

JOINT REGIONAL PLANNING PANEL

(Sydney East Region)

JRPP No	2014SYE106
DA Number	DA-2015/69
Local Government Area	ROCKDALE
Proposed Development	Integrated Development - Demolition of existing structures and construction of two (2) residential flat buildings (nine and five storeys) comprising a total of 106 residential units over a basement car park podium & rooftop terraces
Street Address	28, 30, 32 Innesdale Road & 25-29 Gertrude Street, Wolli Creek
Applicant/Owner	HH Property Investments Pty Ltd
Number of Submissions	Nil
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	<p>List all of the relevant environmental planning instruments s79C(1)(a)(i);</p> <ul style="list-style-type: none"> • SEPP – 55 – Remediation of Land • SEPP 65 – Design Quality of Residential Flat Development • Residential Flat Design Code • SEPP Infrastructure 2007 • Rockdale Local Environmental Plan 2011 <p>List any proposed instrument that is or has been the subject of public consultation under the Act and that has been notified to the consent authority: s79C(1)(a)(ii);</p> <ul style="list-style-type: none"> • Draft SEPP 65 – Design Quality of Residential Flat Development <p>List any relevant development control plan: s79C(1)(a)(iii)</p>

	<ul style="list-style-type: none"> Rockdale Development Control Plan 2011 <p>List any relevant planning agreement that has been entered into under section 93F, or any draft planning agreement that a developer has offered to enter into under section 93F: s79C(1)(a)(iv);</p> <ul style="list-style-type: none"> N/A <p>List any coastal zone management plan: s79C(1)(a)(v);</p> <ul style="list-style-type: none"> N/A <p>List any relevant regulations: s79C(1)(a)(iv) eg. Regs 92, 93, 94, 94A, 288</p> <ul style="list-style-type: none"> Environmental Planning and Assessment Regulations 2000
List all documents submitted with this report for the panel's consideration	<ul style="list-style-type: none"> Section 79C Planning report Draft conditions of consent.
Recommendation	Approval subject to conditions
Report by	Fiona Prodromou – Senior Development Assessment Planner

Assessment Report and Recommendation Cover Sheet

Precis

The proposal is for the demolition of existing structures and construction of two residential flat buildings being nine and five storeys in height, fronting Gertrude Street & Innesdale Road, Wolli Creek.

The development comprises 106 residential units over a basement car park podium with capacity for 137 vehicles & common rooftop terraces atop both buildings.

The development incorporates 2 x studio, 58 x 1 bedroom, 37 x 2 bedroom and 9 x 3 bedroom units.

The land is zoned R4 High Density Residential under Rockdale Local Environmental Plan 2011 (RLEP 2011). The proposal is defined as a residential flat building and is permissible with development consent.

The proposal is subject to a Clause 4.6 variation to development standard, in relation to height and FSR exceedence on the subject site. The proposal exceeds the maximum height on site by 1.85m – 2.85m as a result of rooftop structures. FSR on site is exceeded by 9.4%.

The height & FSR variations noted above are supported by Council, as the proposal is consistent with the objectives of Clause 4.3 – Height & Clause 4.4 – FSR of Rockdale LEP 2011. Adverse impacts are minimal and the development is appropriate contextually in terms of overall built form, siting, massing, setbacks and scale.

The proposal does not comply with requirements in Rockdale DCP 2011 in respect to landscaped area, unit & balcony sizes, housing diversity, site coverage, provision of natural light to corridors, corridor width, front and top level setback to Innesdale Road. These issues have been addressed within this report.

Nil submissions were received by Council in relation to the proposal.

The proposal has a Capital Investment Value greater than \$20 million (i.e. 45 million) and as such the development application is referred to the Joint Regional Planning Panel (JRPP) for determination. The recommendation is for approval.

Officer Recommendation

1. That the JRPP support the variation to the FSR & height development standards, as contained in Clauses 4.3 – Height & Clause 4.4 – FSR of Rockdale LEP 2011, in accordance with the request under clause 4.6 of RLEP 2011 submitted by the applicant.
2. That development application DA-2015/69 for the demolition of existing structures and construction of two (2) residential flat buildings (nine and five storeys) comprising a total of 106 residential units over a basement car park podium with capacity for 137 vehicles & rooftop terraces be APPROVED.
3. That the NSW Department of Planning and Infrastructure be advised of the JRPP decision.

Report Background

PROPOSAL

The proposal comprises as follows;

Basement B2	72 car parking spaces (including 4 adaptable), plant / pump well / sprinkler rooms, residential storage, motorbike parking, carwash bay, lift access, lobbies and stairwells.
Basement B1	65 car parking spaces (including 10 adaptable), plant / pump well / sprinkler rooms, residential storage, bicycle parking, garbage rooms, lift access, lobbies and stairwells.
Ground	<p>10 units (<i>Gertrude Building - 6 / Innesdale Building – 4</i>), Gertrude street units are provided with private front courtyards with direct street access. All units are also allocated central podium facing courtyards.</p> <p>Central accessible communal landscaped podium at 3.35RL & water tank are located adjoining the NE boundary.</p>
L1 – L4	16 units per floor (<i>Gertrude Building - 8 / Innesdale Building – 8</i>) with associated private open space areas fronting Gertrude Street, Innesdale Road and the central podium area. Associated garbage room, stairwell and lift access.
L5	<p>A rooftop open space is provided at level 5 of the Innesdale road building. This rooftop space incorporates accessible toilets and a range of communal areas including an outdoor cinema, lounge, bbq and dining areas for future occupants.</p> <p>A range of landscaping is proposed, incorporating a herb garden and decorative planting. Rooftop structures are wrapped in a green wall.</p> <p>Wind amelioration measures are also proposed in the form of a 1.5m high glass screen along the southern perimeter of the building, 1.5m in from the edge.</p> <p>L5 of the Gertrude Street building comprises 8 units, with associated garbage room, stairwell and lift access.</p>
L6 – L9	L5 of the Gertrude Street building comprises 8 units, with associated garbage room, stairwell and lift access.
Rooftop	<p>Rooftop open space areas are provided at the rooftop level of both buildings. Rooftop spaces incorporate accessible toilets and a range of communal areas including an outdoor gym, outdoor fireplaces, sofas, bbq and dining areas for future occupants.</p> <p>A range of landscaping is proposed, incorporating a herb garden and decorative planting. Rooftop structures are wrapped in a green wall.</p>

Wind amelioration measures are also proposed in the form of 1.5m high glass screens along the southern perimeter of the buildings, these are provided with access to enable maintenance of adjoining planter beds.

Vehicular access to the site is proposed via Innesdale Road. A platform lift provides access from street at each of the 4 building entry points with a lift from basement to each level. The Innesdale Road frontage comprises a number of services, including a screened fire hydrant / booster, loading / garbage area and fire exit stairs.

The Innesdale road frontage of the development incorporates a 1.5m high aluminium batten screened temporary waste storage area which will also be used as a loading / unloading bay on site. A green wall is proposed to the east of the driveway ramp leading down into the basement.

A range of landscaping is proposed within both front setbacks of the site to Gertrude St & Innesdale Road. Natural stone front boundary fencing is proposed to both frontages, being raised to Gertrude Street and positioned at ground level to Innesdale Road.

The unit mix of the development comprises 2 x studio, 58 x 1 bedroom, 37 x 2 bedroom and 9 x 3 bedroom units. A total of 70 units are located within the Gertrude Street building with 36 in the Innesdale Road building. The proposal incorporates winter gardens to a number of units on site, being balcony spaces with fixed louvers.

A mix of finishes and materials are proposed, including stone wall fencing, dark aluminium window frames, clear glass balustrades, dark & white floor slabs, aluminium / timber finish louvers and white render.

Associated stormwater and landscape works are proposed on site as is the removal of trees and shrubs.

EXISTING AND SURROUNDING DEVELOPMENT

The subject site is an irregularly shaped property with a frontage of 38.575m to Gertrude Street, 34.28m to Innesdale Road & comprises a total site area of 3166sq/m. The subject site is relatively flat ranging from 1.5AHD to 2AHD and is currently used for airport long and short stay car parking. The site is occupied by carport structures along the eastern boundary, a demountable office adjacent to the Gertrude Street frontage and a dilapidated single storey dwelling house upon 32 Innesdale Road.

Power lines are positioned in front of the property to Innesdale Road, with a power pole located in front of the westernmost boundary to 28 Innesdale Road. Several trees / shrubs exist along the Innesdale Road frontage of the site, with two street trees, one in front of 28 & 32 Innesdale Road.

An open drainage channel exists within the site, this traverses the site east to west and is the subject of an easement which requires this channel to remain in place until such time as a design for a new system is approved by Council, installed by the developer and Council is satisfied with the installation.



Figure 1 – Subject Site, Gertrude Street Frontage

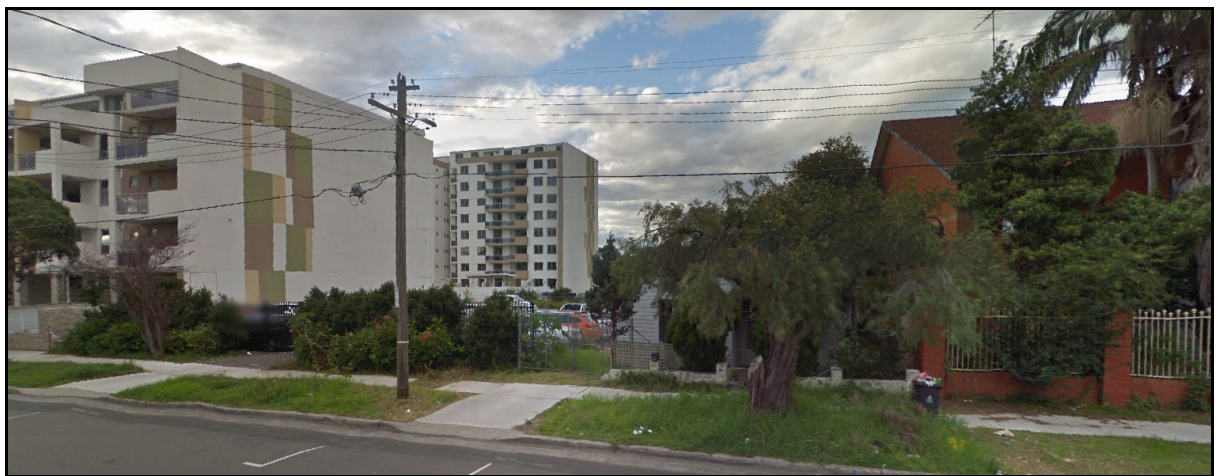


Figure 2 – Subject Site, Innesdale Road Frontage

The subject site is affected by;

- Class 3 - Acid Sulfate Soils
- Flooding
- Potential contamination (EPA Licensed premises)
- Obstacle Limitation Surface (51 OLS)
- 15.24m Building Height Civil Aviation Regulations
- 20 ANEF (2033) contour (aircraft noise)
- Groundwater Protection Zone 3
- Pipe / Stormwater easement.

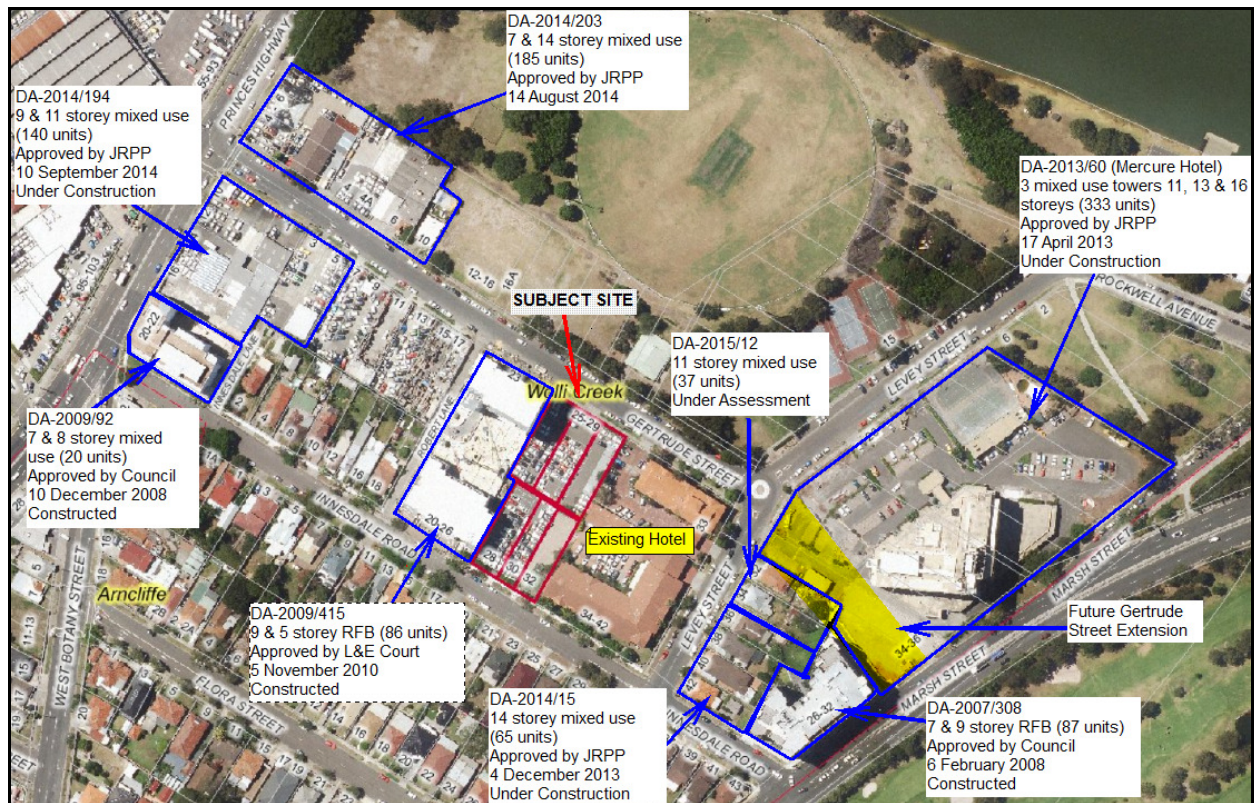


Figure 3 – Aerial Context & Approvals

Opposite the site lies Cahill Park, a public recreational reserve including public amenities and a cricket pitch. To the east of the site lies a two to three storey motel complex comprising a number of two storey motel buildings, car parking at ground level and a number of scattered trees throughout the site.

Further to the east of the site lies the Mercure hotel development currently under construction, which retains the existing hotel and constructs a basement level of car parking and 3 mixed use towers 11, 13 and 16 storeys in height.

Adjacent to the west the site adjoins 23 Gertrude Street and 20-26 Innesdale Road, the site of a recently completed residential development with basement car parking comprising a 9 storey building to Gertrude Street and a 5 storey building to Innesdale Road with a central podium courtyard at 2.65AHD.

Vehicular access to this site is from Roberts lane further to the west. The northern building of this development has a maximum height of 30.52m to the skillion feature atop the 9 storey building and a 30.15m height to the parapet fronting Gertrude Street. The southern building has a maximum height of 17.93m to the skillion feature located within the centre of the site and 17.7m to the parapet of the building fronting Innesdale Road.

Further to the NW of the site, at 4-6 Princes Highway and 2-10 Gertrude Street, DA-2014/203 was recently approved by the JRPP for the demolition of existing structures and construction of fourteen (14) storey mixed use development comprising 5 commercial units, 185 residential units and basement car parking.

Further to the west of the site lies a recently approved JRPP application at 10-18 Princes Highway & 1-5 Gertrude Street, which comprises approval for the construction of a part nine (9) & part eleven (11) storey mixed-use development with five (5) commercial/retail units occupying 293 square metres, 140 residential units and car parking at basement and ground levels for 188 vehicles.

A number of currently undeveloped sites also exist within Gertrude Street, being numbers 7/9/11/13/15 & 17 Gertrude Street, where no development consent has been obtained for their redevelopment and these sites are currently used as car parking areas and construction holding yards.

To the south of the site on the opposite side of Innesdale Road lie a number of single and two storey detached dwelling houses, within an R2 – Low Density zone.

PLANNING CONSIDERATION

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

Section 91A – Development that is Integrated Development

The proposed development constitutes Integrated Development and requires approval by the NSW Office of Water under the Water Act 1912. The proposal has been referred to the Office of Water and general terms of approval (GTA) have been granted. The proposal satisfies the requirements.

Section 79C (1) Matters for Consideration - General

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

State Environmental Planning Policy Building Sustainability Index (BASIX)

The applicant has submitted a BASIX Certificate for the proposed development. The Certificate number is 564611M_02. The commitments made result in reductions in energy and water consumption. The proposal satisfies the requirements of the SEPP in this regard.

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

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

A Stage 2 Environmental Site Assessment was undertaken by Environmental Investigation Services reference E27889Krpt & dated 27 January 2015 which also considered the potential for acid sulfate soils on site. Additional environmental testing was undertaken on site (Report E27889Krpt2 dated 17 March 2015) and a Remediation Action Plan (RAP) were prepared & submitted to Council.

The applicants Remediation Action Plan concluded that subject *“site would be suitable for the proposed residential development provided that the RAP and validation assessment are successfully implemented”*.

Accordingly the proposal has been conditioned to ensure the site is successfully remediated in line with the submitted reports. The proposal satisfies the requirements of the SEPP.

State Environmental Planning Policy (Infrastructure) 2007 (ISEPP)

Clause 45 of the ISEPP requires consultation with authorities. Ausgrid was notified of the proposed development and raised no objection to the proposal. The proposal satisfies the requirements of the SEPP.

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

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

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

The proposal was referred to the Design Review Panel on 30 September 2014. The DRP raised concerns in regards to over assertive blank end walls, inter unit storage, density, access to landscaped podium, amenity to rooftop terraces, lack of deep soil planting, ventilation and solar access to basement levels and the appearance of front setback areas in relation to use of these areas for servicing.

Amended plans were submitted addressing these issues. These matters have been addressed below.

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

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

Principle 1 - Context

The Design Review Panel noted that the *“area is undergoing change from a relatively low density industrial area to a high density residential area to take advantage of the proximity to Wolli Creek railway station.*

The proposal relates satisfactorily to the existing and emerging context. The siting of buildings on site complements the existing development to the west and the potential form of development on the adjoining site to the east.

The design is generally consistent with the desired future character of the area in terms of its overall building height, bulk and scale, despite a non compliance in FSR & height.”

Comment: The proposal is satisfactory in regards to this principle.

Principle 2 - Scale

The scale of the development fits appropriately with the adjacent buildings to the west and potential future development to the east. The proposed development is consistent with the scale of existing and emerging contextual development and is generally consistent with the desired future character of the area.

The proposal is satisfactory in regards to this principle.

Principle 3 - Built Form

The DRP noted that the *“perimeter block building form is part of the evolutionary redevelopment of this precinct and this proposal fits into that context.”*

The proposed built form is appropriate, with articulated facades, incorporation of light & dark rendered grid features to elevations, clear glass balustrades, aluminium horizontal blades to eastern and western balconies & stone wall fencing at ground levels.

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

The DRP raised concerns regarding the *“over assertive blank end walls”* which protrude further forward of the building line at eastern and western sides of both buildings. Amended plans indicate a reduction in the lateral extent of these walls, which is now deemed satisfactory.

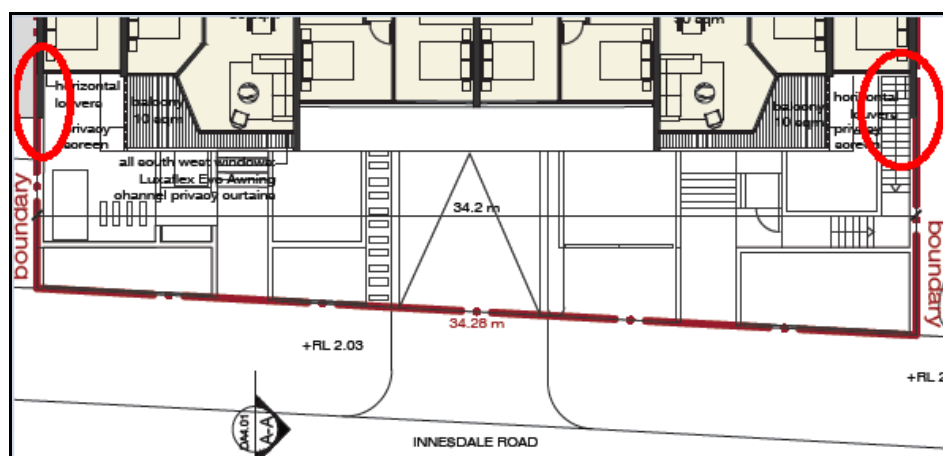


Figure 4 - Reduced blank end walls

The DRP further noted that the *“design does not provide the required provision of deep soil across the lot and the Panel feels that it is unfortunate that no deep soil has been provided within the proposed central courtyard at ground level. A deep soil zone can be created by reducing the extent of the basement car park at the western boundary, desirably associated with the existing un-built area in the adjacent lot.”*

Original plans submitted to Council indicated a total of 220sq/m of deep soil planting on site, being within the front setback of each frontage to the property. Amended plans as submitted indicate a modification to the basement level as suggested by the DRP, in addition to the provision of a strip of deep soil planting along the eastern side of the site. Amended plans

indicate a total of 280sq/m of deep soil planting, being an increase of 60sq/m of deep soil on site.

Given the appropriate management of stormwater on site & extensive planting proposed, the above provision of deep soil planting on site is satisfactory.

Principle 4 - Density

The DRP raised concerns regarding the density of the development and its exceedence of the maximum 2.2:1 FSR for the site. The DRP considered that the FSR should be reduced or adequately justified in relation to public benefit.

Consideration has been given to the above. The additional FSR in this instance has been supported for the reasons discussed under *Clause 4.6 – Exception to Development Standard* below.

Principle 5 - Resource, Energy and Water Efficiency

The DRP noted that the *“insufficient deep soil impacts on the capacity of the site to provide infiltration and longevity in tree planting. This in turn has an impact on the local micro climate, resulting in an over reliance on air conditioning for residents.”*

The matter of deep soil planting has been addressed above. Amended landscape plans indicate the provision of an extensive range of planting including medium to large trees, shrubs and ground covers at podium level. Planting as proposed will provide a level of shade to residential dwellings and is considered to further assist in minimising the use of air conditioning on site.

The DRP further noted that *“natural ventilation of the upper basement would be desirable, to reduce mechanical ventilation, lighting and energy use”*. Amended plans submitted indicate the incorporation of 6 operable skylights at podium level, which will allow the provision of light and ventilation to the upper level basement. (refer to Figure 5 below)

The proposal is satisfactory in regards to this principle.



Figure 5 – Six (6) light wells at podium level

Principle 6 - Landscape

The DRP raised concerns in relation to the central landscaped podium area, as it was initially proposed to be inaccessible for residents & provided unsatisfactory access for maintenance. Plans have since been amended to allow for access to the podium area, which is intended to be used as a passive recreational space, with main communal areas provide atop buildings A & B on site.

The Panel further raised concerns in relation to;

- *Large scale tree planting (over 10 metres high at maturity) should be provided in central courtyard deep soil zones, ideally to improve shading for west facing facades.*

Comment: Amended plans indicate the enlargement of the deep soil area adjoining the western boundary of the site and the introduction of two 'Angophora' trees which grow to a mature height of 15m.

- *The detailed resolution of roof terrace north and south including plant levels, soil depths and proposed finishes. This should be included in the landscape package.*

Comment: The proposal has been conditioned to require the submission of detailed specifications in relation to planter finishes & treatments, soil depth, mulch, irrigation systems etc prior to the issue of the Construction Certificate.

- *It is unclear from the current drawings whether adequate amenity (toilets etc) are provided for the northern roof. A small enclosed communal space should be provided adjacent to the lift core for sheltered space for residents (storage, amenities etc).*

Comment: Amended plans identified rooftop facilities, these incorporate toilets, fire stairs and a small enclosed lobby adjoining the lift core providing shelter for occupants in line with the DRP comments above.

- *The Gertrude Street frontage proposes very high retaining walls and planters. It should be modified and reduced in height with planters designed to align more closely with the existing Gertrude Street level and mediate the level change between floor level and street level.*

Comment: Amended plans indicate the front garden boundary to Gertrude Street, comprises a natural stone wall with a maximum height of 1m. The reduced wall height and incorporation of a range of plants within this garden area will maximise privacy to the residential courtyards and ensure an appropriate relationship to Gertrude Street.

- *Substations and servicing should be clearly shown on all drawings and clear of deep soil zones. The Innesdale Road deep soil zone is compromised by servicing requirements and this should be reconsidered and deep soil zones optimised to provide larger tree planting of a larger scale.*

Comment: Plans have been amended and indicate the following service areas within the Innesdale Road frontage:

- i. L type substation (dimensions: 1.475m (d) x 2.710m(w) x 1.620 m (h)). This substation is required to have a clear area directly around the structure for maintenance and access. In order to reduce the visual impact of the substation, it is proposed to be setback 2m from the Innesdale Street front boundary, painted in a neutral green colour and obscured with a mix of landscaping with mature heights of 0.8m, 1m & a 10m Cabbage Palm.
- ii. Fire booster (dimensions 2m(l) x 0.6m (d) x 1.5m(h)). The structure is to be positioned 2m from the front property boundary, to enable maintenance and fire access and is to be obscured with a mix of landscaping with mature heights of 0.8m, 1m & a 10m Cabbage Palm.
- iii. Temporary loading / unloading bay & garbage storage area. This area comprises permeable grass cells at ground level and a 1.5m high aluminium blade fence, which is setback 2m into the property boundary. The proposed fencing is dark grey in colour, similar to the window frames of the proposed building. The chosen colour and material is sympathetic to the natural stone wall within the landscaping and the render of the building.

The proposal is considered to satisfactorily address the provisions of this principle.

Principle 7 - Amenity

Solar access & cross ventilation to apartments is maximised, with NE & SW windows being provided with luxaflex evo awning channel privacy curtains to allow occupants to customise levels of solar access internally.

Appropriate levels of privacy are provided to dwellings in particular given the substantial building separation distance within the site and range of planting proposed at podium level.

Unit layouts are well designed, with appropriately dimensioned living areas and private open spaces. The configuration, layout and design of units, their overall size, spaces & rooms are practical and will allow future users to furnish their homes in a variety of ways. Appropriate storage is also provided within units, with supplementary at basement level. Security parking is provided at basement level with direct lift access. Garbage chutes are also proposed within the development for ease and convenience of waste disposal.

Apartments will benefit from substantial & well designed areas of communal open space at ground and rooftop level atop both buildings proposed on site.

A significant number of apartments will also have an outlook to Cahill Park which provides for visual amenity to future occupants.

Principle 8 - Safety and Security

The development provides for four prominent building entries, being two to the Gertrude Street building & two to Innesdale Road building, which comprise direct pedestrian access, generous lobbies and provide a high level of visibility to the street.

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

Common areas are proposed to be well lit with clearly defined pathways. It is further proposed to incorporate monitored security cameras at residential entries, the proposal will be conditioned to ensure this occurs and to further require security cameras within basement levels.

The proposal will further be conditioned to require clear directional signage to be provided on site to advise users of security measures in place.

Principle 9 - Social Dimensions

The DRP commended the generous seating areas within main entry lobbies and the well designed rooftop communal open spaces, which were likely to work effectively in providing positive meeting spaces for residents.

In addition to the above it is noted that a variety of apartment sizes and designs are proposed, which will encourage a mix of occupants and household types.

Principle 10 - Aesthetics

Further design redevelopment should be provided to roof top elements, paying particular attention to:

- The form of the protruding elevator shafts and service areas. These could be refined to create an attractive silhouette to both buildings, by way of their architectural forms as well as perhaps green walls.

Comment: Consideration was given to the above and the incorporation of the green walls. Amended plans have incorporated green walls to rooftop structures to soften their appearance & provide visual amenity.

- *The very high parapet wall to Innesdale Road frontage should be reduced and further articulated.*

Comment: Consideration was given to the above. The parapet wall to the southern elevation of the Innesdale Road building is 1.1m in height. The parapet wall results in the building at this point comprising a height of 17.35m which is within the 17.5m height limit for the site.

The parapet wall as proposed is an architectural feature which provides for horizontal articulation of the building and adds to the grid expression of the facade.

Given the above, its removal or modification is not deemed to be warranted.

- *The Panel is unclear as to the resolution of the fencing on street interfaces and adjoining the central podium. Further detail is required.*

Comment: Additional information provided by the applicant has clarified the resolution of proposed fencing at both the Gertrude St & Innesdale Road facades, along with fencing within the central podium courtyard. A mix of materials including stone and aluminium vertical blade fencing are proposed throughout the development, with heights ranging from 1m – 1.5m.

c. The Residential Flat Building Code.

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

<i>Development standard</i>	<i>YES/NO</i>	<i>COMPLIANCE</i>
Apartment building depth 10-18m, with wider buildings need to demonstrate satisfactory daylight and natural ventilation	Yes	15.5m maximum building depth
Building Separation	Yes	47m – 55m building separation
Single-aspect apartments should be limited in depth to 8m from a window	No	8.2m, minor variation of 0.2m is unlikely to result in adverse amenity impacts.
The back of a kitchen should be no more than 8metres from a window	No	
Provide primary balconies to all apartments with minimum depth of 2 metres	Yes	Balcony depth >2m
Habitable rooms to be a minimum 2.7metres ceiling height	Yes	2.7m floor to ceiling
Accessible storage to apartments: One bed = 6m ³ Two bed = 8m ³ Three bed = 10m ³ Minimum 50% within unit	Yes	Suitable fixed storage provided within units, with supplementary provided at basement level.
Living rooms and private open space for at least 70% of apartment receive a minimum of 3 hours sunlight between 9am and 3pm in mid-winter. In dense urban areas a minimum of two hours may be acceptable	Yes	81 of 106 units (76%) receive 3hours solar access in midwinter.

Limit single-aspect apartments with southerly aspect to 10% (11 of 106)	No	<p>17 of 106 units = 16%</p> <p><i>Building North (Gertrude Street): 9</i> 0.03/1.03/2.03/3.03/4.03/5.03/6.03/7.03/8.03</p> <p><i>Building South (Innesdale Road): 8</i> 1.02/1.06/2.02/2.06/3.02/3.06/4.02/4.06</p> <p>Proposal indicates a minor variation of 6% to this requirement. Given the orientation of the site and design of the development, it is inevitable given the Innesdale Building is oriented to the south, that a number of south facing units will eventuate. These units however comprise well designed, functional; internal layouts, sufficient private open space areas and benefit from well designed and accessible rooftop communal open space areas which receive maximum solar access. A minor variation in this instance is supported.</p>
60% (64 of 106) of residential units should be naturally cross ventilated.	Yes	65% of units are naturally cross ventilated given dual aspect layouts
25% (27 of 106) kitchen of development should have natural ventilation	Yes	65% kitchens have natural ventilation to kitchens
Minimum 20% (22 of 106) dwellings in the development have barrier free access.	Yes	<p>100% units comprise barrier free access within buildings and to rooftop communal open space areas.</p> <p>50% of units (Innesdale Road Building) comprise barrier free access to the secondary podium level communal area.</p>

Rockdale Local Environmental Plan 2011 (RLEP 2011)

Clause	Control	Requirement	Proposed	Complies	Objectives
2.2	Zone	R4 High Density Residential	Residential Flat Building permissible with consent	Yes	Yes
2.3	Zone objectives	Meet objectives and permitted uses	Residential Flat Buildings permissible with consent	Yes	Yes
2.7	Demolition	Requires development consent	Consent requested by applicant	Yes	Yes

Clause	Control	Requirement	Proposed	Complies	Objectives
4.3	Height	29.5m to Gertrude St properties 17.5m to Innesdale Rd properties	31.35m - 32.35m top of rooftop structures to Gertrude Street building & blade wall extension (29.2m to building parapet) 19.35m - 20.35m top of rooftop structures to Innesdale building & blade wall extension (17.35m to building parapet)	No (1.85m 2.85m exceedence to top of rooftop structures)	Yes Refer to Clause 4.6 below.
4.4	Floor Space Ratio	2.2:1 (6965.2sq/m)	2.4:1 (7623sq/m GFA)	No (657.8sq/m excess GFA)	Yes Refer to Clause 4.6 below.
4.6	Exception to Development Standards	Written statement to request variation, as standard is unreasonable or unnecessary	Height & FSR variation sought, refer to discussion below	Yes	Yes
5.9	Preservation of Trees and Vegetation	Consent required for removal / lopping	Tree removal proposed on site.	Yes	Yes
6.1	Acid sulfate soils	Class 3 – for works 1m below ground level. ASS Management Plan required	ASS management Plan submitted indicating management of ASS conditions during construction	Yes	Yes
6.2	Earthworks	Restrictions on construction involving earthworks (excavation or filling)	Maximum excavation depth 4.15m for proposed basement levels.	Yes	Yes

Clause	Control	Requirement	Proposed	Complies	Objectives
6.3	Development in areas subject to aircraft noise	Development to be insulated to ensure the amenity of future occupants.	Acoustic Report prepared by Renzo Tonin & Associates considers aircraft noise intrusion and recommends noise control methods to be incorporated into the development i.e. glazing, thick doors and seals, treatment to walls and ceilings.	Yes	Yes
6.4	Airspace Operations	Restrictions to ensure no adverse effect on airspace operations 15.24m & 51 OLS	Proposed maximum height to 33.85RL. SACL raises no objections subject to this height limitation. The proposal has been conditioned appropriately.	Yes	Yes
6.6	Flooding	Reduce impacts on flood behaviour & minimise the flood risk to life and property Minimum floor level 2.85RL	Ground floor raised maximum 1.1m above NGL, minimum habitable level (2.85RL) adhered to. Submission of a Flood Management Plan (FMP).	Yes	Yes
6.7	Stormwater	Minimise impacts of urban stormwater on development and downstream lands.	Satisfactory stormwater treatment on site	Yes	Yes
6.12	Essential Services	All services to be available for future occupants i.e. gas, water, electricity.	Available supply of water, electricity, disposal and management of sewage, stormwater drainage or on-site conservation and suitable road access.	Yes	Yes

Clause 4.6 – Exceptions to development standards

Clause 4.6 allows a variation to a development standard subject to a written request by the applicant justifying the variation by demonstrating:

(3)(a) that compliance with the standard is unreasonable or unnecessary in the circumstances of the case, and

(3)(b) that there are sufficient environmental planning grounds to justify the variation.

In considering the applicant's submission, the consent authority must be satisfied that:

(i) the applicant's written request is satisfactory in regards to addressing subclause (3) above, and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives of the relevant zone.

5(a) The consent authority must also consider whether contravention of the development standard raises any matter of significance for State or Regional environmental planning, and

5(b) the public benefit of maintaining the development standard.

As noted within the above table, the rooftop structures atop both proposed built forms exceed the maximum height limits applicable on site, from 1.85m to 2.85m in total. Three blade wall extensions are further proposed to both buildings, these are intended to emphasise the vertical grid expression of the building form.

In addition the proposal exceeds the maximum FSR for the subject site by 657.8sq/m, equating to a 9.4% variation to the FSR standard.

The applicant has submitted a detailed justification to the proposed variations to both the height and FSR development standards. Variations to height and FSR have been assessed below.

A. Height

A summary of the key arguments of the applicant's clause 4.6 arguments in respect of the height development standard are as follows;

Clause 4.3 – Height

- The proposal will not result in any material environmental impacts to the adjoining and adjacent properties, particularly in terms of overshadowing, aural & visual privacy, solar access, natural ventilation, views and vistas.*
- The height of each building is consistent with that on the adjoining property to the west, the parapet level of each building is lower than the adjoining western neighbour.*
- The height of each apartment building is lower than numerous other buildings within the Wollie Creek redevelopment precinct.*
- The height of each apartment building does not preclude redevelopment of the adjoining properties.*
- The proposal exhibits design excellence and may act as a catalyst for future redevelopment within the locality. It will provide a positive contribution to the built form and character of the Gertrude Street & Innesdale Road locality.*

- *The proposal will clearly read as a new element in the street and will not replicate or mimic the design of the adjacent apartment building to the west.*

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:

1. The proposal is consistent with the objectives of the Building Height requirement as outlined within the Residential Flat Design Code.
2. The proposal is consistent with the objectives of the R4 – High Density Residential zone, providing a variety of housing to accommodate for the local community, within a high density residential environment.
3. The proposal is consistent with the objectives of *Clause 4.3 – Height of Buildings*, in that the development is a high quality urban form & retains appropriate sky exposure and daylight on site and to neighbouring properties.
4. The envelope of both buildings to the parapet is within the height limit for the subject site.
5. Protrusions are restricted to blade walls, plant rooms, lift cores, adjoining covered lobby areas, toilets & stair overruns. The rooftop structures are setback into the site minimising their visual bulk and prominence. The vertical blade wall extensions are an architectural feature intended to emphasise the grid expression of the development.
6. Landscaping proposed at rooftop level has the capability of growing to a height of 1m, thus further minimising the visual impact of the rooftop structures. Rooftop structures are further wrapped in green walls, which soften their appearance and provide visual amenity.
7. The additional height of rooftop structures is not considered to be a detrimental planning outcome & does not give rise to adverse solar access, view loss or visual privacy impacts on site, or to neighbouring properties.
8. The rooftop structures will add to the residential amenity of the development allowing for access and the provision of amenities at rooftop level for future occupants.

B. FSR

A summary of the key arguments of the applicant's clause 4.6 arguments in respect of the FSR development standard are as follows;

Clause 4.4 – FSR

- *The proposed built form is not dissimilar to many other buildings in the surrounding locality.*
- *The overall design sits comfortably within the established and likely future built form context.*
- *The density proposed produces a building of similar scale and appearance of adjacent development.*

- *The height bulk and scale of the apartment buildings will not set an undue precedent.*
- *The proposal will not result in any material environmental impacts to the adjoining and adjacent properties, particularly in terms of overshadowing, aural and visual privacy, solar access, natural ventilation and views & vistas.*
- *It will permit the redevelopment of the site to facilitate a use which is predominantly in accordance with the adopted planning controls for the site and consistent with community expectations for the area.*
- *Approval of the FSR as proposed on the site for a building envelope that has a more than acceptable environmental performance, but which at the same time exceeds that prescribed for the locality in RLEP 2011, will not set a precedent for other non conforming applications.*

The applicant's justification is supported in its entirety in this instance. A variation to the FSR development standard is worthy of support in the context of clause 4.6 for the following reasons:

1. The proposal is consistent with the objectives of SEPP 65, providing an appropriate and aesthetically pleasing built form on the subject site.
2. The proposal is consistent with the objectives of the FSR requirement as outlined within the Residential Flat Design Code.
3. The proposal is consistent with the objectives of Clause 4.4 – FSR in that the development does not result in adverse amenity impacts on site, to neighbours or properties within the context of the site as noted above.
4. The proposed development has been aligned and sited to mirror the established built form of the western adjoining neighbour. The development continues a street wall periphery form of development and maintains a central podium courtyard akin to the western neighbour. The proposal is consistent in overall building height, bulk, scale and setbacks with the adjoining western development.
5. The proposal is not considered to be excessive and will provide an appropriate visual relationship with the existing western development and emerging development within Gertrude Street & Innesdale Road.
6. A total of 155sq/m of the 657.8sq/m of additional gross floor area proposed on site comprises generous ground floor lobbies and circulation spaces which will improve the amenity of future occupants.
7. The development provides an appropriate built form and intensity on the subject site and contributes to the streetscape character of existing and emerging development within Wolli Creek.
8. The subject site is of an overall area, depth & orientation, which enables the proposed development to be accommodated on site & be complementary in bulk and scale to its western neighbour, whilst ensuring adverse impacts to neighbours are minimised.

9. Given the above, the breach to the FSR by 657.8sq/m, 9.4% over the maximum GFA permissible, is deemed appropriate and is unlikely to set an undesirable precedent, given the unique nature of the site.

Given the above, the proposal is considered to provide for a development that facilitates the orderly economic development of the site in an appropriate manner.

The public benefit of orderly development of this site outweighs strict adherence to the numeric standards presented by the height & FSR controls of RLEP 2011. The height and FSR development standards referred to are deemed unreasonable and unnecessary in this instance.

It is considered that there are sufficient environmental planning grounds in which to justify the contravention of the height & FSR development standards.

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 publicly exhibited from 27 September 2014 until 27 October 2014 by the NSW Department of Planning. This document makes amendments to the Residential Flat Design Code (RFDC) and is to be renamed as the Draft Apartment Design Guide.

As the current application was lodged on 27 August 2014 and there were no draft instruments applicable at that time, the proposal is considered acceptable in respect to Draft Environmental Planning Instruments applying to this proposal.

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

Development Control Plan 2011(DCP 2011)

The proposal has been assessed against the objectives and controls under DCP 2011 and associated documents being the Wolli Creek Public Domain Plan and Manual (PDP), 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 DCP 2011.

The following non compliances are identified.

1. Landscaped Area

As per the provisions of clause 4.3.1, a minimum of 15% (474.9sq/m) of the site is to be retained as landscaped area. Submitted documentation indicates the provision of 8.8% (280sq/m) of the site proposed to be retained as landscaped area, indicating a deficiency of 6.2% (194.9sq/m).

The above variation is deemed to be minor and is satisfactory overall, given the appropriate management of stormwater on site, extensive planting proposed & the context of the area, particularly its location opposite Cahill Park.

2. Unit & Balcony Sizes

Plans indicate the provision of a number of units within the development which do not comply with the unit or balcony sizes specified within the RFDC or DCP 2011. i.e. 2 bedroom cross through proposed at 80sq/m with 10sq/m balcony as opposed to 89sq/m with 21sq/m balcony. In this regard a merit assessment has been undertaken.

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

Main habitable areas are oriented to maximise solar access, and units are generally provided with sufficient ventilation, solar access and outlook in order to maximise amenity to future occupants.

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

3. *Housing Diversity*

Clause 4.5.1 requires developments to provide for a range of units to accommodate a range of household types. The following outlines the unit mix required by DCP 2011 and the unit mix as proposed.

<i>Control</i>	<i>Requirement</i>	<i>Proposed</i>	<i>Complies</i>	<i>Variation</i>
10% - 30%	11 -22 x 1 bed	2x studio / 58 x 1 bed (57%)	No	+38
50% - 75%	53 - 80 x 2 bed	37 x 2 bed (35%)	No	-16
10% - 20%	11 - 32 x 3 bed	9 x 3 bed (8%)	No	-2

As can be seen above, a variation to the unit mix on site is proposed.

The applicant submitted a housing mix report to Council prepared by CBRE, which provided a recommended mix for the development of 50% 1 bedroom / 1 bed + study, 45% 2 bedroom and 5% 3 bedroom. The report included recent sales evidence of nearby developments, stating that within the Wolli Creek area there were “*stronger sales rates of smaller product and at lower entry price points*”.

Notwithstanding the above, the proposal provides for a range of housing within the development to cater to diverse household types. The proposal provides for a range of housing options which will enable changing lifestyle needs and cater to different income groups. The proposal is considered to be consistent with the objectives of this clause. A variation in this instance is deemed satisfactory.

4. *Natural Light to Corridors*

Clause 5.2.36 of DCP 2011 states “*All common corridors are to be provided with natural light and ventilation where feasible.*” Natural lighting is not provided to horizontal circulation areas of levels 1 – 4 of the Innesdale Road building.

The layout of levels 1 – 4 within the Innesdale Road building have been designed to accommodate single aspect and cross through residential dwellings. Access to natural light in the corridors of these levels has not been provided. This is a direct result of the design

which seeks to maximise the width of rooms within dwellings in order to maximise amenity for future occupants.

The internalised corridors within these floors are relatively minor in length and path of travel and at minimum will be provided with mechanical light and ventilation. The corridors as proposed in this instance are therefore satisfactory given they are restricted to minimal common areas within the development.

5. *Common Corridor Width*

Clause 5.2.35 requires a minimum common corridor width of 2m. Plans indicate the provision of corridors 1.8m wide at certain locations i.e. directly adjoining lifts.

This indicates a variation of 0.2m in width to corridors. Notwithstanding the minor variation proposed, it is considered that corridors with a 1.8m width are sufficient to enable suitable access and manoeuvrability, in particular of bulky items within the development. In this regard the variation is supported.

6. *Front Setback to Gertrude Street & Innesdale Road & Top floor setback to Innesdale Road*

DCP 2011 requires the following ground level setbacks to Gertrude Street & Innesdale Road, along with a setback requirement to Level 4 to Innesdale Road.

<i>Front Setback Requirement</i>	<i>Proposed</i>	<i>Complies</i>	<i>Variation</i>
5.5m to Gertrude Street	3m – 3.1m	No	2m – 2.4m
7.5m to Innesdale Road	6.1m – 7.9m	Partial	1.4m
10.5m top floor setback to Innesdale Rd	5.5m – 10m	Partial	0.5m – 4.5m

As can be seen above, the proposal incorporates variations to the ground floor setback to Gertrude Street, along with a variation to the ground floor and level 4 to the Innesdale road frontage.

Consideration has been given to the existing building alignment to the west. This building as constructed does not comply with the above requirements given its construction prior to the introduction of the above stated DCP controls.

Notwithstanding, the proposed development has been sited to align with & be sympathetic to its western adjoining neighbour, providing consistent setbacks to Gertrude Street and Innesdale Road at both ground level and Level 4.

The proposal provides a harmonious alignment and continues the street wall form of development which is evident on the subject block. The proposal is considered to satisfy the objectives of the requirement. The variations as sought by the applicant are appropriate in this instance and are therefore supported.

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)(iii))

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))

Character / Streetscape

The proposed development has been aligned and sited to mirror the established built form of the western adjoining neighbour. The development continues a street wall periphery form of development and maintains a central podium courtyard akin to the western neighbour.

The northern and southern facades to Gertrude Street and Innesdale Road comprise a rhythmic grid expression, with breaks in the building line which provide for horizontal articulation of the building. The top floor of the Innesdale Road building has been stepped to respond appropriately to the top floor of the existing western neighbouring building.

The development has been designed with appropriate use of articulation & modulation to facades via the incorporation of balconies, pedestrian entries at ground level and a range of colours, textures and materials. This includes but is not limited to rendered concrete, glass balustrades, darker recessed slabs at each second level & white vertical blades. These materials will provide a modern, contemporary, high quality and visually appealing development on site.



Figure 6 - Innesdale Road photomontage



Figure 7 - Gertrude Street photomontage

The development is comparable to its western neighbour, in regards to overall building height, bulk, setbacks and scale, with the exception of rooftop structures. Rooftop structures as previously discussed within the report are setback into the site in order to reduce their visual prominence & wrapped in green walls to provide visual amenity where they can be seen.

The building has been designed and sited to respond to its context and environmental conditions. Sun shades & fixed louvers have been provided to units and balconies to enable future occupants to personalise solar access to habitable rooms & areas.

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

Visual Privacy

Given the extensive length of the development site, a significant building separation of 47m – 55m is proposed. This separation allows visual privacy on site between dwellings to be maximised.

Central podium courtyards to ground floor units are provided with 1m high stone walls, with associated adjoining planters. Despite the low stone wall fencing, given the substantial building separation and strategically placed landscaping including a range of trees and

shrubs which have the capability of growing to a height of 10m, appropriate visual privacy is deemed to be retained to these central private courtyards.

Residential dwellings & associated balcony spaces have been appropriately designed with fixed louvers, blade walls separating balcony spaces, offset balconies & staggered building alignments to minimise overlooking of private open spaces & habitable areas within the development and to neighbouring properties.

Visual privacy on site and to neighbouring properties is satisfactory.

Overshadowing

The proposal was accompanied by shadow diagrams which indicate the degree of solar access achieved on site and impacts to neighbouring properties. Given the depth of the site, its orientation & the height of buildings proposed, the proposal does not generate unreasonable overshadowing impacts adjoining neighbours, or to the southern low density residential dwellings located on the opposite side of Innesdale Road.

Shadow diagrams indicate a loss of morning sun in midwinter between the hours of 9am – 10am to the low density residential properties on the opposite side of Innesdale Road.

By 10am the shadow of the building has receded and primarily affects the front yards of the properties opposite. These properties receive solar access for the remainder of the day.

As previously identified within this report, 81 of 106 units (76%) receive a minimum of 3 hours sunlight to their living rooms and private open spaces between 9am and 3pm in mid-winter. The proposal is appropriate in this regard.

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

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

Wind Amelioration

Amended plans were accompanied by a revised Acoustic Report undertaken by SLR Global Environmental Solutions reference 610.14011-R3 , dated 16 January 2015. The report recommends the installation of 1.5m high vertical windbreaks to the south and west perimeter of roof terraces within the proposed development.

With the implementation of the above, the proposed development will have a minor influence in the local wind environment & provide for appropriate amenity to future occupants of the rooftop terraces. The proposal indicates the above measures upon plans and has been conditioned to ensure the above is implemented on site.

Waste Collection

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

The proposal is required to accommodate 7 x 1100litre bins for waste collection. The development cannot accommodate waste collection on site, as the driveway and building design do not provide sufficient head height clearance for an MRV (garbage truck) to access the site.

Given the length of the street frontage to Innesdale Road (34.28m) it is deemed acceptable to permit seven (7) bulk waste bins to be stored temporarily within a screened enclosure within the front setback in order to allow contractors to access this area and dispose of waste accordingly.

Given the proposed temporary waste storage collection area also doubles as a loading bay for the site, the proposal has been conditioned to impose a By Law upon the development that requires bins to be returned to the basement waste storage rooms via a bin tug incliner as soon as practicable following collection.

The proposal is satisfactory in this regard.

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

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

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

The development application has been notified in accordance with Council's Development Control Plan 2011 and no submissions on the application were received.

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

The proposal has been assessed against the relevant planning policies applying to the site having regard to the objectives of the controls. As demonstrated in the assessment of the development application, the proposal will allow the development of the site in accordance with its environmental capacity and future vision for the area.

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

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

CONCLUSION

The proposed development has been considered under S79C(1) of the Environmental Planning and Assessment Act, 1979. The application involves the demolition of existing structures and construction of two (2) residential flat buildings (nine and five storeys) comprising a total of 106 residential units over a basement car park podium with capacity for 137 vehicles & rooftop terraces.

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

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

It is reiterated that the area is undergoing a transition from an industrial to high density residential area to take advantage of its strategic location and proximity to Wolli Creek railway station.

The proposal is consistent with the objectives of the controls under SEPP 65, RLEP 2011, DCP 2011 and other relevant state policies. As such, the application DA-2015/69 is recommended for approval.