide</i></li> </ul> </li> <li>• List any relevant <a href="#">development control plan</a>: s79C(1)(a)(iii) <ul style="list-style-type: none"> <li>- <i>Rockdale Development Control Plan 2011(DCP 2011)</i></li> </ul> </li> <li>• 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)</li> </ul>

	<ul style="list-style-type: none"> <li>- Nil</li> <li>• List any coastal zone management plan: s79C(1)(a)(v)</li> <li>- Nil</li> <li>• List any relevant <a href="#">regulations</a>: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</li> <li>- <i>Environmental Planning and Assessment Regulations 2000</i></li> </ul>
List all documents submitted with this report for the panel's consideration	Nil
Recommendation	Deferred Commencement Approval
Report by	Shaylin Moodliar – Senior Development Assessment Planner

### Assessment Report and Recommendation Cover Sheet

## Precis

The original proposal was for the demolition of existing structures and construction of a six (6) storey residential flat building comprising of 88 residential units (7 x studio apartment, 39 x one-bedroom units and 42 x two-bedroom units) and car parking at basement and ground levels for 106 vehicles.

The application has since been amended. Further, deferred commencement conditions are recommended, which are intended to reduce the gross floor area and as a consequence the number of residential units within the development will be reduced by 7 units. As a result of the recommendations of this report, the proposal is for the demolition of existing structures and construction of a part five (5) & part six (6) storey residential flat building containing 78 residential units (5 x studio, 38 x one-bedroom units, 32 x two-bedroom units & 3 x three-bedroom units) with two (2) basement car parking levels and ground floor level car parking for 97 vehicles.

The subject site is zoned R4 High Density Residential under the Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposed development is defined as a 'residential flat building' which constitutes permissible development only with development consent.

The original proposal does not comply with either of the 12m or 18m maximum height of building controls under Clause 4.3 of the RLEP 2011. The height of building non-compliances are in the order of 1.2m for the balustrades to the balconies of the fifth storey and to the building columns to the fourth storey for the part of the building along Hirst Street. The lift overrun structure to the south-eastern portion of the building along Loftus Street exceeds the maximum 18 metre building height by 4.77 metres. The part of the building located on the north-eastern portion of the building along Loftus Street exceeds the maximum 18 metre building height by 4.38 metres.

As a consequence of the proposed deferred commencement conditions, part of the building located on the north-eastern portion along Loftus Street and the lift overrun structure to the south-eastern portion of the building along Loftus Street will exceed the maximum 18 metre building height by 1.38-1.77 metres. As amended, the proposal is subject to Clause 4.6 variation to the height of the building standards and is supported for the reasons outlined in this report.

The floor space ratio (FSR) of the proposed development, as originally submitted to Council, exceeded the maximum gross floor area permitted under Clause 4.4 of the RLEP 2011 by 670.4 square metres. As amended by the deferred commencement conditions, the proposal will reduce the overall gross floor area to 6232 sqm (compared to 6767sqm as originally proposed) which will exceed the maximum gross floor area permitted under Clause 4.4 of the RLEP 2011 by 135.4 square metres. The proposal, as amended, is consistent with the objectives of SEPP 65, the objectives of RLEP 2011 and the advice of the St George Design Review Panel. The proposed variation is supported pursuant to a Clause 4.6 for the reasons outlined in this report.

The proposal generally complies with the requirements in Rockdale Development Control Plan 2011 (RDCP 2011) in respect to site planning and facilities and building design.

Twelve (12) submissions have been received from nine (9) residential and industrial properties during both notification periods. The issues raised have been addressed elsewhere in this report.

The development application is required to be referred to the Joint Regional Planning Panel pursuant to Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act 1979 (EP&A Act) as the Capital Investment Value of the proposal exceeds \$20 million.

### **Officer Recommendation**

i. That Development Application No.DA-2014/346 for the demolition of existing structures and construction of a part five (5) & part six (6) storey residential flat building containing 78 residential units with two (2) basement car parking levels and ground floor level car parking for 97 vehicles be granted deferred commencement consent by the Joint Regional Planning Panel subject to the following deferred commencement conditions.

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

1. *The submission of amended architectural plans showing:*
    - a. *The removal of apartment units B.48-B.54 from the Level 5 Plan (i.e. the seventh storey) along the Loftus Street frontage.*
    - b. *The relocation of the electricity kiosk from the Hirst Street frontage to be incorporated within the building envelope.*
    - c. *The incorporation of three (3) x three-bedroom apartment units within the building envelope.*
  2. *The submission of amended landscape plans addressing the following:*
    - a. *Details to show landscape levels, planter details, proposed soil depths and a full plant schedule (including proposed plant numbers) as per the requirements of the Rockdale Development Control Plan (RDCP 2011).*
    - b. *Any existing conflicts or discrepancies between the stormwater plan in terms of pit locations must be resolved and correctly indicated.*
    - c. *The relocation of the electricity kiosk from the Hirst Street frontage to be incorporated within the building envelope.*
    - d. *Fencing details and materials consistent with the architectural plans.*
  3. *The submission of a complete schedule of finishes (including details where external louvers, external walls to the garbage area, perforated screens or screen panels to the windows/balconies are provided), render colours, balustrade colour/finishes, window frame samples and details, type of paving for the entry and balconies/courtyards, internal fencing/privacy screen details surrounding the open space on the ground floor apartments and paint colours/finishes.*
  4. *As a result of point (1a), the submission of an amended BASIX Certificate reflecting the changes.*
- ii. That the Joint Regional Planning Panel support the variation to the height of building contained in clause 4.3 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- iii. That the Joint Regional Planning Panel support the variation to the floor space ratio contained in clause 4.4 of Rockdale Local Environmental Plan 2011 (RLEP2011) in accordance with the clause 4.6 justification submitted by the applicant.
- iv. That the NSW Department of Planning be advised of the Joint Regional Planning Panel's decision.

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

## Report Proposal

The specifics of the proposal (as amended by the proposed deferred commencement conditions) are as follows:

- Construction of a part five (5) and part six (6) storey residential flat building including:
  - 78 residential units (5 x studio, 38 x one-bedroom units, 32 x two-bedroom units & 3 x three-bedroom units) across the 'U-shape' building;
  - Two (2) basement levels and ground floor level car parking for 97 vehicles with vehicular access from Loftus Street;
  - Dedication of 2.05m of land along the Hirst Street frontage for road widening purposes
  - Electricity kiosk/substation located at the southern/eastern elevation along Loftus/Hirst Street.

The proposed development is described in detail below:

a) Basement Level 4 (RL 8.10)

- A total of 23 car parking spaces, 2 lift cores and fire stairwell 2.

b) Basement Level 3 (RL 9.70) / Basement Level 2 (RL 10.80)

- A total of 22 car parking spaces including 2 accessible spaces, 2 lift cores, 51 storage cages and fire stairwell 3 within basement level 3
- A total of 30 car parking spaces including 7 accessible spaces, 2 lift cores, 8 bicycle spaces, 19 storage cages and fire stairwells 1 & 2 within basement level 2.

c) Basement Level 1 (RL 13.50) / Ground Floor plan (Loftus/Hirst Streets)

- Two (2) small rigid vehicle (SRV) loading bay spaces and diesel pump room (at RL 12.60) between the two ramps within the basement level 1 near the vehicular access via Loftus Street, with temporary bin collection area adjoining the driveway entrance from Loftus Street.
- A total of 31 car parking spaces (at RL 13.50) including 1 shared visitor/accessible space, 4 lift cores, 17 visitor spaces, 9 bicycle spaces, 6 motorbike spaces, 16 storage cages, OSD tank, 2 garbage rooms, switchboard room and fire stairwells 1, 2 & 3 within basement level 1.
- 1 x one-bedroom residential apartment B.04 (at RL 12.24) with access from the ground floor lobby and from the Loftus Street frontage.
- Primary pedestrian entrance from Loftus Street with ramp and stair access to ground floor lobby at RL 13.50 with letterboxes located opposite the essential services room outside the main entrance door.
- 3 x residential apartment units RL 13.50 comprising of 1 x two-bedroom corner unit fronting Hirst and Loftus Streets and 2 x one-bedroom units fronting Hirst Street.

d) Ground floor plan (Edward Street) at RL 16.00

- Common open space with benches and BBQ facilities, timber deck, table and seat facilities with access from the internal lobby areas from both lift cores.
  - 10 x residential units with access from the Hirst Street entrance comprising of 5 x one-bedroom and 1 x two-bedroom loft-style units fronting Edward Street, 2 x one-bedroom units and 2 x two bedroom units.
  - 5 residential units from the Loftus Street Lobby A at RL 16.50 comprising of 3 x one-bedroom & 2 x two-bedroom apartments.
  - 4 residential units from the Loftus Street Lobby B at RL 16.50 comprising of 1 x studio, 1 x one-bedroom & 2 x two-bedroom apartments.
  - Common meeting/gym room at RL 16.00 approximately 45 m<sup>2</sup> adjacent to the communal grassed open space.
- e) Level 1 (at RL 19.00)
- 5 residential units with access from the Hirst Street lobby comprising of 2 x one-bedroom & 3 x two-bedroom apartments.
  - 5 residential units from the Loftus Street Lobby A at RL 19.50 comprising of 3 x one-bedroom & 2 x two-bedroom apartments.
  - 4 residential units from the Loftus Street Lobby B at RL 19.50 comprising of 1 x studio, 1 x one-bedroom & 2 x two-bedroom apartments.
- f) Level 2 (at RL 22.00)
- 8 residential units with access from the Hirst Street lobby comprising of 2 x studio, 2 x one-bedroom & 4 x two-bedroom apartments.
  - 5 residential units from the Loftus Street Lobby A at RL 22.50 comprising of 3 x one-bedroom & 2 x two-bedroom apartments.
  - 4 residential units from the Loftus Street Lobby B at RL 22.50 comprising of 1 x studio, 1 x one-bedroom & 2 x two-bedroom apartments.
- g) Level 3 (at RL 25.00)
- 4 residential units with access from the Hirst Street lobby comprising of 2 x one-bedroom & 2 x two-bedroom apartments.
  - 5 residential units from the Loftus Street Lobby A at RL 25.50 comprising of 3 x one-bedroom & 2 x two-bedroom apartment.
  - 3 residential units from the Loftus Street Lobby B at RL 25.50 comprising of 1 x one-bedroom & 2 x two-bedroom apartments.
- h) Level 4 (at RL 28.00)
- 4 residential units with access from the Hirst Street lobby comprising of 2 x one-bedroom & 2 x two-bedroom apartments.
  - 5 residential units from the Loftus Street Lobby A at RL 25.50 comprising of 3 x one-bedroom & 2 x two-bedroom apartment.
  - 3 residential units from the Loftus Street Lobby B at RL 28.50 comprising of 1 x one-bedroom & 2 x two-bedroom apartments.



Figure 1. Photo montage of the proposal (centre), with the incorporation of the deferred commencement conditions, as viewed from the corner of Hirst and Loftus Streets.

*Source: Benson McCormack Architects*

## **PREVIOUS APPROVALS/ RELEVANT HISTORY**

On 17 November 2013 Council held a Preliminary Development Application (PDA-2014/7) meeting for the redevelopment of lands at No.2-8 Loftus Street and No.3 Edward Street. This application involved the demolition of the existing structures and construction of a six-storey residential flat building consisting of 78 residential apartment units with basement and ground floor level car parking for 91 vehicles.

The exclusion of the adjoining property at 1 Edward Street from the scheme created site isolation and the applicant was advised to incorporate this site into the development to achieve an appropriate planning outcome.

## **EXISTING AND SURROUNDING DEVELOPMENTS**

The subject site (amalgamation of 8 lots) is 2-8 Loftus Street and 1-3 Edward Street, Turrella. The development site consists of Lots 24-27 and Lots 31-34 in DP 4274. The subject site has three street frontages to Loftus Street (east), Hirst Street (south) and Edward Street (west). The subject site comprises of a 66.234 metre northern boundary, a 54.483 metre eastern Loftus Street boundary, a 66.234 metre southern Hirst Street boundary and a western boundary of 48.778 metres to Edward Street. The development site area is approximately 3387 m<sup>2</sup>.





Figure 2. Subject site (shown highlighted in red).

The site is legally formed by the following eight allotments:

Lot	DP	Address	Approximate Size
Lot 24	DP 4274	7 Edward Street, Turrella (2-8 Loftus Street, Turrella)	406 m <sup>2</sup>
Lot 25	DP 4274	5 Edward Street, Turrella (2-8 Loftus Street, Turrella)	394 m <sup>2</sup>
Lot 26	DP 4274	3 Edward Street, Turrella	355 m <sup>2</sup>
Lot 27	DP 4274	1 Edward Street, Turrella	405 m <sup>2</sup>
Lot 31	DP 4274	8 Loftus Street, Turrella (2-8 Loftus Street, Turrella)	428 m <sup>2</sup>
Lot 32	DP 4274	6 Loftus Street, Turrella (2-8 Loftus Street, Turrella)	412 m <sup>2</sup>
Lot 33	DP 4274	4 Loftus Street, Turrella (2-8 Loftus Street, Turrella)	372 m <sup>2</sup>
Lot 34	DP 4274	2 Loftus Street, Turrella (2-8 Loftus Street, Turrella)	615 m <sup>2</sup>
<b>Total subject site area</b>			<b>3387 m<sup>2</sup></b>

Two-storey light industrial buildings currently occupy the site across nearly the entire site area with No.3 Edward Street property being used as an open storage site of industrial/building materials. The site is relatively flat along the Edward Street frontage with ground levels varying from RL 15.20 in the south-west corner (at Edward and Hirst Streets) to RL 15.08 at the north-western corner. The site does have a fall along Hirst Street, between RL 15.20 (south-west corner) to RL 13.06 in the south-east corner (at Loftus and Hirst Street) which comprises of a slight fall of approximately 2.14 metres along the existing



southern boundary. There is a slight cross fall from the south-western corner to the north-eastern corner (at the proposed location of the driveway access from Loftus Street) of approximately 3 metres.

To the north lies No.9 Edward Street and No.10 Loftus Street which are currently occupied by industrial buildings and are yet to be redeveloped as per structure plan diagram under the Bonar Street special precinct of the RDCP 2011.

To the east of the subject site is No.12-40 Bonar Street known as the 'Meriton development' approved under Part 3A of the EP&A Act which is currently occupied by four (4) part-six and part seven-storey residential flat buildings comprising of 307 apartment units with pedestrian access from Loftus Street (opposite the proposed vehicular access to the subject site).

To the south of the subject site are one-and-two storey dwelling houses along Hirst Street and Kelsey Street.

To the west are one-and-two storey dwelling houses along Edward Street. To the south-west at No.2 Edward Street, Turrella is the Old St David's Church heritage item.

The subject site is potentially contaminated land due to the previous industrial land uses and No.3 Edward Street being used as an industrial storage area. The subject site is affected by acid sulphate soils - Class 5.

The site is affected by land intended to be acquired for public purposes (road widening along Hirst Street).

## **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**

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

The proposed development constitutes Integrated Development pursuant to Section 91 of the EP&A Act 1979 as the development involves temporary construction dewatering and therefore requires approval from the NSW Office of Water (NOW). The proposal has been referred to the NOW and general terms of approval (GTA) have been granted. In light of the DRP comments and Council's request to revise the design scheme, the proposal was subsequently amended. The NOW was electronically sent the revised basement level plans and the NOW commented that the amended proposal did not significantly alter the original GTA, therefore, no further assessment was required. The recommended GTA are incorporated into the draft conditions of consent.

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

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

The applicant has submitted an amended BASIX Certificate for the original scheme. The Certificate number is 544220M\_02.

The commitments made in the amended scheme would result in the reduction in energy and water consumption as shown below:

- |                                   |                    |
|-----------------------------------|--------------------|
| ➤ Reduction in Energy Consumption | 30 (target 30%)    |
| ➤ Reduction in Water Consumption  | 40 (target 40%)    |
| ➤ Thermal Comfort                 | pass (target pass) |

The proposal therefore complies with the requirements under the SEPP, however, a condition is imposed to ensure the Certificate number is 544220M\_02 is amended to reflect 78 units and not 85 units.

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

Given the previous industrial uses on the subject site a 'Remediation Action Plan' Report No.E22130AB, prepared by Environmental Investigations dated 9 September 2014 has been submitted. The report states that "...after the implementation of this RAP, it is considered the site will be made suitable for the proposed residential land use." Council's Environmental Health Officer is satisfied that the land is suitable after the implementation of the remediation action plan for the purpose for which the development is proposed to be carried out. Recommendations of the report by Environmental Investigations will form part of the conditions of consent. The application does not require further consideration under clause 7(1) (a), (b) and (3) of SEPP 55.

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

The subject land is not on land in or adjacent to the road corridor for a freeway, a tollway or a transitway, nor is the land adjacent to a road with an annual average daily traffic (AADT) volume of more than 40,000 vehicles or any other road with an (AADT) volume of more than 20,000 vehicles or high level truck movements or bus traffic. Further, the proposed development is not a traffic generating development and the subject land is not on land adjacent to a rail corridor. Accordingly, the proposal is consistent with the provisions of the ISEPP and is acceptable in this regard.

Clause 45 of the ISEPP requires consultation with electricity supply authorities. Ausgrid was notified of the proposed development and recommended conditions of consent are proposed to ensure that the applicant consults with utility providers to determine any additional requirements.

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

In accordance with clause 30 of SEPP 65, the consent authority must take into consideration the following:

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

The proposal was initially considered by the Design Review Panel on 5 June 2014 where the DRP noted that the original design was unsatisfactory. The applicant amended the plans and the DRP reconsidered the proposal on 30 September 2014. The DRP supported the amended scheme provided the seventh floor level along Loftus Street is deleted due to an excessive building scale and height along Loftus Street. In addition, the DRP raised issues such as excessive GFA across the subject site, inadequate landscape species within the deep soil zones and the relocation of the substation/electricity kiosk along Hirst Street within the building envelope.

Council has considered the advice of the DRP and requested the applicant to make further amendments addressing the concerns of the DRP. The building height and scale is considered to be contextually satisfactory, however, the issues raised with regard to the floor space ratio have been addressed by the deferred commencement conditions.

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

The ten design principles are addressed as follows:

**Principle 1: Context**

Existing site characteristics

The site has been identified for high-density redevelopment in accordance with the provisions for RLEP 2011 and Part 7.2 of the RDCP 2011.

The site relates well and positively contributes to the three streetscapes and the proposal responds to the topography by splitting the floor levels through the middle of the site whilst contributing to the identity of the area.

The surrounding context consists of predominately residential land uses, with a growing trend of residential flat building development similar to that of the proposal (to the east No.7 Hirst Street, Arncliffe and to the north-east at No.3-5 Loftus Street, Arncliffe).

Interface with Edward Street

The amended proposal provides a three-storey and five-storey building, which ameliorates the mass as viewed from the one-and-two storey detached residential dwellings across the western boundary.

Interface with Hirst Street

The amended proposal provides a three-storey and five-storey building, which ameliorates the mass as viewed from the one-and-two storey detached residential dwellings across the southern boundary.

Interface with Loftus Street

The amended proposal will provide a built form that is contextually envisioned along the Loftus Street, creating an appropriate setting for the site.

Interface with the adjoining five (5) allotments to the north (i.e. 9-11 Edward Street & 10-12 Loftus Street, Turrella)

The Bonar Street special precinct envisions the site to the north to be amalgamated and redeveloped into a high-density residential site, which would potentially relate to the subject development. The proposal is built to the northern boundary, which straddle five (5) allotments that are occupied by industrial buildings. A future amalgamated and redeveloped residential site to the north has been considered with this development application, where a partial zero building setback to the lower levels with recessed building setbacks to the upper levels will be encouraged to 'mirror' the subject site's building footprint and communal open space.

**Principle 2: Scale**

The scale of the proposed development complements the surrounding buildings. The height and scale of the proposed development, as recommended by the deferred commencement conditions, is generally consistent with the built form envisaged for the subject site under RLEP 2011 and RDCP 2011. The proposal does not present a wall to any of the three street frontages and the facades and architectural treatment is considered to adequately moderate

the massing of the building. The amended proposal is considered to achieve an appropriate sense of scale.

### **Principle 3: Built Form**

The development form is appropriate with tasteful manipulation of building elements such as articulated and modulated facades, rendered and painted features, concrete roof and feature blades and concrete massing provides visual interest along the streetscape. All three street frontages have a presentation to their respective street frontages and articulation has been provided through the defined double-loaded lobbies and corridors and a variation of solid and semi-transparent balcony balustrades and perforated screens.

The building is delineated in scale providing modulated surfaces and forms that give articulation and comprise a built form that is described as a contemporary face brick and wall cladding style with external elements providing visual interest. The overall built form is compatible with similar developments and the emerging character of the area as it undergoes redevelopment.

### **Principle 4: Density**

Subject to the satisfaction of the deferred commencement conditions the proposed density of the building is considered satisfactory. The applicant has provided a revised Clause 4.6 variation to the FSR, which is discussed in further detail within this report.

### **Principle 5: Resource, energy and water efficiency.**

The location, orientation and design of the development provides direct or diffused solar access and cross ventilation to all 78 residential units. The Residential Flat Design Code (RFDC) recommends that at least 60% of the proposed units shall achieve natural flow through ventilation. All units and their habitable spaces are able to achieve adequate cross flow ventilation.

The RFDC recommends that in high density areas at least 70% of all proposed units living areas and balconies shall achieve 2 hours of direct sunlight during the period 9.00am and 3.00pm at mid-winter. Within its context, the eastern façade along Loftus Street is considered as a 'high-density area' as it faces the six and seven residential flat buildings at 3-5 Loftus Street and 7 Hirst Street, Turrella. The proposal has 13 out of 78 units (16.6%) with a southerly single-aspect which will not receive a minimum 2 hours direct sunlight during mid-winter to living areas and balconies, however, these will receive a minimum 2 hours diffused sunlight during mid-winter to living areas and balconies.

It is noted that all units within the development are designed with open layouts and private balconies and/or courtyards. A BASIX Certificate has been submitted with the application demonstrating the development is capable of meeting thermal, energy, and water efficiency targets.

### **Principle 6: Landscape**

A large communal area is provided towards the northern portion of the site. This space is located on the podium above the basement car parking levels and cannot provide provisions for deep soil planting, however, sufficient depth is proposed to ensure landscaping within the non-deep soil areas.

The DRP raised concern with regard to inadequate deep soil areas within the site and the absence of large trees greater than 10 metres in height within the deep soil zones.

Notwithstanding, deferred commencement consent conditions will require an amended landscape plan for planting details.

### **Principle 7: Amenity**

All units within the building achieve a very good standard of amenity with regards to privacy, ventilation, and direct/diffused solar access. The proposed design provides high levels of internal amenity to future residents, with the units ranging in size and type. The room dimensions and layouts are appropriate for residential use and the maximum separation distance possible for the site has been achieved for visual outlook and privacy.

Private recreational areas are provided in the form of balconies/courtyards off the living areas and are further complemented by communal landscaped areas to ensure an overall quality of living for future occupants.

The proposal complies with disability access requirements and incorporates sufficient service areas as required. It is considered that the development satisfies the provisions with respect to layout and amenity, and therefore the development is consistent with this principle.

### **Principle 8: Safety and Security**

The development provides for safe direct pedestrian access from Loftus Street and Edward Street. Casual surveillance to the communal open space area within the central courtyard is achieved with apartments overlooking the courtyard. Pedestrian and vehicular entries are clearly separated. Safe internal access is available from the basement car parking levels directly into the building and the public/private domain is clearly distinguished from Hirst Street. Security roller door access to the basement car park along with intercom entry to the lobby areas ensures the internal security of the residents.

### **Principle 9: Social Dimensions**

The development provides a range of apartment style accommodation that is located within close proximity to public transport, recreation facilities, and shopping facilities. The subject site is located in an area identified for high-density residential and is approximately 640m walking distance to Turrella Railway Station and approximately 650m walking distance from Arncliffe Railway Station.

The subject site is located within the Bonar Street special precinct and is considered a second order centre within the Rockdale Local Government Area. The Bonar Street structure plan envisages the centre growing as a vibrant inner city town and accommodating population growth and change over time.

The applicant proposes a moderate mix of unit types, both in terms of layout and number of bedrooms that are likely to provide an appropriate style of dwelling for a variety of demographics. It is noted that there are no three-bedroom units provided within the development. The applicant has stated that there is no demand for three-bedroom units within Turrella, Bardwell Park and Arncliffe and that an analysis of these suburbs demonstrated a lower proportion of households with 2 bedrooms or less and a higher proportion of households with 4 or more bedrooms. This analysis is slightly skewed in that these suburbs mostly comprise of one-and-two storey detached style dwellings where three or more bedrooms are the norm per allotment. It must be noted that almost all new residential flat buildings within Turrella, Bardwell Park and Arncliffe afforded less than 10% of the unit mix to three-bedroom units. On this basis, the deferred commencement conditions are recommended to incorporate three (3) x three-bedroom apartment units within the development site.

## Principle 10: Aesthetics

Particular emphasis has been placed on the external appearance to enhance the streetscape, and to create a visual interest in the architecture of the building along all elevations, with a selection of appropriate finishes. The contemporary design of the building is compatible with the design and scale of the urban form for the locality.

### c. *The Residential Flat Design Code (RFDC).*

The RFDC 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 provisions in the RFDC and the relevant provisions of note are as follows:

Requirement	Comments	Compliance with the requirement and objectives
<b>Building Height</b>		
Development responds to the desired scale and character of the street and local area	The building height along Loftus Street does not adversely impact on the physical and visual amenity of the area. The amended proposal provides three-and-five storey building height along Hirst Street and Edward Street which ameliorates the mass to the one-and-two storey dwellings to the west and south. Subject to the satisfaction of the deferred commencement conditions pertaining to a reduction of floor space, the building height will be reduced to six storeys along Loftus Street which will bring the height of the buildings closer to the compliance with the 18m maximum building height.	Considered satisfactory subject to compliance with deferred commencement conditions
Allow reasonable daylight access to all developments and the public domain	The proposal responds to the gentle slope of the site topography. A reasonable level of solar access can be achieved from 1pm mid-winter to the southern adjoining properties along Hirst Street. Adequate direct sunlight is afforded to the communal open space. The proposal provides 75% of apartments with minimum 2 hours sunlight during winter.	Considered satisfactory, considering adequate daylight and ventilation is achieved
<b>Building Depth</b>		
Maximum internal depth of building – 18m from glass line to glass line. Where greater than 18m depth, must justify how satisfactory daylight and ventilation is achieved	The building depth is less than 18m along each of the three frontages  Adequate diffused daylight access is achieved to south-facing apartments	Yes, compliance with requirement and objectives
<b>Building Separation</b>		
Building separation distances five to eight storeys: - 18m between habitable rooms - 13m between habitable/ balconies and non-habitable rooms - 9m between non-habitable rooms	There is a nil building setback for a length of approximately 7 metres from the building along the Edward Street boundary to the northern boundary. There is a 3-5m setback from the balconies to the northern boundary. There is a 0-6.2m building separation between the building along the Edward Street boundary and the northern boundary. There is a 0- 3.5m building/balconies separation between the building along the Loftus Street boundary and the northern boundary. There is an 18m separation between internal facing balconies of the development site.  There is adequate internal separation provided between balconies and, where the diagonal internal distance between balconies is less than 9m, full height fixed perforated aluminum panels to the internal-facing balconies, thus, ensuring there are unreasonable privacy impacts within the development.  As a consequence to the satisfaction of the deferred commencement conditions to reduce the gross floor area, the building height of along Loftus Street will be reduced from 7 storeys to 6 storeys.	Major variances required, but considered satisfactory within the R4 zone.  A future amalgamated and redeveloped single residential site to the north has been considered with this the subject development application, where a zero building setback will be encouraged to 'mirror' the subject site building footprint and communal open space.
<b>Deep Soil Zones / Open Spaces</b>		
Minimum 25% of open space area of a	The site affords approximately 375m <sup>2</sup> (11% of subject site)	No, but considered



<p>site should be deep soil zone – more is desirable</p> <p>Communal Open space should be minimum 25-30% (847-1016 sqm) of site area</p>	<p>of deep soil landscaping zones. Adequate communal open space (approximately 614sqm) is provided within the central portion of the site; however, this is not included towards the deep soil zones provisions.</p>	<p>satisfactory within flood affected properties in R4 Zones</p>
<b>Apartment Layout</b>		
<p>Various</p>	<p>Plans indicate the provision of a range of unit types which do not specifically fall within the categories of apartment types nominated by the RFDC or RDCP 2011. Bedrooms, balconies, studies and dwellings do not therefore strictly comply with the numerical provisions of the RFDC, however, each studio/one-bedroom/two-bedroom unit achieves the rule of thumb for apartment size.</p> <p>The proposed development provides for a range of unit sizes and types within the development ranging from studio to 2 bedroom units.</p> <p>Opportunities to provide highlight west and east-facing windows to the corner apartments are not envisioned on the plans.</p> <p>The configuration, layout and design of units, their overall size and spaces are practical and will allow future users to furnish their units in a variety of ways. Habitable areas, bedrooms, bathrooms, studies and balcony sizes are satisfactory in dimensions and are appropriately provided with ventilation, solar access and outlook in order to maximise amenity to future occupants.</p>	<p>No, but considered satisfactory</p>
<p>Single-aspect apartments should be limited in depth to 8 metres from a window</p> <p>The back of a kitchen should be no more than 8 metres from a window</p>	<p>All 13 single-aspect units propose the back of the kitchen wall less than 8m from a window.</p>	<p>Yes</p>
<b>Apartment Mix</b>		
<p>Variety of unit types and appropriate mix dependant on population trends and location</p>	<p>No 3-bedroom units are provided. See discussion under SEPP 65 above.</p>	<p>No, but considered satisfactory subject to compliance with deferred commencement conditions</p>
<b>Daylight Access</b>		
<p>Max. 10% single aspect units with southerly aspect (SW-SE)</p>	<p>A total of 13 of the proposed 78 units (16.6%) with southerly aspect (SW-SE). The single-aspect units provide adequate diffused sunlight to the living rooms and balconies</p>	<p>No, but considered satisfactory, considering adequate daylight and ventilation is achieved</p>

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

The subject site is zoned as R4 High Density Residential under the provisions of RLEP 2011 (see figure below). The proposed residential flat building development is defined as 'residential flat building' which constitutes permissible development only with development consent within the R4 zone.

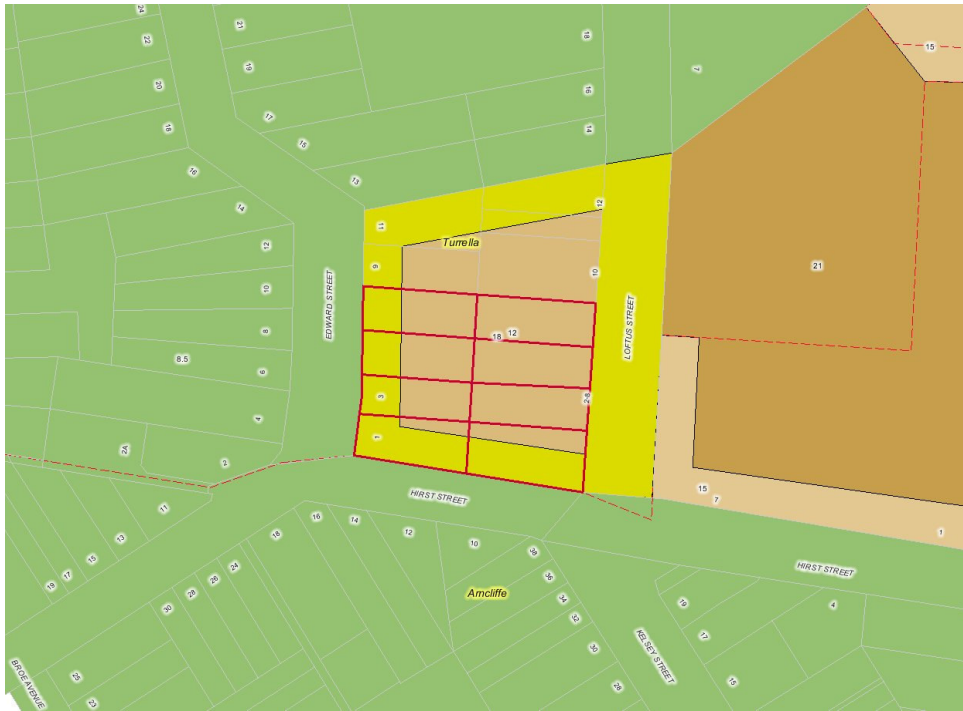


Figure 3. Height of Buildings map of subject site (shown highlighted in red) with the 12m building height marked as yellow and the 18m building height marked as light brown. Source: RLEP 2011

The objectives of the R4 zone are as follows:

- To provide for the housing needs of the community within a high density residential environment.
- To provide a variety of housing types within a high density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.

It is considered that the proposed development is consistent with these objectives.

#### Clause 4.3 – Height of Buildings

The original proposal does not comply with either of the 12 metre or 18 metre maximum height of building controls under Clause 4.3 of the RLEP 2011.

The western lift overrun structure towards the Edward Street frontage is 17.45 metres (RL 32.00 to natural ground level RL 14.55) and is the highest point along the Edward Street frontage within the 18 metre building height control.

The balustrades to the balconies of the fifth storey and the building columns to the fourth storey for part of the building along Hirst Street is 13.2 metres, which equates to 1.2 metres over the maximum building height. These portions of the building along Hirst Street are the highest points within the 12 metres building height control and are supported for the reasons outlined in this report.

The eastern lift overrun structure to the seventh storey along the Loftus Street frontage is 22.77 metres, which equates to 4.77 metres over the maximum building height. The top of the concrete roof along the Loftus Street frontage is 22.38 metres, which equates to 4.38 metres above the maximum building height control. These portions of the building are the highest points within the 18 metres building height control.

The recommended deferred commencement conditions to reduce the gross floor area will consequently reduce the building height along Loftus Street. It is noted that as a consequence of the satisfaction of the deferred commencement conditions to reduce the gross floor area, the proposal will result in a building height of approximately 19.38-19.77 metres to part of the building located on the north-eastern portion along Loftus Street and the lift overrun structure to the south-eastern portion of the building along Loftus Street, which will exceed the maximum 18 metre building height by 1.38-1.77 metres.

The proposal is subject to Clause 4.6 variation to the height of the building standard, and the maximum building height as amended by the deferred commencement conditions, of 19.38-19.77 metres, is supported for the reasons outlined in this report.

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

The permissible gross floor area of the subject site is 6096.6 m<sup>2</sup> (FSR of 1.8:1). The proposed overall gross floor area is 6767m<sup>2</sup> resulting in a FSR of 2:1. Overall, the proposal exceeds the maximum gross floor area by approximately 670.4m<sup>2</sup> (or 11%) over the maximum GFA and does not comply with the maximum FSR of 1.8:1. The applicant has submitted a Clause 4.6 variation request, which is not supported in its current form (see discussion below under Clause 4.6).

The deferred commencement conditions will result in an overall reduction of 535m<sup>2</sup> of gross floor area, thus providing 6232 m<sup>2</sup> of GFA across the site. Overall, the proposal as modified by the deferred commencement conditions will exceed the maximum gross floor area by approximately 135.4m<sup>2</sup>.

#### *Clause 4.6 – Exceptions to development standards*

The applicant has provided the following justification for a variation to the **height of buildings** control:

- “i. The additional height has been relocated to the Loftus Street frontage, which is consistent with the comments and advice provided by the DRP, who considered the additional height on this elevation to be more appropriate in terms of the overall built form and relationship to the R4 Zone; and*
- ii. The building height proposed responds to the flood affectation of the site, which has resulted in floor levels being increased;*
- iii. The top floor along Edward and Hirst Street frontages has been deleted, so that the height along Edward and Hirst Street frontages is reduced to respond to the adjacent lower density zones;*
- iv. The variation will not compromise the amenity of adjoining properties;*
- v. The amended photomontage displays the appropriateness of this proposal to the street frontages and the potential streetscape that will be available.*

The proposal, as amended by the deferred commencement conditions, breaches the building height across the entire frontage to Loftus Street by 1.38-1.77 metres and portions along Hirst Street by 1.2 metres. The applicant's justification is supported in its entirety in this instance.

A variation to the height of building development standard is worthy of support in the context of clause 4.6 for the following reasons:

- The breach of the 18m building height across the Loftus Street frontage is not considered a detrimental planning outcome to the adjoining properties along Loftus Street, and does not result in significant loss of views or adverse privacy impacts on the streetscape from the bulk and scale of the buildings.
- The proposed development will provide sufficient residential amenity for its future occupants and as such, a request to vary the height control to the buildings is appropriate in instances where significant amenity controls are not thwarted.
- The height along Loftus Street contextually fits within the established bulk and scale of six and seven storey residential flat buildings within the 'Meriton development', across the site to the east.
- With regard to the DRP advice from the second meeting, a reduction in the building height along Loftus Street will not achieve a greater distinction of the corner element as viewed from Loftus Street and Kelsey Street. The DRP advice from the first meeting stated that the upper floor levels fronting Edward and Hirst Street would be better accommodated and relocated to the Loftus/Hirst Street corner. The applicant subsequently reduced a floor level along Edward and Hirst Street and provided a seventh floor level along the Loftus Street frontage. The additional height along Loftus Street is not considered to detract from the desired character of the area.
- The proposal achieves an appropriate balance of space around the building and sufficient sense of enclosure within the open spaces.
- The architectural treatment is considered to adequately moderate the massing or create an appropriate Edward Street, Hirst Street and Loftus Street wall scale as required by the RDCP 2011.
- Compliance with the development standard in this instance is unreasonable and unnecessary given the above.

The applicant has provided the following justification for a variation to the **floor space ratio** control of 1.8:1:

- "i. The proposal should not be further prejudiced by the requirement for road widening imposed by Council, given that this dedication to road widening land is given to Council at no cost; and*
- ii. The common lobby areas are essentially the elements that are open. These areas are not wholly enclosed by external walls but are open, and are no different to the balconies provided to the residential units, which are excluded from the FSR calculation; and*
- iii. The design of the development means that the additional floor area sought will not be read from any street frontage, as you cannot read the development in its entirety from any view point; and*
- iv. It is not considered that the variation raises any matter of significance for State or regional environmental planning; and*
- v. It is considered that there is no real benefit to the public or the community in maintaining the development standard. It is considered that it is more appropriate to give greater weight to the overall massing of the development, rather than to numerical controls relating to floor space;*

*vi. The amended photomontage which accompanies this DA displays the appropriateness of this proposal to the street frontages and the potential streetscape that will be available.*

A variation to the original floor space ratio development standard is not worthy of support in the context of clause 4.6 for the following reasons:

- The breach to the 1.8:1 FSR by approximately 670.4m<sup>2</sup> or 11% over the maximum GFA is considered an inappropriate precedent to be set in a high density character of re-development within the R4 zone of the Bonar Street Special Precinct.
- The applicant argues that the common areas at the eastern and western ends of the double-loaded lobby corridors are essentially elements that are open and that these areas are not wholly enclosed by external walls but are open, and should therefore be excluded from the FSR calculation. However, this interpretation is not in accordance with legal advice which includes horizontal corridors and lobbies as gross floor area as they contribute to the overall building bulk. Further, the ends of the double-loaded lobby corridors are enclosed by the walls of the levels above, and therefore cannot be considered to be 'open' in design and nature.
- The applicant argues that the proposed dedication for road widening purposes and the anticipated public benefits justifies the non-compliance. However, mention must be made that the subject site benefits from the road widening dedication, such that, if this area were excluded from the site area calculations the FSR variation request would be greater than what is requested now. Further, the south-facing apartments along Hirst Street also benefits from a wider road corridor, thus, improving residential amenity within the development site and the locality.
- There is no record to demonstrate that Council has abandoned the controls and therefore there is no precedence which supports the proposed FSR variation request of approximately 670.4m<sup>2</sup> or 11% over the maximum GFA.
- Based on the above, it is considered that the proposed FSR variation does not comply with the objectives of the development control.

For the above reasons, deferred commencement conditions are proposed to reduce the gross floor area to a more appropriate figure where a favourable planning outcome can be established within the R4 zone in the Bonar Street Special Precinct and a reasonable degree of flexibility is being applied within the R4 Zone.

The proposal, as amended by the deferred commencement conditions, will breach the maximum gross floor area by approximately 135.4 m<sup>2</sup> of GFA across the site.

As amended, a variation to the floor space ratio development standard is worthy of support in the context of clause 4.6 for the following reasons:

- The breach to the 1.8:1 FSR by approximately 135.4m<sup>2</sup> or 2% over the maximum GFA (FSR of 1.84:1) is considered an appropriate without setting an undesirable precedent in a high density character of re-development within the R4 zone of the Bonar Street Special Precinct.
- The configuration, layout and design of units, their overall size and spaces are practical and will allow future users to furnish their units in a variety of ways.
- The proposed development provides a development that facilitates the orderly and

economic development of land in a manner that is appropriate in the Bonar Street Special Precinct.

- The double-loaded lift core egress provides lobbies and corridor areas which are 2-2.5 metres wide which are of a reasonable size and provide better opportunity for residents to congregate. They improve the residential amenity within the 'u-shape' building footprint.
- In assessing the reasonableness of the proposal, as amended, it is appropriate to consider the breach to the gross floor area to the overall scale of the building. The minor breach to the gross floor area is internal and contributes in a positive manner to the residential amenity of the occupants of the building.
- The amended proposal is considered to be of an appropriate bulk, scale and height for the development site. The floor space ratio of the amended proposal is not considered excessive and will provide an appropriate visual relationship between the development site and the emerging high density residential character within the Bonar Street Special Precinct.
- Compliance with the development standard in this instance is unreasonable and unnecessary given the above.
- Based on the above, it is considered that the proposed gross floor area variation does not numerically comply, however, strict compliance with the controls is not necessary in this instance.

The deferred commencement condition seeks to reduce the gross floor area by 535 sqm across the development site. Overall, the proposal as modified by the deferred commencement conditions will exceed the maximum gross floor area by approximately 135.4m<sup>2</sup>. A minor breach of approximately 135.4 m<sup>2</sup> of GFA across the site (FSR of 1.84:1) to the FSR control is worthy of support for the reasons above.

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

The subject site is affected by land marked as "Local road widening" within the R4 zone along the northern side of Hirst Street. The proposal includes a 2.05m dedication to the northern side of Hirst Street. All vehicular access to the subject site is from the north-eastern corner along Loftus Street and the land dedication provided within Hirst Street will ensure there is improved pedestrian and vehicular access for the occupants/owners.

#### *Clause 5.10 – Heritage Conservation*

Council's Heritage Advisor was reviewed the proposal and recommended that a heritage management document (also known as a Heritage Impact Statement) is not required. The local heritage item (No.1230) 'Old St David's Church' at 2 Edward Street is diagonally opposite the south-western corner of the subject site and Council's Heritage Advisor recommended no conditions or objections with regard to the proposal.

#### *Clause 6.1 – Acid Sulphate Soils*

The site is within an area classified as Class 5 in the acid sulphate soils map. The applicant provided an 'Acid Sulfate Soil Management Plan', Report No. E22130AC, dated 9 September 2014, prepared by Environmental Investigations. Draft conditions of consent have been imposed to ensure development satisfies the recommendations and



conclusions of this report without disturbing, exposing or draining acid sulfate soils and causing environmental damage.

#### *Clause 6.2 – Earthworks*

The proposal involves extensive excavation within the site to accommodate the basement car parking levels. The impacts of the proposed earthworks have been considered in the assessment of this proposal. Appropriate conditions of consent have been recommended to ensure minimal impacts on the amenity of surrounding properties, drainage patterns and soil stability.

#### *Clause 6.3 – Aircraft Noise*

The site is not located on land near Sydney Airport or on land affected by the Aircraft Noise Exposure Forecast (ANEF) chart. The proposal is satisfactory in regard of Clause 6.3 RLEP 2011.

#### *Clause 6.4 – Airspace operations*

The subject site is affected by the Obstacle Limitation Surface (OLS) Map that limit the height of structures to 51 metres OLS above the existing ground height without prior approval of the Civil Aviation Safety Authority. The residential flat building will have a height of up to AHD 35.50m. Sydney Airports Corporation Limited (SACL) reviewed the proposal and raised no objections, subject to recommendations, which will be required as conditions of consent.

#### *Clause 6.6 – Flood Planning*

The subject site is affected by flooding. The proposal incorporates raised ground floor levels across the three street frontages which achieves the minimum habitable levels. Council's Development Engineer and Stormwater Projects Engineer have reviewed the amended proposal and provided conditions of consent relating to flood management measures. A flood evacuation plan will be imposed on the conditions of consent. Subject to compliance with these conditions, the proposal is satisfactory in regards to flooding.

#### *Clause 6.7 – Stormwater*

Council's Development Engineer has reviewed the proposal and the on-site detention system and recommended deferred commencement conditions to satisfy the stormwater and drainage issues.

#### *Clause 6.12 – Essential Services*

Services are generally available on the site. Additional conditions of consent are proposed requiring consultation with relevant utility providers in regards to any specific requirements for the provision of services on the site.

#### **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 was on public exhibition from 27 September 2014 until 27 October 2014.

As the current application was lodged on 13 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))**

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

The proposal has been assessed against the objectives and controls under RDCP 2011 and associated documents being the Wolli Creek and Bonar Street Public Domain Plan, Technical Specifications for Parking, Technical Specifications for Stormwater, Waste Minimisation and Management and Landscaping.

The following issues are relevant to determine compliance of the proposal with the objectives of RDCP 2011:

##### *Part 4.1.1 Views and Vistas*

The proposal will have a negligible to minor impact of the existing view corridors as viewed from the residential properties located in Earlwood and Turrella. A view loss assessment has been undertaken in accordance with *Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140* in relation to a public submission regarding view loss. Refer to the 'Public Submissions' section of this report.

##### *Part 4.1.2 Heritage Conservation*

The local heritage item (No.1230) 'Old St David's Church' at 2 Edward Street is diagonally opposite the south-western corner of the subject site and Council's Heritage Advisor recommended no conditions or objections with regard to the proposal.

##### *Part 4.1.3 Water Management*

The proposal has been assessed with regard to the stormwater management, flood risk management, groundwater protection and water quality and conservation. Council's Development Engineer and the NOW have reviewed the proposal and provided conditions of consent which will be incorporated into any Notice of Determination.

##### *Part 4.3.1 Open Space and Landscape Design*

A minimum of 15% (508.05m<sup>2</sup>) of the site is to be retained as landscaped area. The basement level is proposed to be constructed off the boundaries, thus, providing opportunities for deep soil zones in addition to landscaped above the basement level. The proposal provides approximately 375 m<sup>2</sup> or 11% of the site area as landscaped areas or deep soil zones. Including areas of above the basement level car park but excluding landscaped areas of undercroft areas (i.e. balconies), the proposal provides approximately 924 m<sup>2</sup> or 27% of the site area as landscaped areas.

Given the subject site is affected by flooding, the above variation is considered to be satisfactory overall, given the appropriate management of stormwater on site, podium planting, deep soil planting zones and the context of the high density residential zone, particularly within flood affected land.

##### *Part 4.4.2 Solar Access*

Although the subject site contains a row of lots in an east / west orientation regard has been given to minimising the likely extent of the shadows cast over the surrounding properties along the southern side of Hirst Street. In this regard, the proposal generally complies with the minimum solar access requirements for each proposed unit but will have some affectation over the property at 10 Hirst Street.

An inspection of the shadow diagrams submitted with the application indicates that the proposal is likely to result in minor overshadowing to the property at 10 Hirst Street during the day only in the winter months from 9am to 1pm. In this regard, the shadows likely to be cast by the development are not considered to be excessive as it will only affect property up to 1pm thereby allowing them to receive 2 hours of direct sunlight from 1pm.

The minor impact on the adjacent properties is considered to be acceptable being limited only to mid winter. As such it is considered that the proposal is satisfactory having regard to solar access and overshadowing.

Notwithstanding, reasonable and varying levels of direct and diffused solar access are provided throughout the day to the surrounding properties along the southern side of Hirst Street.

Given the above, the proposal is considered to perform adequately in terms of solar access.

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

The following dwelling mix applies: 1-bedroom/studio (10%-30%), 2-bedroom (50%-75%) and 3-bedroom or more (10%-20%). With satisfaction of the deferred commencement conditions a total of 78 apartments are proposed, comprising of 44 x studio/one-bedroom units (56.4%), 31 x two-bedroom units (39.7%) and 3 x three-bedroom units (3.8%) which is considered a similar unit mix of recent residential flat building approvals within Wolli Creek/Turrella/Arncliffe. Refer to the 'State Environmental Planning Policy No.65 - Design Quality of Residential Flat Development (SEPP 65)' section of this report.

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

The amended proposal provides 106 residential car parking spaces which equates to a surplus of nine (9) car parking spaces. The surplus of nine (9) car parking spaces is not supported as they would further contribute to the GFA within the development site. A condition of consent is recommended so that car parking spaces 13 (B4 level), 6, 7, 8 & 23 (B2 Level) and 8, 9, 10 & V8 (B1 Level) be deleted and the external wall setback accordingly.

With satisfaction of the deferred commencement conditions, the proposed development complies with the residential visitor car parking spaces, motorcycle and bicycle spaces.

The proposal includes basement car parking levels which does not occupy the entire site. While Part 4.6.11 of the RDCP 2011 limits the basement levels to within the footprint of the building above, the proposal is not considered unreasonable due to the flood planning measures. In this regard, the proposal provides sufficient landscaped area which is capable of screening and softening the development. Accordingly, the proposal is considered acceptable in respect to the building footprint.

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

#### *Part 5.2.4 Apartment Sizes*

The proposed development contains a mixture of units all of which comply with the minimum dwellings sizes apart from 8 of the 34 x 1 bedroom units. The eight dwellings are 48 square metres in gross floor area and this represents just 10% of the 78 units in the development. Given the remaining dwellings comply, including the 2 bedroom dwellings which are 94-95 square metres in size, the dwelling sizes provided just under this requirement are not considered to be unreasonable and the proposal is considered acceptable in this regard.

### Bonar Street Special Precinct

*Part 7.2.7 Incorporate setbacks at the street frontage in accordance with the street section diagram (see Figure 3 below)*

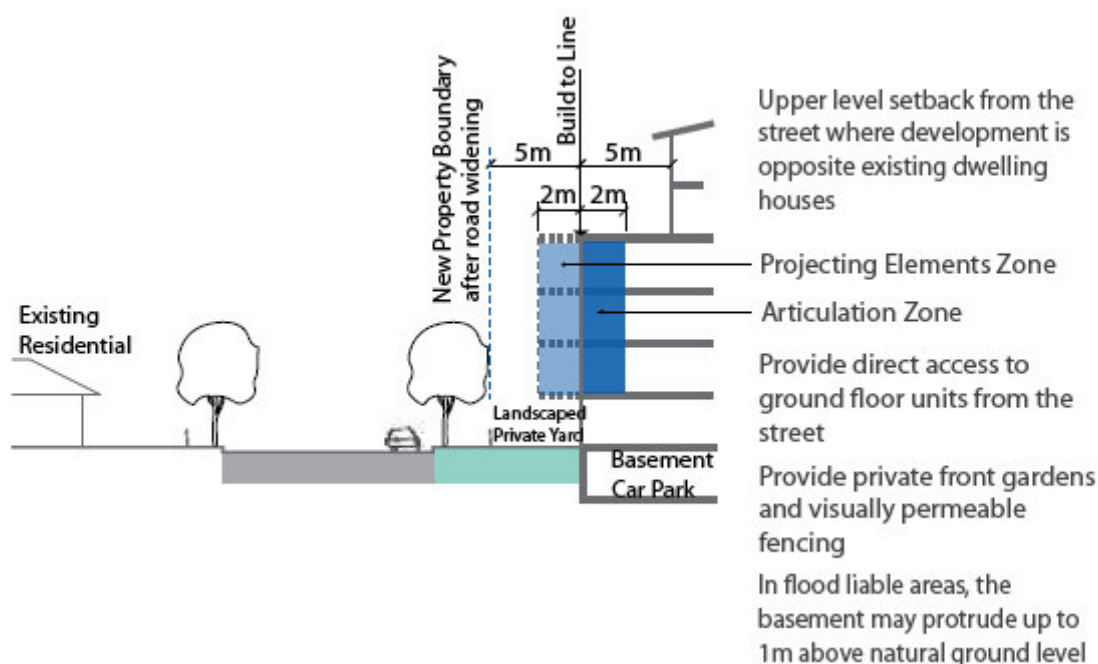


Figure 4. Street Section diagram

Source: RDCP 2011

As per street section diagram, developments within the subject site are envisioned to comprise a 5m build-to-line setback and the upper levels setback 10m from the new property boundary after road widening. The subject site is affected by a 2.05m road widening to the northern side of Hirst Street. Whilst the proposed development does not comply with the RLEP 2011 in terms of height along Loftus Street, it is considered satisfactory with regards to architectural interest, bulk and scale along the three street frontages.

Given that the ground floor level is raised to combat flood planning levels, appropriate provision is provided in the form of steps and ramps in order to enable ground level pedestrian entries. As a result of the above access requirements, the development has been raised and setback at the ground floor levels.

The development addresses the three street frontages with balconies, building entrances and living rooms or bedrooms at ground & upper levels. The development has located vehicular basement entries from the western side of Loftus Street at the north-eastern portion of the site and the 2.05m wide land dedication provided within Hirst Street will ensure there is improved access for the occupants/owners.

**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))**

*Planning precedent*

The proposal seeks a variation to the building height across the Hirst Street and Loftus Street frontages. It is acknowledged that the subject site and the future amalgamated and redeveloped single residential site to the north is undergoing significant redevelopment from industrial land uses into an emerging character of residential flat buildings. The eastern portion of the subject site seeks a variation to the maximum building height of 22.38-22.77m by up to 4.77m across the R4 zone. As previously stated in this report, although this height is supported, the proposed gross floor area cannot be supported.

Satisfaction of the deferred commencement consent conditions does not entirely ensure that future redevelopments of surrounding sites have no justifiable reason or other precedents to request a building height and FSR variation. The deferred commencement conditions ensures that the future amalgamated and redeveloped site to the north (i.e. 9-11 Edward Street & 10-12 Loftus Street, Turrella) cannot exceed the maximum gross floor area by more than 5% over the maximum GFA. This precedent is considered contextually reasonable given the established bulk, scale and height of six and seven storey residential flat buildings within the 'Meriton development', across the site to the east.

*Character / Streetscape / Density / Bulk / Scale*

The proposed development, as amended, has a built form, height scale and context consistent with the nature of the existing development to the east and the future desired character of the area anticipated in the Bonar Street special precinct. The proposed development has been designed to continue the larger building form permissible on the site along Loftus Street in accordance with the zoning of the land. The proposed three storey and five storey building components along Hirst Street and Edward Street has a satisfactory relationship with the existing one-and-two storey detached residential dwellings to the south and west.

The proposed building includes sufficient modulation and articulation so that it provides a suitable series of elevations that have a positive relationship with the street. The built form steps down the site and will allow a suitable context in light of the lower-scale development further to the south and west. While the materials and finishes submitted with the application are not unreasonable, a condition is to be imposed in respect to the final materials and finishes being acceptable to Council given they could be different in the construction certificate lodged for the site. This has been addressed by way of a condition of development consent.

Accordingly, the proposal is considered acceptable in respect to its bulk and scale and will make a positive contribution to the existing streetscape along Loftus Street, Hirst Street and Edward Street.

### *Visual Privacy*

Although the floor levels of the proposed building are similar with those of the six and seven storey residential flat buildings within the 'Meriton development', across the site to the east, the proposal does not comply with the minimum separation between buildings under RDCP 2011. Despite this, the remaining parts of the proposed building do provide sufficient separation between units that face each other between the 'u-shaped' building footprint. In this regard, the adequate separation is provided while the proposed building contains the lobby areas, and stair wells between the building footprints. In this regard, the proposal contains sufficient separation to retain adequate privacy between the 'u-shaped' building footprint.

The proposal uses privacy measures such as appropriate location of openings, appropriate building forms, perforated screens along the perimeters of the balconies, varying setbacks and landscaping elements to retain adequate levels of privacy within the development. As such, the proposal is considered to have adequate privacy measures and be of a design which is not considered unreasonable in respect to the resulting internal amenity and external privacy conditions for the site. Similarly the proposal benefits from its relationship with the existing neighbours to the east. The proposal is consistent with the nature of the future design character of the area. As such the proposal is considered satisfactory in relation to amenity and privacy.

### *Safety and Security*

Council and the DRP have considered the safety and security of the proposal. In this regard, conditions of consent have been imposed in the draft Notice of Determination that addresses the safer by design principles. These conditions relate to a range of security matters and subject to compliance with these conditions, the proposal is considered satisfactory having regard to safety and security.

### *Traffic/Parking*

A 'Traffic and Parking Assessment Report' Ref: 14085, dated 9 May 2014, was prepared by Varga Traffic Planning Pty Ltd and submitted with the development application. The report was considered by Council's Development Engineer and concluded that the development will result in an increase in traffic but the traffic and parking aspects of the proposal would be satisfactory. In this regard, the proposal is considered to be acceptable and not likely to result in any significant adverse impacts in respect to traffic or any significant reduction in road safety within the surrounding road network.

Council undertook its own assessment of traffic generation and concluded that the traffic generated by the development can be safely accommodated within the surrounding street network. Accordingly, the proposal is considered acceptable in respect to traffic and parking matters.

### *Noise*

An acoustic report has been submitted and the recommendations of the report have been included as conditions of consent. The anticipated noise emitting from the development has been assessed by Council's Environmental Health Officer who raised no objections subject to their conditions which will be incorporated into the draft Notice of Determination. The proposal will increase the density of development on the site and will result in an increase in noise emissions. However, the anticipated increase in noise from the development is not considered to be unreasonable and would include noise normally associated with the



redevelopment of the site for such a purpose which is permissible in the zone. Noise from the construction of the building is temporary and would end at completion of the development. Accordingly, the proposal is considered to be satisfactory in regard to noise emissions.

### *Management of Waste*

The applicant has been in consultation with Council officers in regards to the provision of on site garbage collection facilities. A condition has been recommended to provide a garbage bin trolley lift from the ground level car parking level (RL 13.50) to the loading bays (RL 12.66) to ensure the garbage bins up to 1100 litres within the two (2) garbage rooms are safely moved, without disruption from the residential car park to the temporary bin collection area along Loftus Street.

The proposal complies with Council's requirements and is therefore satisfactory in regards to waste management and the design of waste storage areas within the garbage rooms located on the ground floor car parking level.

### *Wind Impacts*

A wind assessment report Ref No.2014-055 Revision 1, as amended, prepared by ANA Civil Pty Ltd, dated 10 October 2014 concludes that the proposed development will have a minor influence in the local wind environment and complies with the AS 1170.2. It is noted that this report does not include any specific recommendations and states the proposed wind conditions for pedestrians surrounding the development and the users of the communal areas are considered to be acceptable in accordance with the AS 1170.2. Hence the proposal is considered acceptable in respect to wind conditions and the public access ways around the building are considered suitable for use.

### *Views and Vistas*

A view loss assessment has been undertaken in accordance with *Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140* in relation to public submission regarding view loss. Refer to the 'Public Submissions' section of this report.

As a whole, the proposal, as amended, will have a negligible to minor impact of the existing view corridors as viewed from the residential properties located in Earlwood and Turrella.

### **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. 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 applicable legislation for a period of thirty (30) days from 15 May 2014 until 23 June 2014 and seven (7) letters of objections were received.

In light of the DRP comments and Council's request to revise the design scheme, the proposal was subsequently amended. The NSW Office of Water was electronically sent the

revised plans and commented that the amended proposal was raising the ground floor levels, therefore, no further assessment was required.

The development application was re-notified in accordance with RDCP 2011 for a period of fourteen (14) days from 24 September 2014 until 10 October 2014 and five (5) letters of objections were received, however, two (2) letters of objections were from occupants/owners of properties which already submitted their objection during the first public notification period.



Figure 5. Subject site (shown in red) and the objector's properties (shown in yellow) Source: Rockdale GIS view

The issues raised in the submissions are discussed below:

### **View loss**

Concern has been raised that the *“open view of my apartment will be blocked by the six storey building...”*

**Comment:** The LEC has established planning principles to assist in achieving desirable planning decisions and outcomes. Consideration of whether a proposal provides view sharing between neighbouring properties is addressed in the four-part view loss assessment established under *Tenacity Consulting Pty Ltd v Warringah Council (2004) NSWLEC 140*.

Roseth SC, states that *“the notion of view sharing is involved when a property enjoys existing views and a proposed development would share that view by taking some of it away for its own enjoyment”*.

The existing district views, from the objecting 2-bedroom unit on the sixth floor of the seven-storey building at 3-5 Loftus Street, is obtained from a standing position on the west-facing

balcony over the subject site. The proposal will not adversely affect the view corridor as the objecting property will retain its district views over the subject site.

To decide whether or not view sharing is reasonable, a four-step assessment was conducted from the objecting sixth-storey 2-bedroom unit of the 'Meriton development' at 3-5 Loftus Street, Turrella:

1. ***The first step is the assessment of views to be affected.*** Water views are valued more highly than land views. Iconic views (eg of the Opera House, the Harbour Bridge or North Head) are valued more highly than views without icons. Whole views are valued more highly than partial views, eg a water view in which the interface between land and water is visible is more valuable than one in which it is obscured.

The existing elevated district views afforded by the objecting property are to other one-and-two storey dwelling houses, industrial buildings and to the local ridge tops of Arncliffe and Turrella. It is noted the seven-storey building 'Meriton development' at 3-5 Loftus Street has a higher building than the proposed development.

The west-facing balcony adjoins the living/dining room area of the two-bedroom unit. The main bedroom has a west-facing window. The second bedroom has access to the balcony via a sliding door.

There are no water views from the objecting property and the existing view corridor is shared with unobstructive district views to the west, north-west and south-west (to the trees of Arncliffe Park). The views to the west and north-west will be unaffected by the proposal, however, the south-western views to the trees of Arncliffe Park will be lost by the proposal.

2. ***The second step is to consider from what part of the property the views are obtained.*** For example the protection of views across side boundaries is more difficult than the protection of views from front and rear boundaries. In addition, whether the view is enjoyed from a standing or sitting position may also be relevant. Sitting views are more difficult to protect than standing views. The expectation to retain side views and sitting views is often unrealistic.

The elevated standing district views to the west and north-west are obtained from the balcony will be unaffected by the proposal. The elevated standing district views from the balcony to the trees of Arncliffe Park will no longer be retained as a consequence of the proposal. There are no sitting district views from the living room area over the subject site.

3. ***The third step is to assess the extent of the impact.*** This should be done for the whole of the property, not just for the view that is affected. The impact on views from living areas is more significant than from bedrooms or service areas (though views from kitchens are highly valued because people spend so much time in them). The impact may be assessed quantitatively, but in many cases this can be meaningless. For example, it is unhelpful to say that the view loss is 20% if it includes one of the sails of the Opera House. It is usually more useful to assess the view loss qualitatively as negligible, minor, moderate, severe or devastating.

There are 180-degree elevated standing district views over the subject site from the balcony to the south-west, west and north-west. There are no sitting views from living room area or from the two bedrooms. There are some standing district views from the living room area over the subject site which will be unaffected by the proposal. The standing elevated standing district views from the main bedroom window over the

subject site will be partially lost by the proposal. The outlook from the kitchen area will be retained.

The proposal will occupy less than one-sixth of the existing 180-degree elevated standing district views from the balcony. The proposal is considered to have a negligible to minor impact on the existing view corridor from the objecting property.

4. ***The fourth step is to assess the reasonableness of the proposal that is causing the impact.*** A development that complies with all planning controls would be considered more reasonable than one that breaches them. Where an impact on views arises as a result of non-compliance with one or more planning controls, even a moderate impact may be considered unreasonable. With a complying proposal, the question should be asked whether a more skilful design could provide the applicant with the same development potential and amenity and reduce the impact on the views of neighbours. If the answer to that question is no, then the view impact of a complying development would probably be considered acceptable and the view sharing reasonable.

The objecting property at 'Meriton development' at 3-5 Loftus Street is in the same R4 High Density Residential zone, but has slightly higher building height and FSR controls than the subject site. The recommended deferred commencement conditions to reduce the gross floor area will result in a lower building height of six storeys instead of seven storeys along Loftus Street.

The proposal allows for view sharing as the elevated nature of the view corridor from the objector's property will retain the local ridge-top district views of other properties in Arncliffe and Turrella.

### ***Density and over-development***

Concerns have been raised that the floor space ratio and the dwelling density are an inappropriate over-development for the R4 High Density Residential zone.

**Comment:** Residential Flat Buildings are permissible within the R4 High Density Residential zone pursuant to the overriding controls of the SEPP 65. In this regard, the state policy controls are applied and prevail over the local planning controls in the event of any inconsistency. The issue of density and floor space ratio (FSR) is addressed throughout this report.

In summary, the proposal generally complies with the SEPP 65 and the RFDC. The proposed GFA is to be reduced by conditions and generally complies with other development controls to ensure the proposal is not an overdevelopment. The minor variation to the maximum floor space ratio is supported by the reasons stated above under Clause 4.6 of the RLEP 2011. The visual appearance and building bulk are satisfactory when tested against the SEPP considerations for streetscape impacts, amenity, privacy and solar access. Therefore, subject to conditions this issue does not warrant the refusal of the application.

### ***Traffic access and parking***

Concern that the proposal will increase traffic congestion, create street parking impacts and does not have suitable access for the driveway.

**Comment:** The proposed provision of on-site car parking is compliant with the requirements of Part 4.6 of the RDCP 2011, which includes the provision of adequate on-site car parking spaces with access from the new driveway off Loftus Street.

Council's Development Engineer has reviewed the proposal and raise no concerns in relation to the proposal subject to conditions which have been included in the consent. Council's Development Engineer also notes that the level of traffic generation from the development will not have any significant adverse impact on the existing road network.

Based on the above, the proposal is satisfactory in terms of the provision of on-site car parking spaces or increase traffic and pedestrian safety issues. Accordingly, the concerns raised in relation to the provision of car parking and traffic impacts do not carry determining weight and do not warrant the refusal of the application.

### ***Devaluation of property***

Concern was raised that the proposed development will "...decrease the value of my property and neighbouring properties..."

**Comment:** This claim has not been substantiated. There are many socio-economic factors that determine the value of real estate and the proposal cannot be held solely responsible for changes to the value of adjacent and surrounding properties. Further, property devaluation is not identified as a 'head of consideration' and therefore is not a consideration under Section 79C 'Evaluation' of *Environmental Planning and Assessment Act 1979* and does not warrant refusal or further amendment of the application.

### ***Inadequate public neighbourhood notification***

Concerns have been raised that certain adjoining properties were not adequately notified.

**Comment:** The original proposal was submitted on 13 May 2014 with the original notification letter having been sent to adjoining and surrounding properties for a period of 30 days from 15 May 2014 until 23 June 2014. It was also advertised in the local newspaper. In light of the DRP comments and Council's request to revise the design scheme, the proposal was subsequently amended.

The NOW was electronically sent the revised basement plans and commented that the amended proposal didn't significantly alter the original GTA, therefore, no further assessment was required. The development application was re-notified in accordance with the RDCP 2011 for a period of fourteen (14) days from 24 September 2014 until 10 October 2014.

Further, the original and amended plans and documentation have been electronically available for public viewing on Council's DA Tracker system. The proposal has been notified in accordance with relevant legislation and Council policies and all submissions have been addressed. Accordingly, this concern does not warrant the refusal of the application.

### ***Site isolation and inconsistencies with the Bonar Street special precinct***

Concern has been raised that if "...Council approves this development it will mean the four lots will never be redeveloped as residential..." and that the proposal "...does not include the entire site as identified in the Bonar Street special precinct..."

**Comment:** The proposal is built to its northern boundary, which straddle five (5) allotments that are occupied by industrial buildings. A future amalgamated and redeveloped site to the north (i.e. 9-11 Edward Street & 10-12 Loftus Street, Turrella) will occupy approximately 2000 square metres with 2 street frontages which results in a development site capable of achieving the objectives of Part 7.2 of the RDCP 2011. As such, the proposal is considered

acceptable in respect to providing opportunity to be redeveloped. Concern regarding these issues does not warrant the refusal of the application.

### ***Building Height***

Concern has been raised *“as to the height of this proposed development...”*

**Comment:** This matter has been addressed in detail in this report under the Clause 4.3 of the RLEP 2011.

### ***Crime prevention***

Concern has been raised that the proposal fails to acknowledge the existing level of crime in Loftus and Hirst Streets.

**Comment:** Appropriate crime prevention design elements have been included as part of the overall development. Conditions will be imposed on the conditions of consent to ensure there are adequate security entry gates and space management / maintenance. Concerns relating to the safety/break-ins of parked vehicles along Loftus and Hirst Streets should be reported to the police.

### ***Safety of pedestrians***

Concern has been raised that the safety of pedestrians will be affected.

**Comment:** Appropriate conditions will be imposed to ensure all vehicles enter and exit the site in a forward direction. Further, the proposal provides a 2.05m road widening to Hirst Street resulting in a widened street and footpath for the surrounding properties. The concerns regarding pedestrian safety do not warrant refusal of the application.

### ***Flood planning***

Concern has been raised regarding *“...possible flooding to our property”*.

**Comment:** This matter has been addressed in this report under Clause 6.6 of the RLEP 2011. Further, Council's Development Engineer and Stormwater Projects Engineer have reviewed the proposal and raised no objections subject to their recommended conditions of consent which have been incorporated in the draft Notice of Determination.

### ***Apartment unit mix***

Concern has been raised that the proposal *“...should comply with Council's code mix of units...”*

**Comment:** It is noted that there are no three-bedroom units provided within the development, however, the deferred commencement conditions recommend to incorporate three (3) x three-bedroom apartment units within the development site is considered satisfactory with regard to the unit mix. Concern regarding this issue does not warrant the refusal of the application.

### ***Kerbside waste collection***

Concern has been raised that the kerbside waste collection is not satisfactory.



**Comment:** Conditions will be imposed to ensure a garbage trolley lift is installed to allow the bins to be temporarily placed on Loftus Street for collection via the loading bay ramp within the ground floor level. The proposal includes 2 garbage rooms within the basement level and the temporary garbage bin collection area along Loftus Street is screened and will be used on collection day. Further, Council's Waste Officer reviewed the proposal and has recommended conditions to ensure the garbage rooms complies with RDCP 2011 requirements to ensure satisfactory garbage room construction and access for servicing needs. Therefore, subject to conditions this issue does not warrant the refusal of the application.

### ***Solar access***

Concern that the building bulk will create overshadowing and loss of solar amenity to neighbours.

**Comment:** The solar access and overshadowing impacts are detailed on the architectural plans drawn by Benson McCormack Architects. The plans are generally in accordance with the solar access requirements under the RDCP 2011 and SEPP 65 for 21 June between 9am and 3pm. Concerns regarding this issue does not warrant the refusal of the application. Refer to comments regarding overshadowing under 'Rockdale Development Control Plan 2011' section in this report.

### ***Loss of privacy***

Concern has been raised the loss of visual privacy.

**Comment:** Refer to comments regarding visual privacy under 'Impact of the Development' section in this report.

### ***Inconvenience during construction***

Concern has been raised that "...dust, noise, pollution, litter..." associated with the construction will be disruptive.

**Comment:** Conditions of consent addressing construction facilities have been incorporated within the draft Notice of Determination. Refer to comments regarding noise under 'Impact of the Development' section in this report.

### ***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.

Although the proposed building height along Loftus Street is not generally supported by the DRP, the application has been amended to address the recommendations of Council, and therefore, subject to the satisfaction of the recommended conditions being met, the proposal is considered to be satisfactory in considering the advice of the DRP. It must be noted that the proposal is generally in accordance with the provisions of SEPP 65 and will provide a visual interest along the three (Loftus Street, Edward Street & Hirst Street) streetscapes. Apart from the future amalgamation of the five (5) properties to the north (i.e. 9-11 Edward Street & 10-12 Loftus Street) the Bonar Street special precinct is developed to its full potential as envisioned under Part 7.2 of the RDCP 2011, relevant planning controls and legislation.

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

## **CONCLUSION**

In accordance with Clause 3 of Schedule 4A of the Environmental Planning and Assessment Act, the application is referred to the Sydney East Region Joint Regional Planning Panel (JRPP) for determination.

The application involves the redevelopment of the subject site for residential purposes with a high quality and well-designed building, which will replace the existing industrial buildings and factories on the subject site. It is noted that the subject site forms the western-most portion of the Bonar Street precinct and will complement the vision of a high-density residential area which takes advantage of the proximity to Arncliffe and Turrella Railway Stations.

Non compliances are acknowledged within the current proposal; these have been discussed within this report. A merit assessment of the application has determined that the proposal will be satisfactory and does not result in unreasonable impacts to surrounding properties, subject to the satisfaction of recommended conditions of consent.

The application was the subject of nine (9) objections and the matters have been addressed in the body of the report. It must be noted that the subject site is located on the western edge of the Bonar Street precinct which is an area undergoing a transition from an industrial to high density residential uses to take advantage of the proximity to Arncliffe railway station.

The proposal has been assessed in accordance with Section 79C(1) of the Environmental Planning and Assessment Act 1979 and the RLEP 2011. The proposal is permissible across the R4 zone, and is considered to result in a development, which is suitable in the context.

As such, it is recommended that the Panel grant deferred commencement approval to the application subject to the attached conditions.